



## Council Agenda Report

From: Darren Nash, Associate Planner

Subject: Oak Tree Removal Permit (OTR 17-008) - A request by Diane Duran (property owner / applicant) requesting that the City Council allow the removal of two Coast Live Oak trees (13 inch dbh / 18 inch dbh) at 1304 Fire Thorn Lane.

Date: June 20, 2017

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### Facts

1. The removal request has been applied for by Diane Duran, owner of the property located at 1304 Fire Thorn Lane. (See attached Location Map, Attachment 1)
2. Both trees requested for removal are Coast Live Oak trees (*Quercus Agrifolia*), one 13-inch diameter tree and one 18-inch tree. The trees are located on the side yard of the house and were most likely planted as landscape trees in the 1980's at the time of the construction of the house. (See attached Plot Plan / Tree Location Map, Attachment 2)
3. As a result of the trees causing recent damage to the walk ways and air conditioning unit pad located in the side yard, Ms. Duran is requesting that the trees be removed to prevent future damage, including the possibility of further damage to the house foundation.
4. Rodney Thurman, Arborist of Whit's Turn Tee Care has provided an arborist report that indicates that the health of the trees are good, showing vigorous foliage. (See Arborist Report, Exhibit A, to Draft Resolution A, Attachment 3).
5. The Arborist Report indicates that the trees are located within 6-feet of the house foundation. There are existing signs of uplifting of the walk ways and air conditioning pad located in the side yard. The Arborist indicates that the root systems of Coast Live Oak trees are vigorous and will continue increasing in length and girth and will ultimately impact the foundation of the house.
6. Planning Staff visited the site to inspect the trees. 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.

### Options

1. Approve Draft Resolution A, approving OTR 17-008, allowing the removal of the two Coast Live Oak trees, based on the Arborist report concluding that as a result of the location of the trees being within 6-feet of the house, that the root systems of the trees will continue to grow towards the house and will likely begin to cause damage to the house foundation, and require six (6) 1.5-inch diameter Coast Live Oak replacement trees to be planted on site, at the direction of the Arborist.

2. Amend Draft Resolution A 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**

Option 1: As a result of the growing characteristics of coast live oaks, and the damage that the trees are causing, Council may determine that there is enough information to allow removal of the trees, based on the arborist report. On-site replacement or payment to the City's Oak Replacement fund would be required as mitigation to the tree removal.

Option 2: The trees are healthy, have good aesthetic value to the neighborhood, the Council may decide to not approve the removal of the trees.

Option 3/4: 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**

Approve Draft Resolution A, approving OTR 17-008, allowing the removal of the two Coast Live Oak trees, based on the Arborist report concluding that as a result of the location of the trees being within 6-feet of the house, that the root systems of the trees will continue to grow towards the house and will likely begin to cause damage to the house foundation, and require six 1.5-inch diameter Coast Live Oak replacement trees to be planted on site, at the direction of the Arborist.

### **Attachments**

1. Location Map
2. Plot Plan/Oak Tree Location Plan
3. Resolution A - Approval of the removal of the tree
  - a. Rodney Thurman Report with Photos





# Attachment 2

## Draft Resolution A

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF PASO ROBLES  
AUTHORIZING THE REMOVAL OF TWO OAK TREES  
AT 1304 FIRE THORN LANE (OTR 17-008)  
(DIANE DURAN)  
APN: 009-572-073

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WHEREAS, the removal request has been applied for by Diane Duran, owner of the property located at 1504 Fire Thorn Lane; and

WHEREAS, both trees requested for removal are Coast Live Oak trees (*Quercus Agrifolia*), one 13-inch diameter tree and one 19-inch tree, the trees were most likely planted as landscape trees in the 1980's at the time of the construction of the house; and

WHEREAS, as a result of the trees causing recent damage to sidewalks and being within 6-feet of the house, Ms. Duran is requesting that the trees be removed to prevent further damage to the foundation of the house; and

WHEREAS, Rodney Thurman, Arborists has provided a report that indicates that removal of the trees is necessary to prevent future damage to the home; 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 removal of the trees is necessary to prevent further damage to the home and associated improvements.

### 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 two Coast Live Oak Trees, one 13-inch diameter and one 19-inch diameter, located at 1304 Fire Thorn Lane, based on the findings.
2. Require five (5) 1.5-inch diameter oak tree replacement trees to be planted on site at the direction of the Arborist to mitigate the visual impact of the tree's removal, or if site cannot sustain all five trees, payments can be made into the City's oak tree replacement fund.

PASSED AND ADOPTED by the City Council of the City of El Paso de Robles this 20<sup>th</sup> day of June 2017 by the following vote:

AYES:  
NOES:  
ABSTAIN:  
ABSENT:

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Steven Martin, Mayor

ATTEST:

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Kristy Buxkemper, Deputy City Clerk

Exhibit A: Arborist Report



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April 21, 2017

Re: Tree assessment 1304 Fire Thorn Lane, 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, structural stability and extent of damage caused by root encroachment of three (3) coast live oaks (*Quercus agrifolia*) located on the south side of 1304 Fire Thorn Lane. I visited the property on April 19, 2017 and did a ground based inspection of the trees and found the following:

#### Observations:

- Three coast live oak trees are located in a row along the south side of building and are referred to in this report as 1, 2 and 3 starting from the west end of the row.
- Tree diameters range between 13" and 18", Heights range between 30' and 40' tall. Crown spreads ranged between 15' and 25'. **(See Appendix B- Chart 1 for individual tree information)**
- Health of all trees was good, showing vigorous foliage.
- No major decay was observed in the roots, stem of canopy of these trees.
- Trees are planted within 6 feet of the house foundation **(See Appendix A- Photos 1, 2&4)**.
- Roots of all trees are uplifting the sidewalk to some degree.
- Tree 1 has lifted the cement sidewalk approximately 3/4 inch **(See Appendix A- Photos 2&3)**
- Tree 2 has lifted the sidewalk approximately 3 inches and has started to uplift the cement pad that the air conditioner sits on. **(See Appendix A- Photos 4&5)**
- Tree 3 has lifted the sidewalk approximately 3/4 inch. **(See Appendix A- Photo 6)**
- Tree 1 and 2 both have areas of included bark at major branch unions. **(See Appendix A- Photo 7&8)**
- All three trees have received quality maintenance pruning in the past to address clearance from adjacent houses.

#### Discussion and Conclusions:

All of three of the live oaks addressed in this report appear to have been planted at the same time as part of the landscape when the house was built. According to assessment records, the house was built in 1986. The size of these trees is consistent with a 31 year old tree of this species. The trees have potential to attain sizes of at least 4 times larger over the course of their life spans. Within the next 20 to 30 years they have potential to double in size.



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The area between the house and the trunks of these trees is 6 feet. Coast live oaks typically have a spreading form and can have a crown 60 feet wide, however these trees have been reduced to a few upright stems in order to give clearance from the building and prevent branch failure. (See Appendix A- Photos 1, 2, 4&6)

Even though the trees have been properly pruned and maintained in the past 30 years, there are still areas of included bark in trees 1 and 2. Included bark happens when two parts of the tree grow parallel to another but because of the bark trapped between them, have minimal structural connections (See Appendix A- Photos 7&8). These areas make these branches prone to failure. Removal of these branches would result in reducing the canopies between 30 and 50 percent. A reduction of the canopy by this amount puts undue stress on a tree and make is prone to disease.

Additionally the roots of these trees are uplifting the adjacent walkway as well as the pad that the air condition unit is mounted. The walkway at trees #1 and #3 is uplifted  $\frac{3}{4}$  inches. At tree #2 the walkway is lifted 3 inches. These root systems are very vigorous and will continue increasing in length and girth and will ultimately impact the foundation of the house. (See Appendix A- Photos 2, 3, 4, 5&6).

This is a case of landscape trees that were improperly placed, which have now outgrown the space. The roots are causing damage to the property that cannot be mitigated through tree maintenance.

**Recommendation:** I recommend full removal all three trees.

**Replacement Trees:** If removals are approved and replacement oak trees are required, I have included calculations for oak tree replacements. (See Appendix B- Chart 2 - Oak Tree Replacement Calculations)

Sincerely,

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

Appendices: Photographs, Charts





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## Appendix A- Photographs



Photo 1- View of Trees 1-3 from street.



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Photo 2- View of Tree 1 roots uplifting sidewalk adjacent to gas meter.



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Photo 3- Close -up of sidewalk uplifting next to Tree 1, approximately  $\frac{3}{4}$  ".



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Photo 4- View of sidewalk uplifting next to Tree 2, indicated by yellow circle.



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Photo 5- Close- up of sidewalk uplift next to Tree 2, approximately 3".



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Photo 6- View of sidewalk uplifting next to Tree 3, indicated by yellow circle. Uplift is approximately  $\frac{3}{4}$ ".



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Photo 7- Area of included bark in Tree 1, approximately 12" long.



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Photo 8- Area of Included bark Tree 2 – Approximately 24 inches long





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## Appendix B- Charts

Chart 1- Individual tree Information

Individual Tree Information						
Tree #	Species	Diameter (DBH)	Height	Crown Width	Health	Comments
1	Coast Live Oak	18"	40'	25'	good	Uplifting sidewalk- Included bark in stem
2	Coast Live Oak	18"	40'	25'	good	Uplifting sidewalk- Included bark in stem
3	Coast Live Oak	13"	30'	15'	good	Uplifting sidewalk

Chart 2- Oak Tree Replacement Calculations

Oak Tree Replacement Calculations			
Combined diameter of oak trees to be removed	25% of total diameter of trees to be removed	Number of Replacement oak trees required at 1.5" diameter to equal 12.25"	Number of Replacement oak trees required at 2.5" diameter to equal 12.25"
49 "	12.25"	8	5
<b>Note:</b> Replacement calculations are from City of Paso Robles Oak Tree Preservation Ordinance 835 – 10.01.050 Section F			