



Council Agenda Report

From: Darren Nash, Associate Planner

Subject: Oak Tree Removal Permit (OTR 17-005) - A request by Linda Thorndyke (property owner / applicant) requesting that the City Council allow the removal of one Valley Oak tree (38 inch dbh) at 515 21st Street.

Date: April 18, 2017

Facts

1. The removal request has been applied for by Linda Thorndyke, owner of the property located at 515 21st Street. (See attached Vicinity Map, Attachment 1).
2. The tree requested for removal is a Valley Oak tree (*Quercus Lobata*). It appears that the tree would have been a young tree when the house was built in the mid-1940's.
3. Over the years the tree has grown to a point where it has been in conflict with the house, resulting in past limb removals, which has caused wounds which are now showing signs of decay. As a result of the tree making contact with the cement driveway/carport and the tree having a 30 percent lean towards the house, Ms. Thorndyke is requesting that the tree be removed to prevent further damage.
4. Rodney Thurman, Arborist has provided an Arborist Report (Attachment 2) that indicates the following:
 - over 80 percent of the critical root zone (CRZ) is covered by the house footprint and cement driveway;
 - as a result of past limb removals, wounds have occurred which include decay;
 - the tree has a 30 percent lean towards the house;
 - as a result of past limb removal, the tree has been reduced to no more than a stem with a few branches covered with re-sprout growth;
 - the tree has out grown its space and now has structural issues that make it prone to failure at the roots, stem and canopy.
5. As a result of the tree conditions listed above, the Arborist recommends that the tree be removed.
6. Planning Staff visited the site to inspect the tree. Since the tree appears healthy, 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.



Photos of 38-inch Valley Oak

Options

1. Approve Draft Resolution 17-xxx, approving OTR 17-005, allowing the removal of one Valley Oak tree, based on the Arborist report concluding that the tree has outgrown its space and now has structural issues that make it prone to failure, and require one (1) 1.5-inch diameter Live Oak replacement tree on site and payment into the City's replacement fund for the remaining (5) replacement trees.
2. Amend Draft Resolution 17-xxx denying the request to remove the oak tree based on findings to be stated in City Council motion.
3. Amend the above options.
4. Refer back to staff for additional analysis.

Analysis and Conclusions

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 tree being in poor condition and in danger of falling on to the house, the tree appears to be good candidate 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 failure from damaging the house.

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;

There are other healthy trees located adjacent to the site that will remain.

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 to the oak replacement fund, which would provide for new trees to be planted in other areas of the City.

Option 1:

As a result of the growing characteristics of Valley oaks, and the damage that the tree is causing, Council may determine that there is enough information to allow removal of the tree, based on the arborist report. Planting one replacement Live Oak tree on site, and payments to the oak replacement fund for the remaining five (5) replacement trees would be required as mitigation to the tree removal.

Option 2 / 3:

Council may wish to approve an amended version of one of the options listed above or refer the item back to staff for additional analysis with the arborist.

Fiscal Impact

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

Recommendation

Option 1. Approve Resolution 17-xxx finding the trees is in poor condition and likely will cause damage to the property if it were to remain, and approve the removal of the tree and require one (1) replacement Live Oak tree on site, and payments to the oak replacement fund for the remaining five (5) replacement trees would be required as mitigation to the tree removal.

Attachments

1. Vicinity Map/Oak Tree Location Plan
2. Resolution 17-xxx Approval of the removal of the tree
 - a. A&T Arborist Report

Vicinity Map



Attachment 2

RESOLUTION 17-XXX

**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF PASO ROBLES
AUTHORIZING THE REMOVAL OF ONE 38" VALLEY OAK TREE
AT 515 21st STREET
(OTR 17-005 / LINDA THORNDYKE)
APN: 008-221-006**

WHEREAS, Linda Thorndyke has filed a request for the removal of one 38" Valley oak tree located adjacent to the house located at 515 21st Street; and

WHEREAS, an Arborist Report prepared by Rodney Thurman, Certified Arborist has been provided which concludes that the tree has structural issues that make it prone to failure; 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 tree would seem to be consistent with finding D.1, based on the trees being in poor condition, and allowing for the removal of the tree would prevent the possibility of the tree falling into the fairway where golfers and golf course employees are present throughout the day. Mitigation trees/fees 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 38" Valley Oak tree located adjacent to the house at 515 21st Street, based on the trees being in poor health and prone to failure, as indicated in the Arborist Report, attached as Exhibit A;
2. Require one (1) 1.5-inch diameter Live Oak replacement tree on site and payment into the City's replacement fund for the remaining (5) replacement trees.

APPROVED this 18th day of April, 2017, by the following vote:

AYES:
NOES:
ABSENT:
ABSTAIN:

Steven W. Martin, Mayor

ATTEST:

Kristen L. Buxkemper, Deputy City Clerk

Exhibit A: Arborist Report



P.O. Box 1784 Templeton, CA 93465
Telephone: 805-434-9630 Fax: 805-434-9610

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Community Development Dept.

March 10, 2017

Re: Tree Risk Assessment for Linda Thorndyke 515 21st Street in Paso Robles, CA

To: Darin Nash- City of Paso Robles Community Development Director

From: Rodney Thurman- Whit's Turn Tree Care

Dear Mr. Nash,

This letter is to inform you of the current tree health and structural stability of one (1) Valley Oak (*Quercus lobata*) located on the east side of 515 21st street. I visited the property on February 13, 2017 and did a ground based inspection of the tree and found the following:

Observations:

- The tree is a single stem measuring 38 inches in diameter at breast height (DBH), measured at 4.5 feet above ground level. The tree height is approximately 50 feet tall with a crown spread of approximately 40 feet. **See Appendix A- Photo1**
- The critical root zone (CRZ) has had been covered approximately 50% by a cement driveway and parking area. Another 30% of the CRZ is covered by the footprint of the house. Open yard area for root growth is approximately 20%. **See Appendix A- Photos2&3**
- The tree is located 5.5 feet east of the foundation of the house and the root crown is making contact with the cement parking pad of the carport. **See Appendix A- Photos 3**
- The root crow has been buried below grade at least 12 inches. **See Appendix A- Photos 3**
- A large branch has been removed has been removed from the lower trunk of the tree on the north side. The wound created by the cut is approximately 18 inches X 24 inches and is showing signs of decay. **See Appendix A- Photo 4**
- The tree has a 30 degree lean west toward the home. **See Appendix A- Photos 1&4**
- The tree has been topped in the past and no lateral branches are left. Only epicormic re-sprouts are forming the canopy. **See Appendix A- Photo 5**

Discussion and Conclusions:

Up to 80% of the CRZ of this tree is covered by cement and the footprint of the house. The driveway and parking pad for the carport appears to have been reconstructed since the house was built in the mid 1940's. Because of these construction activities, grading and soil movement occurred. Roots were potentially damaged and the original grade of the soil around the tree was raised at least 12 inches. When soil depth is changed and soil is placed against the trunk of a tree, the stem can suffocate and begin to decay. Often times structural roots rot over many years due to the suffocation. Secondary or adventitious roots form to feed the tree but provide no structural support and make the tree prone to failure.



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A large branch was removed from the north side of the tree 10 or more years ago. It is located approximately 6 feet above ground. The original diameter of the branch was approximately 36 inches. The open wound that remains is approximately 18 inches x 24 inches. The wound is callusing over, however decay has begun to form. It is not likely that the wound will seal over before decay advances significantly into the stem of the tree. The main stem of the tree above the wound has a lean of approximately 30 degrees to the west and over the house. The length of the stem above the wound is approximately 45 feet. The weak area of the stem with the large wound and decay combined with the lean and height of the stem make the possibility of stem failure at the wound point somewhat likely.

This tree has been topped significantly in the past. By my estimation of the re-growth, the work occurred in the last 10 years. Most of the lateral branches were removed leaving only 3 main scaffolds and some stubbed secondary branches. As a response to topping, epicormic shoots or "suckers" have re-grown from the topping points. Epicormic shoots originate from beneath the surface of the bark and are typically weakly attached to the parent branches. As these shoots gain height and diameter, they tend to fail during wind events.

I used the ISA Tree Risk Assessment Form to determine the risk rating for each part of the tree. The rating for the roots was moderate, the risk rating for failure of the stem was also moderate. The risk rating for branch failure was low. No mitigations short of full removal can be done to lower risk of root or stem failure. Removal of the epicormic shoots from the canopy would temporarily remove the risk of small branch failure; however that action would further stress the tree.

This tree is in very close proximity to the home and should not have been retained when the house was constructed. No doubt the tree was smaller in the 1940's but because of its potential mature size it was a poor choice to keep in the location. In an effort to live with the tree in the tight location, the owners of the tree have had it pruned significantly. The tree has been reduced to no more than a stem with a few branches covered with re-sprout growth. The tree has outgrown its space and now has structural issues that make it prone to failure at the roots, stem and canopy. I believe the risk in keeping this tree outweighs the benefits the tree provides.

Recommendation: I recommend full removal of this tree.

Sincerely,

Rodney D. Thurman
ISA Certified Arborist PN 2684AUM
ISA Tree Risk Assessment Qualification

Appendices: Photographs, ISA Tree Risk Assessment Form



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Appendix A- Photos

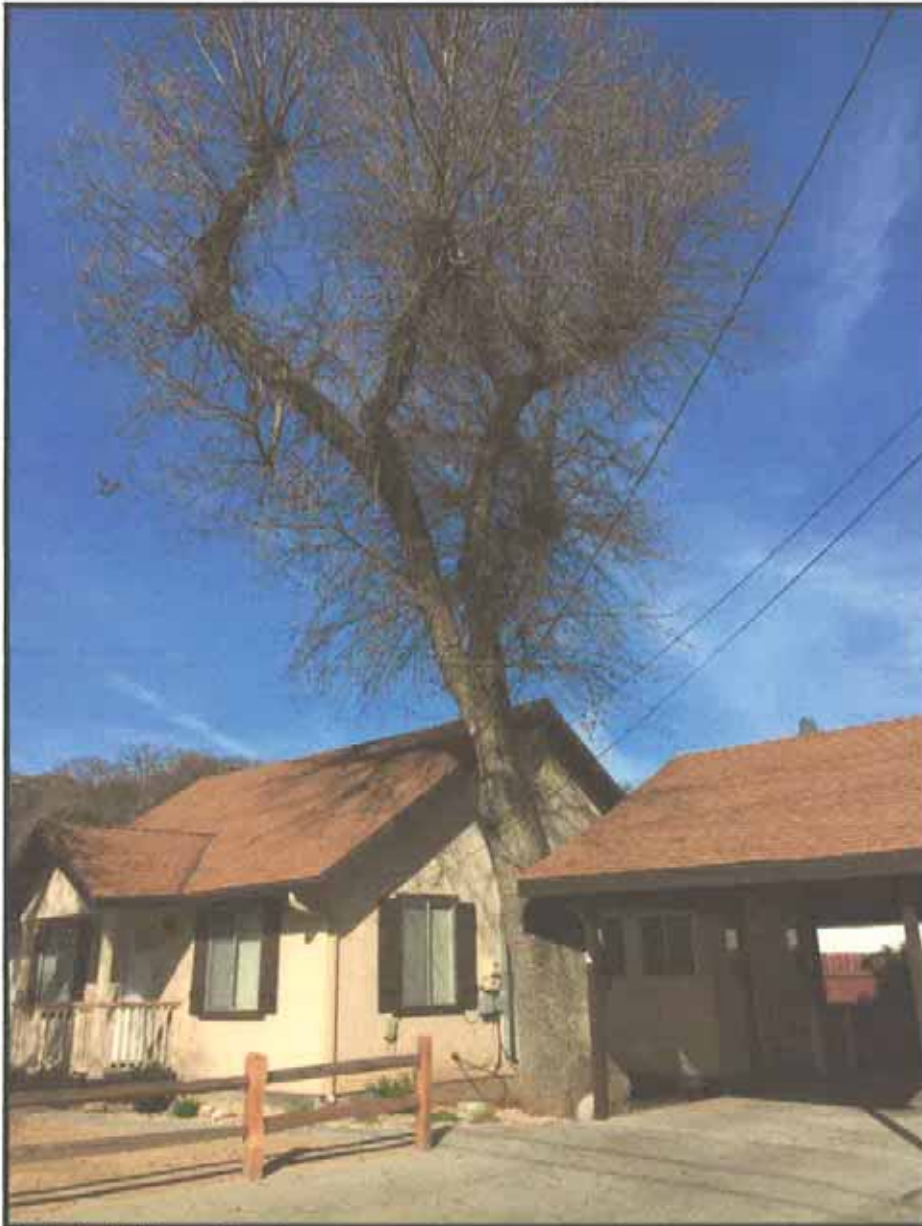


Photo 1- Full view of tree from street and southeast side of home



Whit's-Turn
Tree Care
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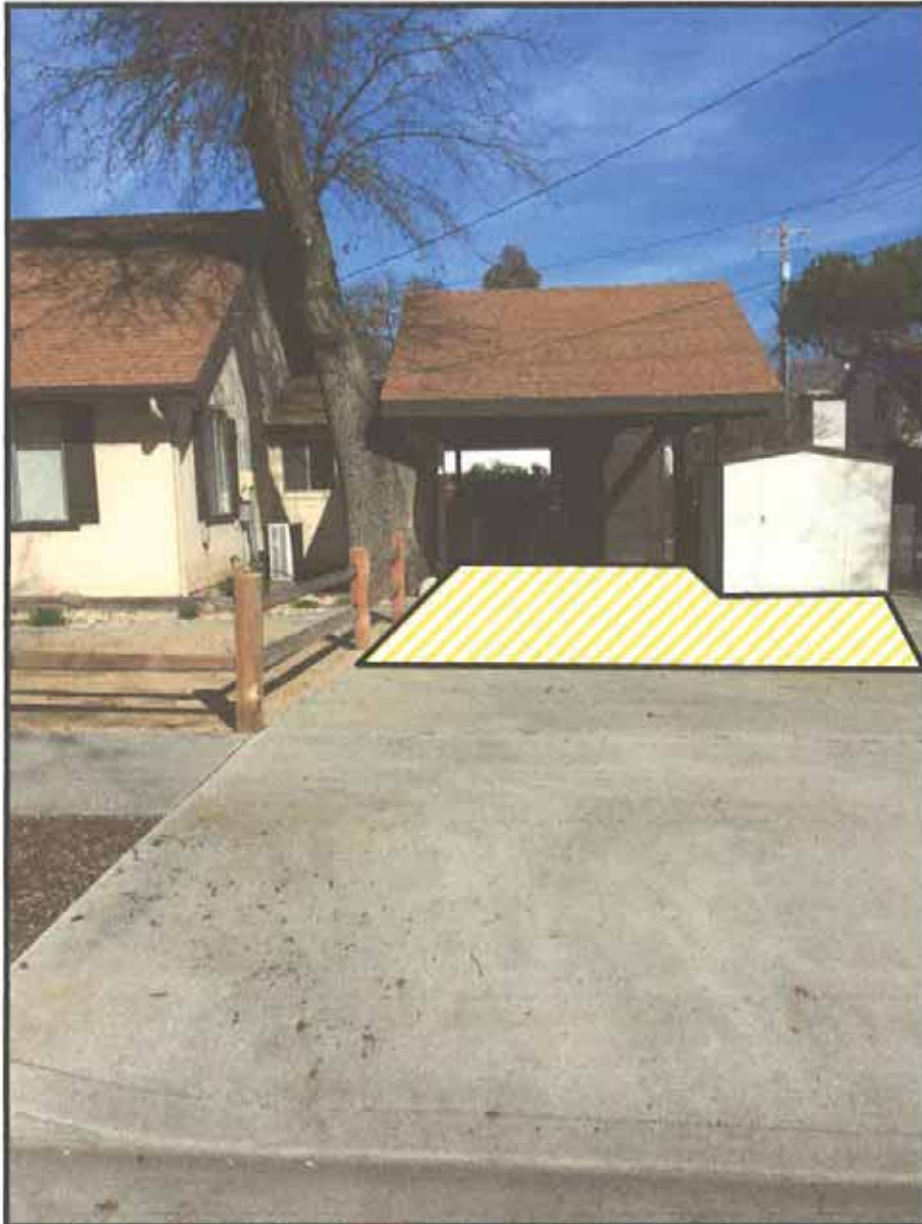


Photo 2- View of paved and restricted CRZ highlighted in yellow hash marks. House footprint also contributes to restricted root-space.



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Photo3- Close-up of grade buried root crown and restricted root space.



**Whit's-Turn
Tree Care**

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Photo 4- Close-up of large wound on north side of tree. Arrow indicates formation of decay.



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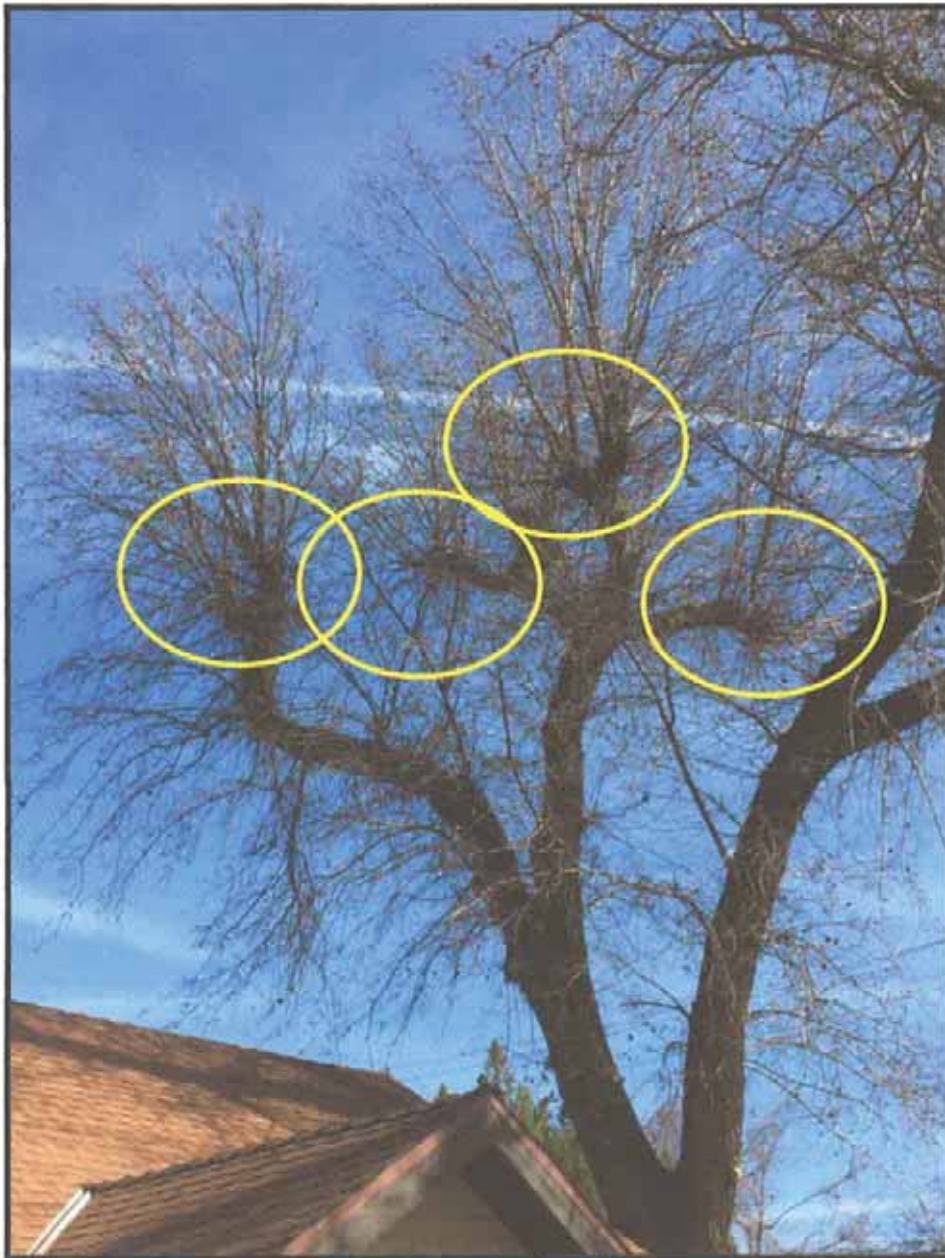


Photo 5- Epicormic shoots growing form topping points.



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Appendix B- Forms

ISA Basic Tree Risk Assessment Form

Client: Linda Thomasto Date: 2/6/2017 Time: PM
 Address / Tree location: 316 2nd Street, Palmdale, CA Tree no.: _____ Sheet 1 of 2
 Tree species: Valley Oak - Quercus lobata dbh: 30" Height: 30' Crown spread d.b.: 40'
 Assessor(s): Randy Thurman Time frame: _____ Tools used: Sounding-Mallet

Target number	Target description	Target score				Occupancy (1 = 100% 2 = 75% 3 = 50% 4 = 25%)	Practical to remove target?	Beneficial practical?
		Target within clear line	Target within 10 ft.	Target within 15 ft.	Target within 20 ft.			
1	house	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	3	no	no
2	driveway	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	3	no	no
3	sidewalks	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	2	no	no
4	people	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	2	no	no

Site Factors

History of failures: None noted Topography: Flat Slope: 0% Aspect: _____
 Site changes: None Grade change Site clearing Channel soil hydrology Root cuts Describe root crown buried - due to soil movement _____
 Soil conditions: Limited volume Saline Site low Compacted Pavement over roots 50% Describe owner: driveway
 Prevailing wind direction: WV Common weather: Strong winds Ice Snow Heavy silt Describe winter storms _____

Tree Health and Species Profile

Vigor: Low Normal High Foliage: None (seasonal) None (dead) Normal % Chlorotic: _____ % Necrotic: _____
 Plus: None noted Abiotic: _____
 Species failure profile: Branches Trunk Roots Describe large branches with which overextended roots fall due to root rot

Load Factors

Wind exposure: Protected Partial Full Wind tunneling Relative crown size: Small Medium Large
 Crown density: Scarc Normal Dense Interior branches: Low Normal Dense Vines/Mistletoe/Moss
 Recent or planned change in load factors: None noted

Tree Defects and Conditions Affecting the Likelihood of Failure

— Crown and Branches —

Unbalanced crown TCH _____% Cracks lightning damage
 Dead twigs/branches _____% overall Max dia. _____ Included bark
 Holes/Hangers Number _____ Size dia. _____ Weak attachments Cavity/Node hole _____% dia.
 Over-extended branches Pruning history: Pruned Severed Pruning branch failures Limbs/branches present
 Crown density Reduced Top led Non-tailed Dead/Missing bark Caners/Galls/Burls Sapwood damage/decay
 Flush cuts Other _____ Coaks Heartwood decay
 Main concern(s): Failure of epicormic shoots Response growth: _____

Load on defect: N/A Minor Moderate Significant
 Likelihood of failure: Impossible Possible Probable Imminent

— Trunk —

Dead/Missing bark Abnormal bark texture/color
 Cumulative stems Induced bark Cracks
 Sawing damage/decay Caners/Galls/Burls Sap flow
 Lightning damage Heartwood decay Corky/Muslin
 Cavity/Node hole _____% dia. Depth _____ Feet
 Last 30 _____ Crown height no
 Response growth: good
 Main concern(s): decay of large branch removed & leaf loss

Load on defect: N/A Minor Moderate Significant
 Likelihood of failure: impossible Possible Probable Imminent

— Roots and Root Collar —

Color: barked/Not visible Depth: 2 inches Stem girdling
 Dead Decay Cracks/bleeding
 Holes Cavity _____% dia.
 Girdles Cut/damaged roots distance from trunk _____
 Root plate lifting Soil weakness
 Response growth: _____
 Main concern(s): _____

Load on defect: N/A Minor Moderate Significant
 Likelihood of failure: impossible Possible Probable Imminent

Page 1 of 2

Page 1- ISA Basic Tree Risk Assessment Form

