



Council Agenda Report

From: Darren Nash, Associate Planner

Subject: Oak Tree Removal Permit 17-001 (155 Flag Way and 13 Green Court / Country Club Estates) – Request for removal of two native oak trees leaning towards the two condominium units.

Date: February 7, 2017

Facts:

1. Flag Way and Green Court are within the Country Club Estates condominium complex, located at Flag Way and Creston Road. (See Vicinity Map/Tree location Map, Attachment 1).
2. One 20" Valley Oak tree is located adjacent to Unit 13, and a 12" Live Oak tree located behind Unit 155. Both trees are leaning towards each of the homes. The Arborist recommends that the trees be removed to prevent future damage to the homes. See Report by A&T Arborists, dated December 27, 2016, attached as Exhibit A of Draft Resolution – A (Attachment. 2).
3. The trees are located within the open space area along the creek that is part of the common area for the complex. There are many trees located along the creek area and the two subject trees that area leaning are the result of being suppressed by the other larger trees.
4. Planning Staff inspected the site to review the trees. 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, under Section 10.01.050.C of the Oak Tree Ordinance, the trees would be consider "healthy" and require 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.



This leaning coast live oak is behind unit #155 off of Flag Way.



This leaning oak is behind unit #13 Green Court.

Options

1. Approve OTR 17-001, authorizing the removal of one 12-inch Coast Live Oak and one 20-inch Valley Oak, based on the trees severely leaning towards the adjacent homes and the removal of the trees will prevent future damage from the trees coming in contact with the homes, as indicated in the Arborist Report and require five (5) 1.5-inch diameter Oak replacement trees (or a reduced number of larger diameter replacement trees adding up to 8-inches) be planted on site at the direction of the Arborist.
2. Deny OTR 17-001 with findings and require the oak trees to remain and be protected.
3. Refer back to staff for additional analysis.

Analysis and Conclusions

As shown in the photos and described by the Arborist, the trees are leaning in a manner that will conflict with the homes. Allowing the removal of the trees would seem to be consistent with finding D.1 below, based on the trees being in poor condition, because of the proximity of the trees to the existing structures and danger of the trees falling on the structure.

If the Council approves the tree removals, on-site replacement trees will be required.

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 trees being in poor condition, as a result of the proximity of the trees to the existing structures and danger of the trees falling on the structure, 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;*

There is no development being considered for this project, the reason for the request for removal is to prevent future damage to the existing structures.

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 trees are located along a creek area where there are many other trees that exist and will be preserved. 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;*

There are numerous other trees on the site that will be preserved.

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 trees on site will be protected.

Option 1:

Approve tree removals. Based on the arborist report and staff's site visit, removal of the trees appears warranted to protect residential dwellings from potential damage. After 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. After consideration of the factors listed in Section 10.01.050.D (listed above), deny the request to remove the two trees, based on findings.

Option 3:

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

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.) Approve Draft Resolution 17-xxxx, approving OTR 17-001, authorizing the removal of the 12-inch Coast Live Oak and the 20 -inch Valley Oak based on the trees being in poor condition, as indicated in the Arborist Report; and require that five 1.5-inch diameter Oak replacement trees (or a reduced number of larger diameter replacement trees adding up to 8-inches) be planted on site at the direction of the Arborist.

Attachments

1. Vicinity Map/Tree Location Map
2. Draft Resolution A - Approval the removal of the tree
 - a. A&T Arborist Report



Attachment 2

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
AT 13 GREEN COURT AND 155 FLAG WAY
(OTR 17-001 / COUNTRY CLUB ESTATES)
APN: 009-464-010, 024**

WHEREAS, A&T Arborists has filed a request for the removal of two oak trees within the County Club Estates condominium complex, located at Flag Way and Creston Road; and

WHEREAS, the trees consist of one 20" Valley Oak tree is located adjacent to Unit 13, and a 12" Live Oak tree located behind Unit 155 where both trees are leaning towards each of the homes; and

WHEREAS, the trees are located within the open space area along the creek that is part of the common area for the complex, the Arborist indicates that the leaning condition of the trees is the result of the trees being suppressed by the other larger trees growing above; 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, THE CITY COUNCIL OF THE CITY OF EL PASO DE ROBLES DOES HEREBY RESOLVE AS FOLLOWS:

Section 1. All of the above recitals are true and correct and incorporated herein by reference.

Section 2. Findings: 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 would seem to be consistent with finding D.1, based on the trees being in poor condition, as a result of the proximity of the trees to the existing structures and danger of the trees falling on the structures, and allowing for the removal of the trees would prevent future damage to the existing condominium units. Mitigation trees will be required.

Section 3: Approval. The City Council of the City of El Paso de Robles does hereby:

1. Authorize the removal of one 20" Valley Oak tree is located adjacent to Unit 13, and a 12" Live Oak tree located behind Unit 155, based on the trees being in poor health, as indicated in the Arborist Report, attached as Exhibit A;
2. Require five (5) 1.5-inch diameter oak replacement trees (or fewer replacement trees adding up to 8-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 7th day of February 2017 by the following vote:

AYES:
NOES:
ABSTAIN:
ABSENT:

Steven Martin, Mayor

ATTEST:

Kristy Buxkemper, Deputy City Clerk

Exhibit A: Arborist Report



12-27-16

Darren Nash, city of Paso Robles

Re: Country Club Estates Oak Tree Removal

This report is in regard to two oak trees that are being requested for removal. Both of the trees are being proposed for removal due to 45 degree leans which potentially makes them unsafe. In addition, they are both suppressed from the trees above and the Paso Robles Oak Tree Ordinance allows for trees under the canopies of healthier trees to be proposed for removal. This is a safety removal situation only. Both of the trees originate from the bank of the small creek that meanders through the property. There are dozens of oak trees along these banks in this area. These trees have shown a propensity of failure as two larger trees have fallen within the past year and a half.

The first tree is a 12" coast live oak (*Quercus agrifolia*) located behind Unit #155 Flag Way. This tree's trunk originated in the creek bed. Due to storms and high water, this tree has a severe lean due to the stump partially uprooting. The tree is also leaning hard into a California Sycamore (*Plantanus racemosa*) as can be seen in the accompanying photograph. This tree will never amount to much as it is also very suppressed from the canopies above.

The second tree is a 20" valley oak (*Quercus lobata*) located behind Unit #13 off of Green Court. This tree has a severe lean and is heavily suppressed from other valley oaks. Throughout its life, it has been struggling to find sunlight which has caused the lean. There are much healthier, vertical trees behind it that would remain. At some point in time, this tree will fail due to its lean.

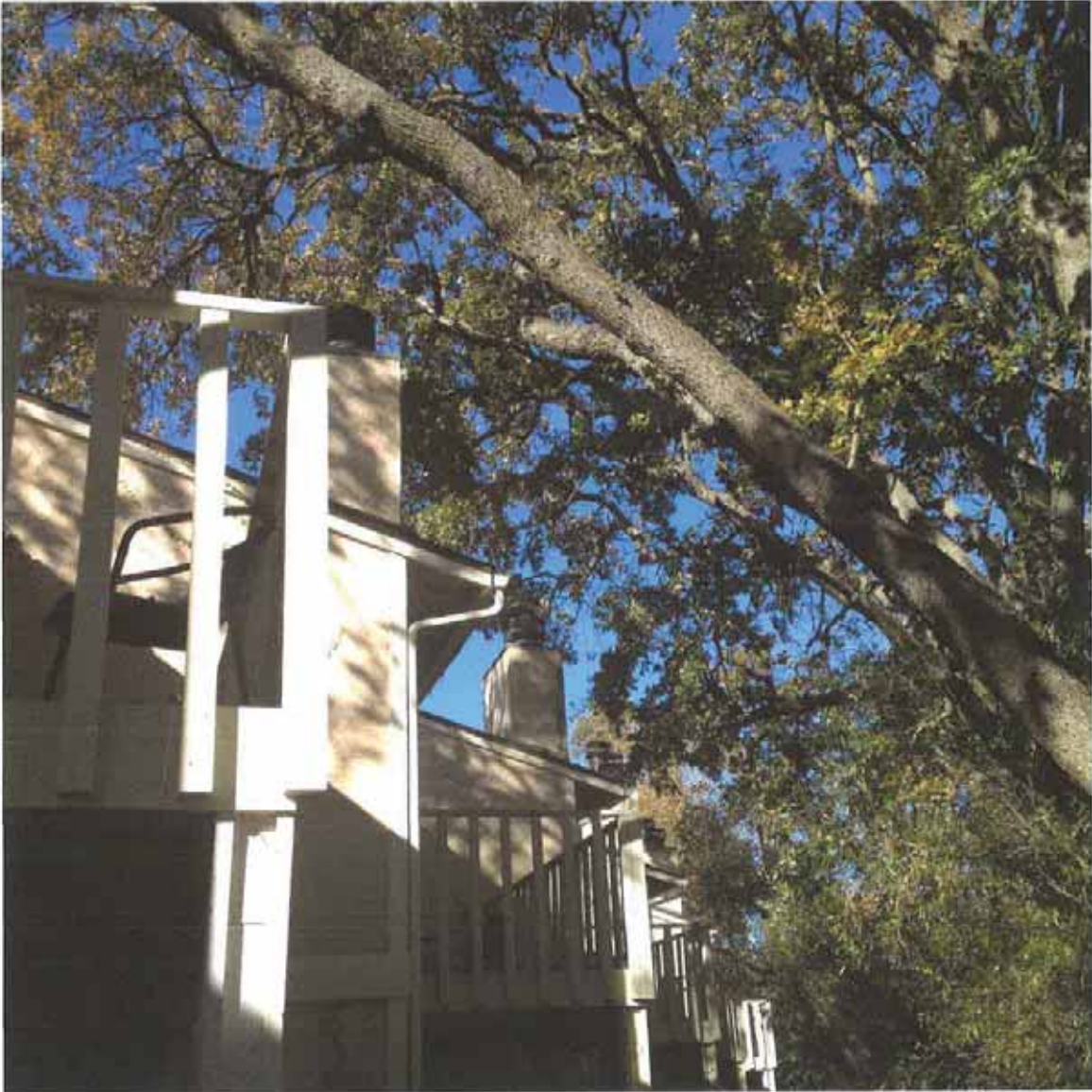
The total inches being proposed for removal is 12" for the coast live oak and 20" for the valley oak. Since there are so many oaks within this watershed added to the fact that the lean of these trees is 100% natural, the owners are requesting that a one to one replacement be awarded. The new trees would be planted in viable areas on site.

Please feel free to contact us with any questions.

Chip Tamagni
Certified Arborist #WE 6436-A
California State Pest Control Advisor #75850
Certified Hazard Risk Assessor #1209
Cal Poly B.S. Forestry and Natural Resources Management



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This leaning oak is behind unit #13 Green Court.

Flag Wy

Country Club Estates

