



Council Agenda Report

From: Darren Nash, Associate Planner

Subject: Oak Tree Removal Permit 16-003 (Oak & 36th St. / Jim Webb) - Council consideration of OTR 16-003 requesting removal of two oak trees located in the public right-of-way in conjunction with the development of a ten-unit apartment project.

Date: December 6, 2016

Facts:

1. The project site is a vacant 20,000 square foot lot located at the southeast corner of Oak and 36th Streets (see Vicinity Map, Attachment 1).
2. There are three oak trees located on the site (Tree No. 1, 2 & 3 as shown on the site plan, Attachment 2). Tree 1 is a 33-inch Valley Oak that will be preserved. Trees No. 2 & No. 3 are located within the 36th Street right of way and have been severely trimmed over the years by the utility company to provide clearance for the overhead utility lines. An Arborist Report has been provided which indicates that both trees are multi-trunk live oaks rated a 2 and 3, on a scale of 1-10, where 10 is the best rating. The Arborist recommends that trees No. 2 and No. 3 be removed. See Report by Whit's Turn Tree Care, dated September 2015, attached as Exhibit A of Draft Resolution – A (Attachment. 3).
3. 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.
4. On June 14, 2016 the Planning Commission approved PD 16-001 allowing for the construction of the ten-unit apartment project, including a recommendation that the City Council approve removal of oak trees No. 2 and No. 3 based on the poor condition of the trees due to on-going utility clearance pruning.

Tree No. 2



Tree No. 3



Options

1. Approve Draft Resolution A, approving OTR 16-003, authorizing the removal of Tree 2 (11-inch Live Oak) and Tree 3 (12-inch Live Oak) based on the trees being in poor health, as indicated in the Arborist Report and require four (4) 1.5-inch diameter Oak replacement trees (or a reduced number of larger diameter replacement trees adding up to 6-inches) be planted on site at the direction of the Arborist.

2. Denial OTR 16-003 with findings and require the oak trees to remain and be protected.
3. Refer back to staff for additional analysis.

Analysis and Conclusions

The City Council has full discretion to determine whether the trees warrant removal or not. If the Council does not approve the removals, the public improvements can be designed to be installed in a manner to accommodate the trees. Additionally, the utility lines along 36th Street are conditioned to be undergrounded with this project.

If the Council approves the tree removals, on-site replacement trees will be required. The landscape plan for the project is providing for a large (6-inch diameter) specimen oak tree be planted in the court yard of the complex.

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 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;*

It is possible for the project to be constructed in a manner that could retain the trees. The Arborist concludes that the trees are in poor condition as a result of inadequate pruning by utility companies for several years. Given that the trees are currently in poor condition, and furthermore, it is anticipated that there could be further impacts to the trees as a result of the installation of public improvements and the trenching necessary to install the utilities lines underground, removal would seem to be the best option.

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;*

Tree No. 1 a 33-inch Coast Live Oak 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, additionally; the remaining oak tree on site will be protected.

Option 1:

Approve tree removals. After taking in consideration recommendation by the Planning Commission and the project Arborist to remove the trees, and consideration of the factors listed in Section 10.01.050.D (listed above) authorize the removal of the two trees. On-site replacement trees will be required as mitigation to the tree removals.

Option 2:

Deny tree removals. The Arborist Report indicates that the decline of both of the trees is a result of past pruning practices to accommodate the overhead utility lines. Since the utility lines are required to be underground with the construction of this project, it may be possible to retain the trees and give them the opportunity to recover. The trees are located in the street right of way. The improvements could be designed to accommodate the trees and since the trees are not on the project site (they are in the street right of way), the project could be built as approved with PD 16-001.

Option 3:

Council may wish to refer the item back to staff for additional analysis.

The two oak trees proposed for removal have been severely pruned by utility companies over the years to provide clearance to the existing overhead lines, which has resulted in the trees have low aesthetic value. This project will provide new street improvements on 36th Street along with placing the utilities underground. It would seem that removing the two trees and placing four new oak trees along the new 36th Street frontage would provide for better looking project than designing the frontage improvements around the two insignificant trees.

Fiscal Impact

There is not a fiscal impact to the City related to this oak tree removal request. Oak trees can provide value to a property, and be an aesthetic value to the City as a whole.

Recommendation

Option 1. Based on the Planning Commission recommendation and the factors listed in this staff report removal of the trees is justified with the planting of new replacement oak trees.

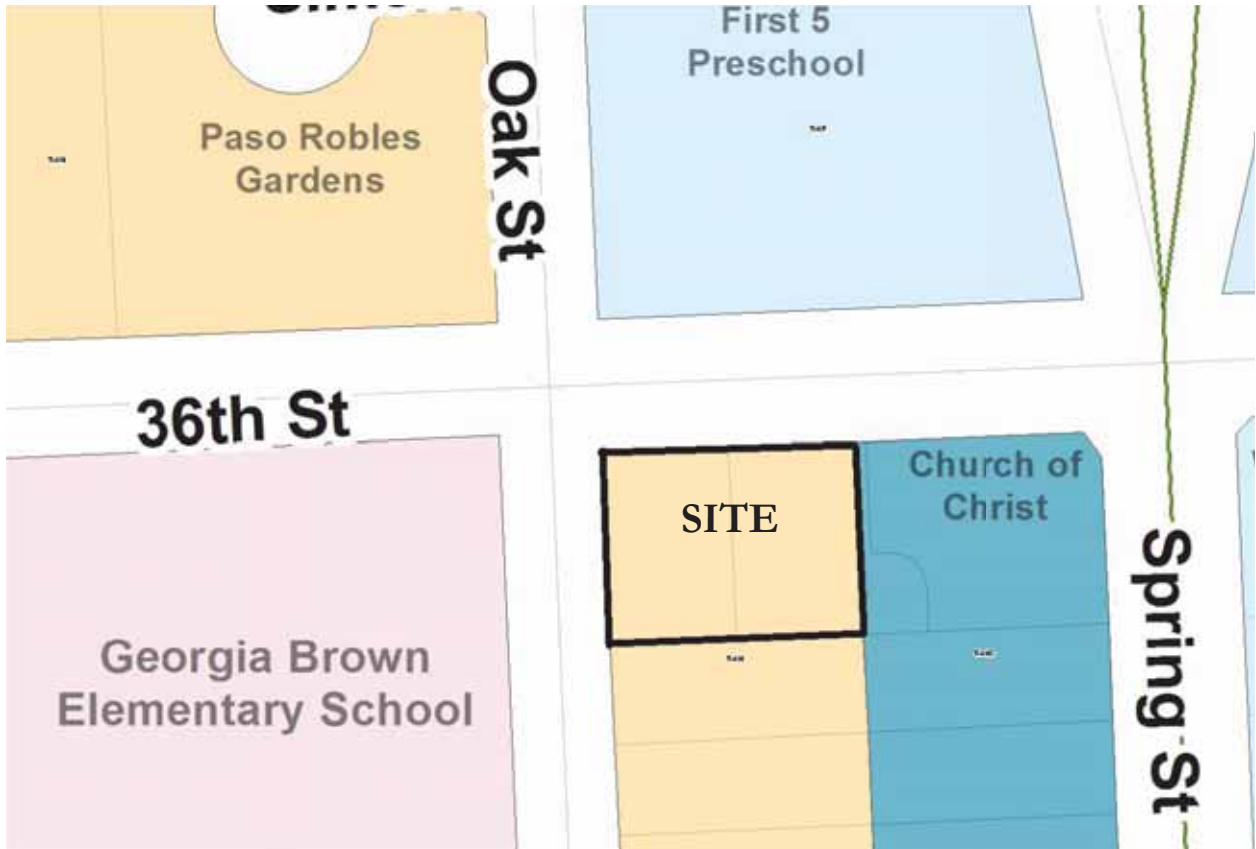
Approve Draft Resolution A, approving OTR 16-003, authorizing the removal of Tree 2 (11-inch Live Oak) and Tree 3 (12-inch Live Oak) based on the trees being in poor health, as indicated in the Arborist Report and require four (4) 1.5-inch diameter Oak replacement trees (or a reduced number of larger diameter replacement trees adding up to 6-inches) be planted on site at the direction of the Arborist

Attachments

1. Vicinity Map
2. Site Plan
3. Draft Resolution A - Approval the removal of the tree
 - a. Whit's Turn Arborist Report

Attachment 1

Location Map



Webb Apartments

Oak St. & 36th St., Paso Robles, CA



Agenda Item No. 17

PROJECT SUMMARY

Project Owner: JMI LLC
225 E. Grand Ave., PMB 200
Paso Robles, CA 93351
805.772.2277

Architect: Hamrick & Associates, Inc.
1800 Oak St., Suite 200
Paso Robles, CA 93351
805.772.2277

Project Description: The Webb Apartments is a proposed multi-unit residential development located at the intersection of Oak Street and 36th Street in Paso Robles, California. The project consists of three buildings, each approximately 3.5 stories high, with a total of 100 units. The development includes parking spaces, landscaping, and a central courtyard area.

Property Information:
Project Address: 1800 Oak St., Paso Robles, CA 93351
Parcel Number: 001-001-001
Zoning: R-1
Project Type: Multi-Family Residential

Project Statistics:
Total number of dwelling units: 100
Total square footage: 10,000 sq. ft.
Total parking spaces: 40

Project Schedule:
Start Date: 01/15/2016
Completion Date: 06/30/2016

Project Budget:
Total Project Cost: \$1,000,000
Total Units Cost: \$10,000/unit

Project Status:
Current Status: Under Construction
Next Steps: Complete construction and obtain final permits.

Project Contact:
Project Manager: John Smith
Phone: 805.772.2277
Email: john.smith@hamrick.com

Project Notes:
The project is currently under construction and is expected to be completed by June 30, 2016. The development will provide a mix of housing options for the community.

Project Map:
The project is located at the intersection of Oak Street and 36th Street in Paso Robles, California. The map shows the project site and surrounding streets.

Project Photos:
The project photos show the current construction progress and the proposed design of the Webb Apartments.

Project Documents:
The project documents include the site plan, floor plans, and other relevant information for the development.

Project History:
The project has a long history of development and has been a key part of the community's growth.

Project Future:
The project is expected to be a successful addition to the community and will provide a mix of housing options.

Project Conclusion:
The Webb Apartments project is a significant development for the community and is expected to be completed by June 30, 2016.

Project Appendix:
The project appendix includes additional information and documents related to the development.

Project Glossary:
The project glossary defines the terms and abbreviations used throughout the project documents.

Project Index:
The project index provides a quick reference to the various sections and documents included in the project summary.

Project Table of Contents:
The project table of contents lists the pages and sections of the project summary for easy navigation.

Project Acknowledgments:
The project acknowledgments thank the community and other stakeholders for their support and input.

Project References:
The project references list the sources of information and documents used in the project summary.

Project Footnotes:
The project footnotes provide additional information and clarifications for the project summary.

Project Bibliography:
The project bibliography lists the books, articles, and other publications related to the project.

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Attachment 2

Vicinity Map



SD-1

Sheet Index

ARCHITECTURAL PLANS
1.00 Site Plan
2.00 Floor Plans, Elevations & Sections
3.00 Mechanical Plans
4.00 Electrical Plans
5.00 Plumbing Plans
6.00 Fire Protection Plans
7.00 Landscape Plans
8.00 Other Plans

hamrick
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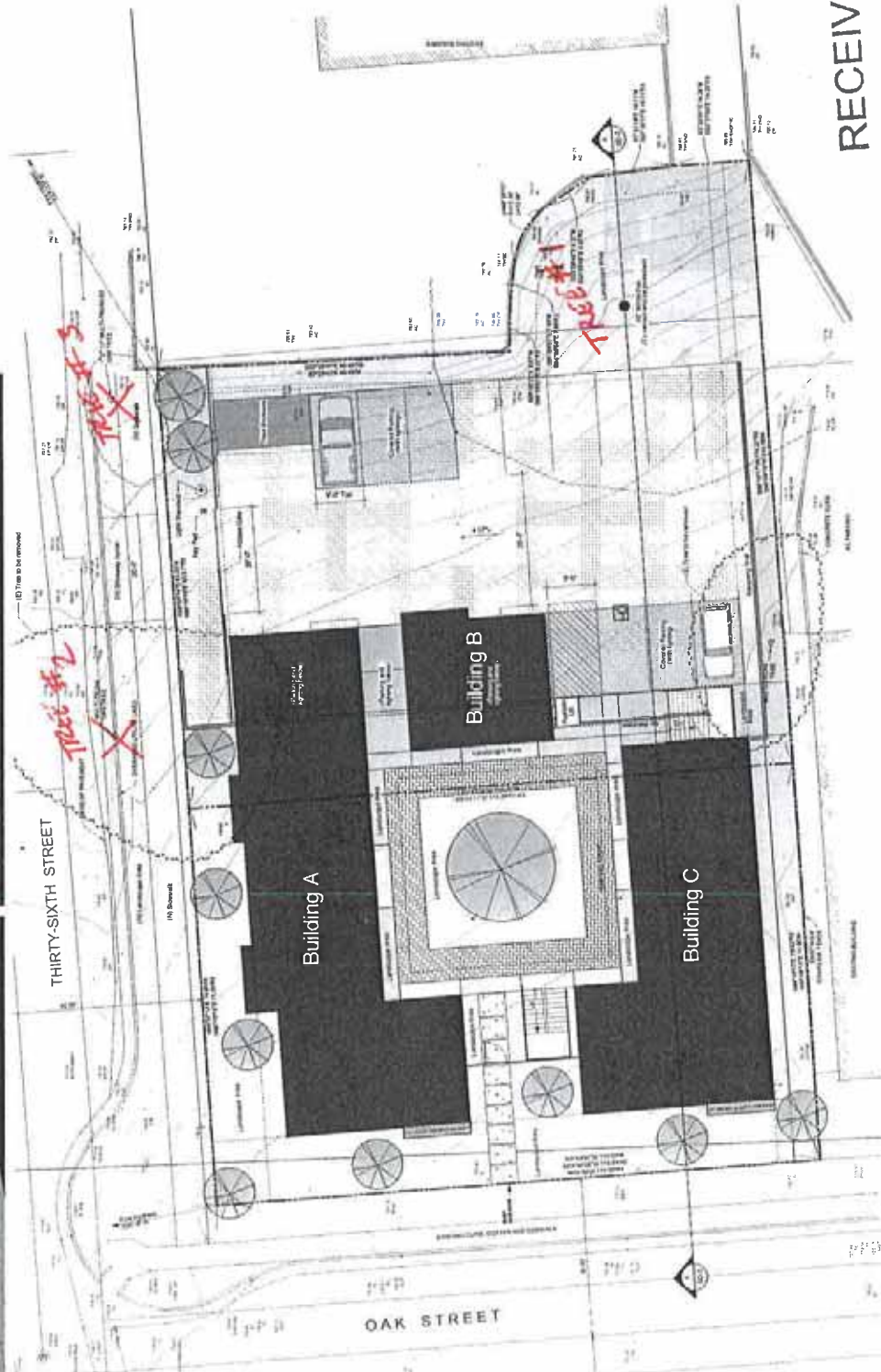
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City of Paso Robles
Community Development

Attachment 2
Site Plan
PD 16-003
(Webb Apartments)

Site Plan
Scale: 1" = 10'



Attachment 3

Draft Resolution A

RESOLUTION 16-XXX

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF PASO ROBLES
AUTHORIZING THE REMOVAL OF TWO OAK TREES
ON OAK STREET AT 36TH STREET
(OTR 16-003 / WEBB)
APN: 008-031-029, 030 & 033

WHEREAS, Planned Development 16-001 was approved by the Planning Commission on June 14, 2016, allowing for the development of a 10-unit apartment complex on the vacant site located on the southeast corner of Oak Street and 36th Street; and

WHEREAS, in conjunction with PD 16-001, the applicants have submitted an application for OTR 16-003, requesting to remove two oak trees located within the 36th Street right of way; and

WHEREAS, the Arborist Report (Exhibit A) has been prepared by Henry Curtis, Arborist, which indicates that the two trees are in extremely poor condition as a result of several years of pruning for clearance from the overhead utility lines; and

WHEREAS, along with the approval of Planned Development 16-001 the Planning Commission recommended that the City Council approve OTR 16-003; 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

SECTION 1. Pursuant to Paso Robles Municipal Code section 10.01.050.D., and based on the entire record including all written and oral evidence presented, the City Council finds as follows:

1. Having considered the factors outlined in Section 10.01.050.D.1. of the Paso Robles Municipal Code, and the information provided by the Arborist in Exhibit A, the City Council finds that allowing the removal of the trees to allow for new frontage improvements and utility line undergrounding on 36th Street, along with the requirement for replacement oak trees on site, would result in a better project.

SECTION 2: APPROVAL

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

1. Authorize the removal of Tree No. 2 (11-inch Live Oak) and Tree No. 3 (12-inch Live Oak) based on the trees being in poor health, as indicated in the Arborist Report, attached as Exhibit A;
2. Require four (4) 1.5-inch diameter oak replacement trees (or fewer replacement trees adding up to 6-inches) to be plated at the direction of the Arborist.

PASSED AND ADOPTED by the City Council of the City of El Paso de Robles this 6th day of December 2016 by the following vote:

AYES:

NOES:

ABSTAIN:

ABSENT:

Steven Martin, Mayor

ATTEST:

Kristy Buxkemper, Deputy City Clerk

Exhibit A: Arborist Report



**Whit's-Turn
Tree Care**

ARBORIST REPORT

Prepared for:

Hamrick Associates, Inc.

Property Location:

S.E. Corner of 36th & Oak, Paso Robles

Prepared By:

Henry Curtis
Certified Arborist WE-6345A
(805) 462-9958

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FEB 23 2016

City of Paso Robles
Community Development Dept.



Henry Curtis

A handwritten signature in black ink, appearing to be "H. Curtis", written over a horizontal line.



**Whit's-Turn
Tree Care**

P.O. Box 1784 Templeton, CA 93465
Telephone: 805-462-9958 Fax: 805-462-9978

HENRY CURTIS – CERTIFIED ARBORIST WE-6345A

September 1, 2015

Hamrick & Associates, Inc. is proposing to build a project on the S.E. corner of 36th and Oak Street in Paso Robles, CA. This property has three native Oak trees that will be impacted.

Tree #1 on the lot is a mature Valley Oak (*Quercus lobata*) located on the S.E corner. This tree appears to be in good health. The proposed project will impact the tree approximately 25%. The impact to this tree should be minimized by following the mitigation I have recommended in my report.

The contractor has designed the project to minimize intrusion of the critical root zone under the dripline of the tree. Pavers will be used for the parking area instead of concrete or asphalt, which helps minimize negative impact on feeder roots.

Trees #2 and #3 are located along 36th street. One Valley Oak (*Quercus lobata*) and one Live Oak (*Quercus agrifolia*). Both trees are directly under power lines and have been left in extremely poor condition due to the line clearance pruning done over several years. Neither of these trees is an asset to the City of Paso Robles or to the property owner. I am recommending removal of these two trees as is referenced on the tree chart within my arborist report.

If you have questions about this project as it relates to the Oak trees please contact my office.

Henry Curtis
Certified Arborist
WE-6345A

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Tree Preservation Guidelines

The mitigation I am requesting must be followed by anyone working within the *C.R.Z of the native Oak tree located at this site. Copies of these guidelines must be provided to any contractors involved with this project.*The Critical Root Zone is an imaginary circle on the ground that corresponds with the "dripline" of the tree. The dripline of a tree is where the greatest extent of a tree's branches end.

Pre-Construction:

Tree Protection Fencing:

The tree indicated as Impacted, identified on the Tree Protection Chart, will require tree fencing installed one foot outside their entire drip-lines. A warning sign shall be prominently displayed on each fence. Please use the example attached with this report. The sign must be laminated for weather resistance. After fencing is installed please notify me to come and inspect the placement before ground is broken at the project site.

Pre-Construction Meeting:

Before any grading or trenching has begun there must be a meeting with all interested parties to discuss suggested mitigation for the protection of the native Oak tree. Generally, this includes a Certified Arborist, General Contractor, Grading Contractor, and any City or County Officials overseeing this project. Please notify me in advance of the meeting.

Construction:

The configuration of protective fencing cannot be changed without my prior authorization. All dirt work performed near the Oak tree should be done with extreme care to disturb as little of the trees C.R.Z as possible. Workers must use caution not to rip or tear large roots with shovels or equipment. The use of an "air spade" is encouraged for authorized excavation within the trees C.R.Z Tools such as a Ditch Witch are discouraged as they leave a jagged,

broken root surface which causes the roots to die back and leaves them vulnerable to be attacked by soil born fungi. Any tree roots larger than one inch dug up during dirt work need to be flush cut and recovered with dirt immediately. If large roots are exposed and cannot be recovered immediately then they must be covered with wet burlap to keep the roots moist.

Construction Waste:

There is to be no cleaning of construction equipment or any waste products near the C.R.Z of the native Oak trees at This site. All waste or extra materials that could possibly leach into the trees feeder roots need to be cleaned and Stored elsewhere.

Landscaping:

To ensure the longevity of your native tree, landscaping underneath their drip lines should be kept natural with The exception of the woodchips. Also, keeping irrigation systems outside of the trees drip lines. For more information Regarding landscaping near native Oaks, see the publication: Compatible Plants Under and Around Oaks, California Oak Foundation, <http://www.CaliforniaOaks.org/>

Whit's-Turn Tree Care

Customer name: Hamrick Associates, Inc.

Job address: S.E. corner of 36th Oak

Tree #	Common Name	Scientific Name	Trunk DBH	*Tree Condition 1-10	Construction Status	C.R.Z. Impact	*Anticipated Construction Impact	Mitigation Proposal	Monitoring Required
1	Valley Oak	Quercus lobata	33"	9	Impacted	25%	Grading/ parking area	Pavers /Tree protection fencing. Prune for clearance	NO
2	Live Oak	Quercus agrifolia	3 spar 11", 8", 8"	2	Removal	x	x	x	x
3	Live Oak	Quercus agrifolia	3 spar 12", 11", 10"	3	Removal	x	x	x	x

Tree Condition Key

Based on a scale of 1-10

1 being the worst and 10

being the best

Construction Impact

I=Impacted

NI=Not Impacted

R= Removal

Exhibit A

Description of Tree Protection Chart

Tree number can be found on the project plans as well as labeled on the tree with a numerical tag.

Common Name: labels the tree with a common name such as VO=Valley Oak, BO=Blue Oak, LO=Live Oak
BW=Black Walnut

Scientific Name: Scientific name of the tree species

Trunk D.B.H., is the abbreviation for the trunk diameter at breast height in inches

Tree Condition, ranging from zero to ten. Zero= deceased, One=Poor condition, Ten=Excellent

Construction Status of tree, Avoided-Removal-Impacted

C.R.Z. Impact is the anticipated percentage of impact to the trees Critical Root Zone.

Anticipated Construction Impact

Such as; retaining wall, grading, trenching, etc.

Monitoring Required Yes/No

If yes, the Arborist must be notified and on site during any trenching or grading near the tree



TREE PROTECTION

No grade change, storage of materials or equipment is permitted within this C.R.Z.
Tree protection fencing must not be removed or crossed without permission.

Henry Curtis
Arborist WE-6345-A
(805)462-9958