TO: THOMAS FRUTCHEY, CITY MANAGER

FROM: WARREN FRACE, COMMUNITY DEVELOPMENT DIRECTOR

SUBJECT: OTR 16-007 - REQUEST TO REMOVE THREE OAK TREES (NORTH VINE STREET APARTMENTS – SUNDERLAND)

DATE: JUNE 7, 2016

Needs: For the City Council to consider a request by Andy Sunderland, to remove three small oak trees in conjunction with the development of an eight unit apartment project.

Facts:

1. The site is located on Vine Street, north of 32nd Street, just south of the Georgia Brown play fields, see Vicinity Map (Attachment 1).

2. The site is currently developed with tennis courts. The DRC recently approved Site Plan 14-006 approving four duplexes, for a total of eight units on the two parcels. See Site Plan (Attachment 2) and duplex elevations (Attachment 3).

3. There are a total of six small oak trees located on the site that need to be removed for the construction of the project. Three of the trees are less than 6-inches in diameter and do not require City approval for removal. However, three trees are over 6-inches and require City Council approval for removal. They are described as follows:

   - Tree 568: 7-inch Valley Oak
   - Tree 569: 12-inch Valley Oak
   - Tree 570: 7-inch Valley Oak

4. There is a larger 48-inch Coast Live Oak located at the rear of the site that will remain and be protected.

5. The Arborist Report was prepared on March 7, 2016 by Chip Tamagni of A & T Arborists. The report indicates that Tree 568 is located within the fill area generated by the construction of Vine Street. Trees 569 & 570, are located directly under the power lines that runs along the southern edge of the site.

6. The Arborist Report indicates that Trees 568 & 570 are rated a 3, and Tree 569 is rated a 4 (on a scale from 1 to 10). The report indicates that all of the trees have structural defects, have low aesthetic value, and are generally in poor condition. Based on the poor condition of the trees, the Arborist recommends that the trees be removed. See Arborist Report, Attachment 5.

7. Planning Staff inspected the site to review the trees. Since the trees 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;

Based on the Arborist indicating that the trees are in poor condition and have low aesthetic value, the trees appear to be good candidates for removal.

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 he 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 site has been designed to provide eight apartment units (two duplexes on each lot). To accommodate the trees, most likely one of the duplex units would need to be omitted. However, based on the trees being relatively small and in poor condition, in this case it would seem to be more of a benefit to get much needed multi-family units, as opposed to reducing the housing units to accommodate the small immature trees.

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 trees 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;*
   As mentioned above, there is a 48-inch Coast Live Oak that will remain and be protected.

5. *Good forestry practices such as, but not limited to, the number of healthy trees the subject parcel of land will support.*
   The removal of the trees will require replacement trees to be planted on site (or payment of mitigation fees), additionally; the remaining oaks on site will be protected.

The eight unit apartment project has been designed in a manner that complies with the Uptown Town Centre Specific Plan, with units oriented to the street, tuck under parking, and at a density that maximizes the number of units in close proximity to the school. In this case, it would seem to be more of a benefit to maximize the number of apartment units on the site, rather than reducing housing units as a result of trying to save small trees that are in poor condition.

If the City Council allows for the removal of the tree, the applicant is prepared to pay the necessary mitigation payment to the City's Oak Tree Replacement fund, since as indicated by the Arborist, that there would not be sufficient room on site to plant the replacement trees on site.

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

Fiscal Impact: None.

Options:

A. Adopt Draft Resolution A, approving OTR 16-007, allowing the removal of two 7-inch and one 12-inch Valley Oak trees, based on the Arborist concluding that the trees are in poor condition, as indicated by the evidence of previous limb failure, and require four (4) 1.5-inch diameter Valley Oak replacement trees to be planted on site, at the direction of the Arborist, or payments made to the City's oak tree replacement fund.

B. Amend the above options.

C. Refer back to staff for additional analysis.

D. Reject the request to remove the native oak trees based on findings.

Attachments:

1. Vicinity Map
2. Project Site Plan / Oak Tree Location Plan
3. Duplex Elevations
4. Photo-Tree 568
5. Photo- Tree 569 & 570
6. Arborist Report
7. Resolution A to approve the removal of the trees

Attachment 1
Vicinity Map
OTR 16-007
(N. Vine St. - Sunderland)

Attachment 2
Site Plan /Tree Location Plan
OTR 16-007
(N. Vine St. - Sunderland)

EAST (Interior/Garage) ELEVATION

Scale: 1/4" = 1'-0"

WEST (Vine Street) ELEVATION

BUILDINGS: 1 & 3

Scale: 1/4" = 1'-0"

Architectural Style: Farmhouse

Complementary style as per Uptown/Town Center Specific Plan Appendix 2 (Per Section 5.5.3 - C) Examples: 1233 Olive Street, 530 9th Street

Roof
- Type - Primarily gable roof type with hip at front porch feature and garage.
- Pitch - 5:12
- Material - Asphalt Composition Shingle (architectural grade)
- Overhang - 12 to 18"
- Multiple roof lines and levels.

Windows
- Type/Operation - Single Hung
- Style/Appearance - Larger windows, simple muntins
- Proportion - Taller, vertical
- Wood Trim - Thin accepter and sill

Elevations
- Treatments/Articulation - 2-3 planes
- Materials - Stucco base main body, horizontal siding accent, wood trim
- Color - White with accent entry and garage doors

Alternates - 1) Sage green body, Darker green accent at entry & garage doors, medium brown trim
2) Grey scheme

Frontage
- Covered entryway/porch stoop with railing and simple wood columns.

Other Architectural Features
- Articulation in roof heights, locations, lines, and type
- Articulation in planes and massing, surrounding the "iconic" farmhouse center main mass
- Wrap around porch/entry feature addresses "corner/corner"
- Lower roof at garage provides reduction in scale at Garage entry. Similarly, gable/dormer entry/porch
- Symmetry, while balance in breaking up masses
- Simple trellis feature at garage level entry
- Wood shutters @ select windows
- Knee braces at columns
- Picket fence at more towns

ALLEY/DRIVE ELEVATION

Scale: 1/4" = 1'-0"

EAST (Rear Units) ELEVATION

BUILDINGS: 2 & 4

Scale: 1/4" = 1'-0"

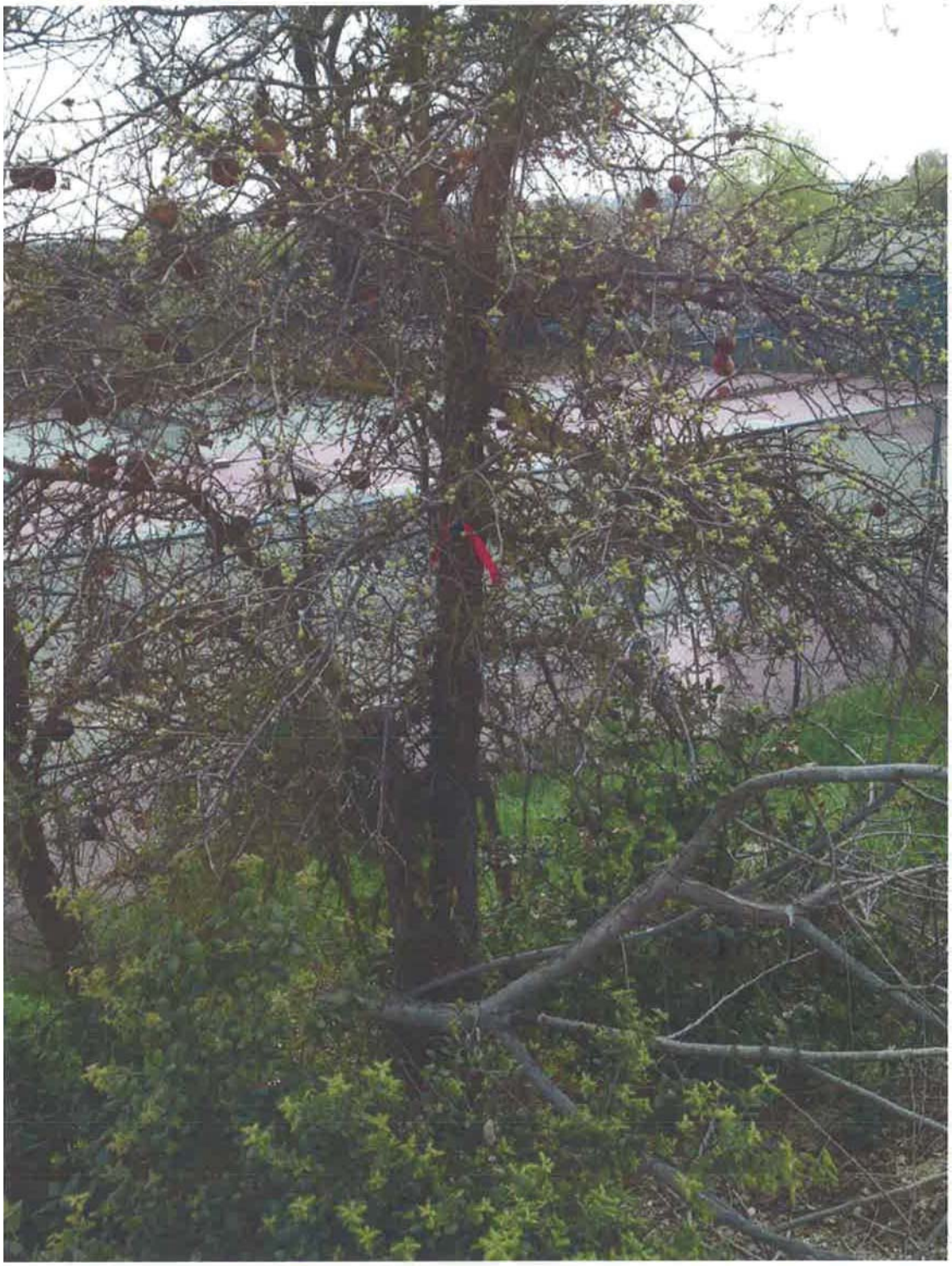
Allison Edwards

www.jadea

New Residences
NORTH VINE STREET

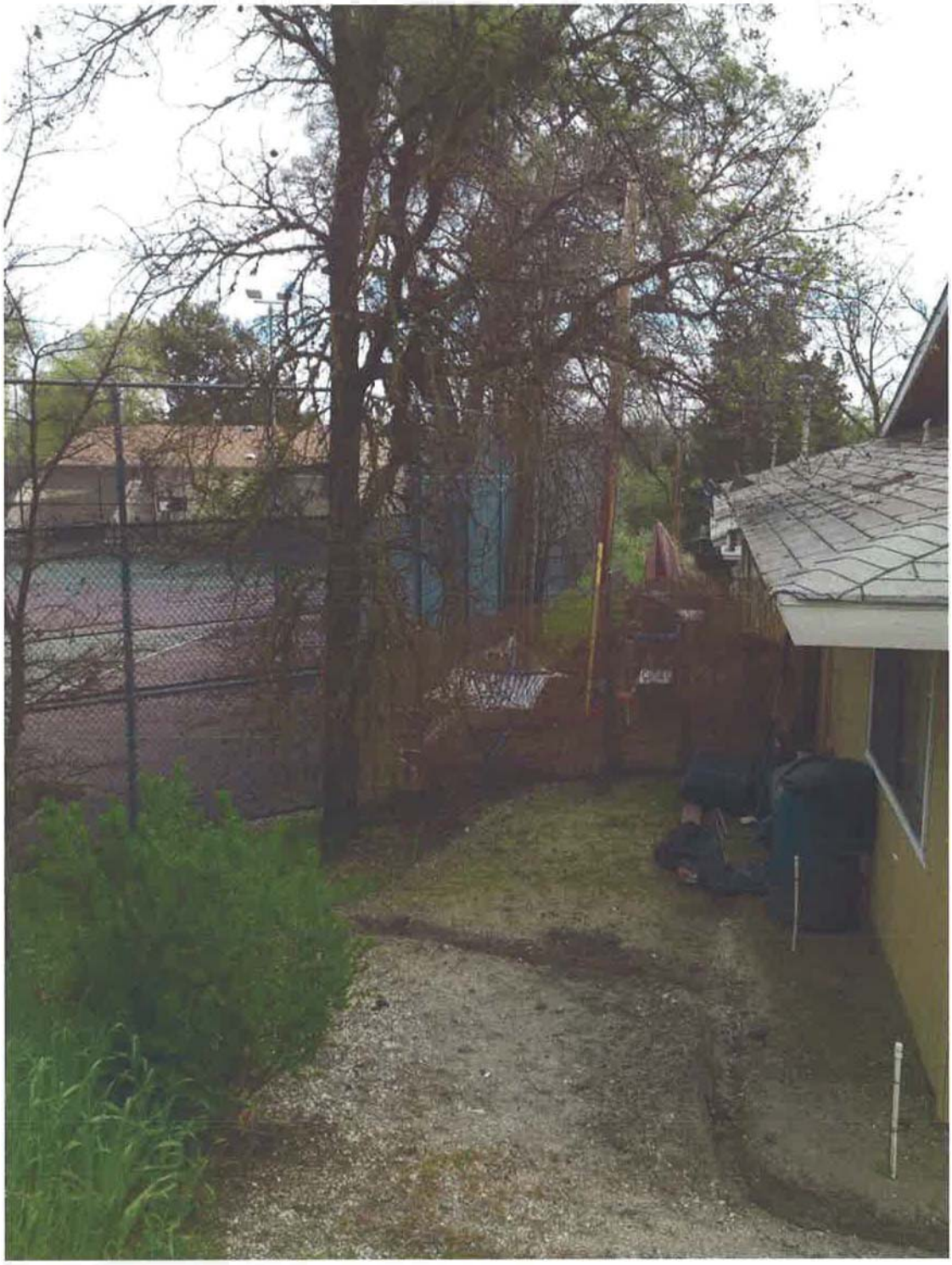
DATE March 7
JOB NO. 15181
DRAWN BY A. Edwa
REVISIONS

Attachment 3
Duplex Elevations
OTR 16-007
(N. Vine St. - Sunderland)



Tree #568

Attachment 4
Photo - Tree 568
OTR 16-007
(N. Vine St. - Sunderland)



Tree #569 in the foreground and Tree #570 adjacent to the power pole in the background.

Attachment 5
Photo - Tree 569 & 570
OTR 16-007
(N. Vine St. - Sunderland)

A & T ARBORISTS

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

Tree Preservation Plan
For

North Vine Street Residences

Prepared by A & T Arborists and Vegetation Management

Chip Tamagni
Certified Arborist #WE 6436-A

Steven Alvarez
Certified Arborist #WE 511-A

3-7-16

Tract #_____

PD #_____

Building Permit #_____

Attachment 6
Arborist Report
OTR 16-007
(N. Vine St. - Sunderland)

Project Description: This project is located at the old tennis court on North Vine Street where the pavement switches to dirt. The plans are to remove the old tennis court and construct eight single family dwelling units. The native oaks on site consist of several immature valley oaks *Quercus lobata* and one mature coast live oak (*Quercus agrifolia*). The valley oaks have all grown naturally in the fill generated when Vine Street was graded. The young trees are multi-trunked which usually leads to early failures. Three trees above the 6 inch diameter threshold will need to be removed for this project. The mature coast live oak to the east of the project will be saved. The removed trees are at the end of this report.

Specific Mitigations Pertaining to the Project: The greatest area of concern is with the one saved live oak. There is existing fill from the tennis court up to within a few feet from the trunk. This area will be converted to asphalt for parking, therefore, the impact should remain the same. There could be some root interaction for the over-excavation for the building although we expect that to be very minor. It is mandatory that during the grading operation, this area shall be monitored. The total inches for the three removals is 26 inches in total. Mitigation inches will be 6.5 inches. We feel that there is not enough room on the property to plant the trees on site, therefore, they should be donated to the city to plant at their discretion.

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:

Rating	Condition
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 tree. Any necessary clarification will be provided by us (the arborists) upon request.

It is the responsibility of the **general contractor** 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 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: It was agreed during the pre-construction meeting that all work areas will be fenced with temporary cyclone fencing. For areas inside the out fence that fall into the critical root zones and are covered in lawn shall be fenced with orange safety fencing. The orange fencing can only be remove if trenching will take place and only at the approval of the project arborist.

Equipment Operation: Vehicles and all heavy equipment shall not be driven under the trees except on the pavers, as this will contribute to soil compaction. Also there is to be no parking of equipment or personal vehicles in these areas.

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.

Trenching: All trenching shall be dug by hand and no roots shall be severed greater than one inch. Trenching in these areas shall be monitored by the project 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.

Pre-Construction Meeting: An on-site pre-construction meeting with the Arborist, Contractor, and City Staff is be required for this project. Prior to final completion, 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 trees, and that all work done in these areas was completed to the standards set forth above and in the technical specifications.

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 along with the technical specifications, we feel there will be no long-term significant impacts to the native trees.

Chip Tamagni
Certified Arborist #WE 6436-A
Cal Poly B.S. Forestry and Natural Resources Management

TREE PROTECTION SPREAD SHEET

1	2	3	4	5	6	7	8	9	10	11	12	13	14	15	16
TREE #	TREE SPECIES	SCIENTIFIC NAME	TRUNK DBH	TREE CONDITION	CONST STATUS	CRZ % IMPACT	CONST IMPACT	MITIGATION PROPOSAL	MONT REQUIRED	PRUNING CLASS	AESTH. VALUE	FIELD NOTES	NS EW	LTSI H-M-L-N	USEFUL LIFE EXP.
568	VO	*Q. lobata*	7	3	R	100%	GR	NONE	NO		fair		6x6		
569	VO	*Q. lobata*	12	4	R	100%	GR	NONE	NO		fair		13x10		
570	VO	*Q. lobata*	7	3	R	100%	GR	NONE	NO		fair		9x9		
571	VO	*Q. agrif.*	48	3	I	30%	FILL	F, RP, M	YES	IV	good		60x55	low	50

1 = TREE #: MOSTLY CLOCKWISE FROM DUE NORTH

2 = TREE TYPE: COMMON NAME IE.W.O.= WHITE OAK

3= SCIENTIFIC NAME

4 = TRUNK DIAMETER @ 4'6"

5 = TREE CONDITION: 1 = POOR, 10 = EXCELLENT

6 = CONSTRUCTION STATUS: AVOIDED, IMPACTED, REMOVAL

7 = CRZ: PERCENT OF IMPACTED CRITICAL ROOT ZONE

8= CONSTRUCTION IMPACT TYPE: GRADING, COMPACTION, TRENCHING, FILL

9 = MITIGATION REQUIREMENTS: FENCING, MONITORING, ROOTPRUNING,

10 = ARBORIST MONITORING REQUIRED: YES/NO

11 = PERSCRIBED PRUNING: CLASS 1-4

12= AESTHETIC VALUE

13= FIELD NOTES

13= NORTH SOUTH/ EAST WEST CANOPY SPREAD

14= CANOPY SPREAD

15= LONG TERM SIGNIFICANT IMPACTS: HIGH, MEDIUM, LOW, NONE

16 = USEFUL LIFE EXPECTANCY

3/7/2016

Attachment 7

Draft Resolution A

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF PASO ROBLES
AUTHORIZING THE REMOVAL OF THREE OAK TREES
ON NORTH VINE STREET (OTR 16-007)
(SUNDERLAND)
APN: 008-034-017 & 018

WHEREAS, Andrew Sunderland has submitted a request to remove three oak trees on the lots located on Vine Street, north of 32nd Street, just south of the Georgia Brown school fields; and

WHEREAS, the trees proposed to be removed are two 7-inch diameter Valley Oaks and one 12-inch Valley Oak; and

WHEREAS, the request for the trees to be removed is in conjunction with the development of an 8-unit apartment complex on the two parcels; and

WHEREAS, Chip Tamagni of A&T Arborists has provided a report that concludes that the three trees are immature, have had past limb failure, and are in poor condition; and

WHEREAS, if the trees is approved to be removed, there are other oak trees on the lot that would be preserved; 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 three Valley Oak Trees, based on the Arborist concluding that the trees are immature, have had past failures, and are in poor condition, as indicated on Attachment A, Site Plan;

2. Require four (4) 1.5-inch diameter oak tree 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 7th day of June 2016 by the following vote:

AYES:
NOES:
ABSTAIN:
ABSENT:

Steven Martin, Mayor

ATTEST:

Kristy Buxkemper, Deputy City Clerk