



Council Agenda Report

From: Darren Nash, Associate Planner

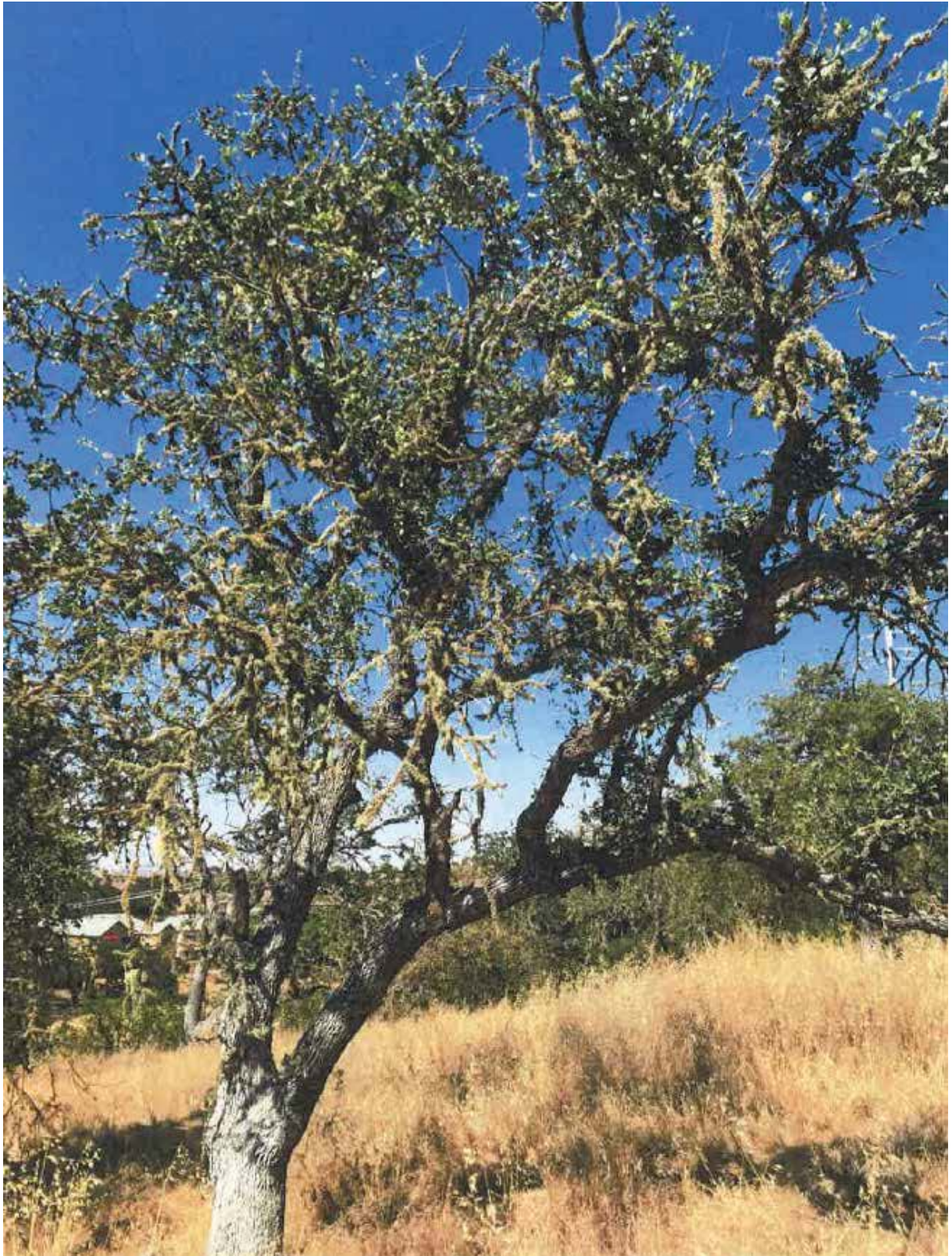
Subject: Oak Tree Removal Permit 17-015 (1712 Via Lantana – Vince Vanderlip) - Council consideration of OTR 17-015 request to remove of one oak tree (Tree No. 42) and amendment of development plan building envelope in conjunction with the construction of a single family home. (APN 025-523-073)

Date: September 7, 2017

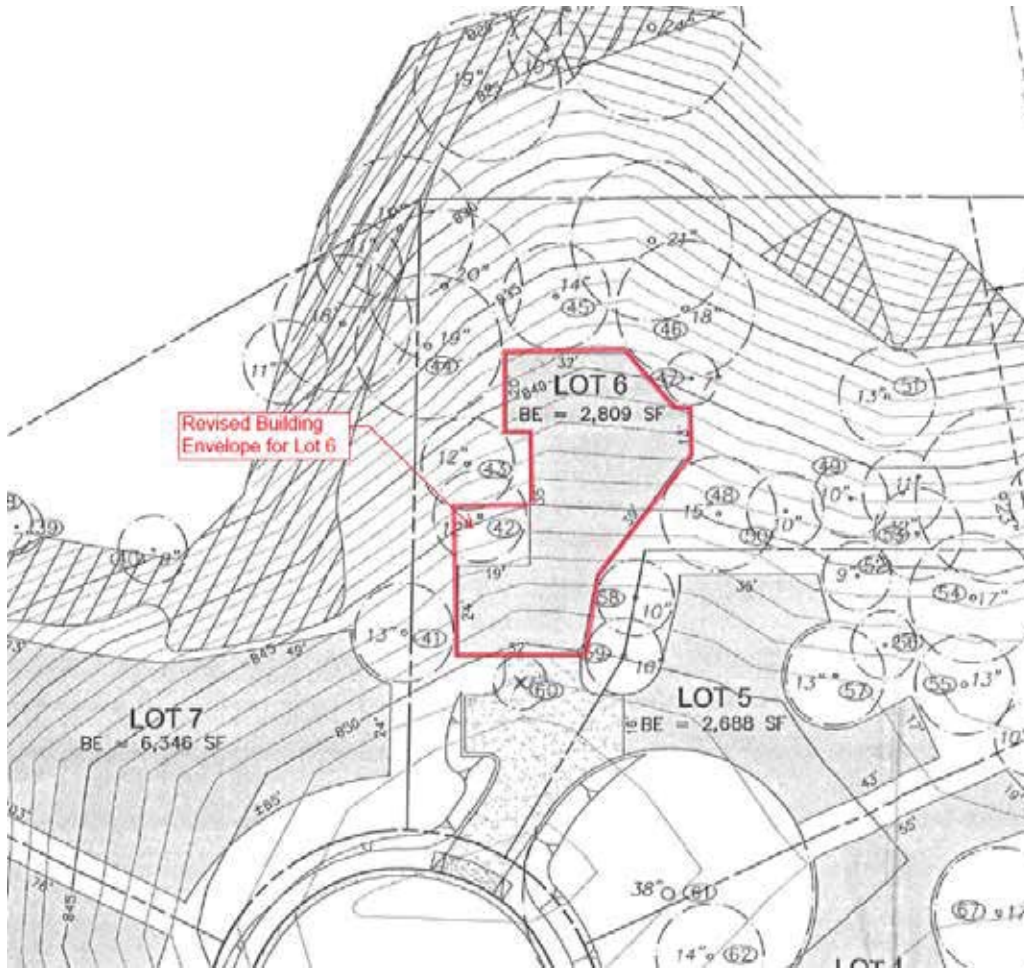
Facts

1. Lot 6 of Tract 2620 is a vacant lot located at 1712 Via Lantana; see Vicinity Map, Attachment 1.
2. Vince Vanderlip is in the process of developing plans to build a home on the lot. The lot has many other oak trees that will remain and be protected with the lot development.
3. With the approval of Tract 2620, the Planning Commission also approved PD 04-016 which approved a Development Plan for the Tract that included building envelopes on each lot, See Attachment 2. The building envelopes are areas outside of oak tree Critical Root Zones (CRZ) where homes would be built. As part of this oak removal request, the applicant is also requesting to modify the building envelope/development plan for Lot 6.
4. Tree No. 42 is a 12-inch Blue Oak, that was originally planned to be preserved. Chip Tamagni, Certified Arborist, has evaluated Tree No. 42 and indicates that the tree is in severe stress because of the drought, resulting in significant tip dieback. Mr. Tamagni recommends that the tree be removed. See Arborist Report, Exhibit A of Resolution A, Attachment 3.
5. Planning Staff inspected the site to review the trees. Since the tree was shown to be saved on an approved development plan and the tree 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.

Tree No. 42 – Lot 6 Tract 2620



Development Plan/Building Envelope – Lot 6



Options

1. Approve Draft Resolution A, approving OTR 17-015, authorizing the removal of Tree No. 42 (12-inch Blue Oak) based on the tree being in poor health, as indicated in the Arborist Report and require two (2) 1.5-inch diameter Blue Oak replacement trees be planted on site at the direction of the Arborist, and approve Draft Resolution B approving a modified Development Plan for Lot 6.
2. Denial OTR 17-015 with findings and require the oak trees to remain and be protected.
3. 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 Arborist indicating that the tree is in poor condition and having severe stress, 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;*
It is possible for the project to be constructed in a manner that could retain the tree. The Arborist concludes that the tree is in poor condition. Given that the tree is currently in poor condition, and furthermore, it is anticipated that there could be further impacts to the trees as a result of construction of the project, 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;*
If the tree is allowed to be removed, there are multiple other trees that would remain on the site.
 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 trees on site will be protected.

Option 1:

Approve the tree removal and amend the building envelope for Lot 6. After taking in consideration recommendation by 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 Tree No. 42. Based on the tree removal being part of a new development, require replacement trees to be planted as mitigation to the tree removal.

Option 2:

Deny tree removals. The project was originally approved with the preservation of Tree No. 42.

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.

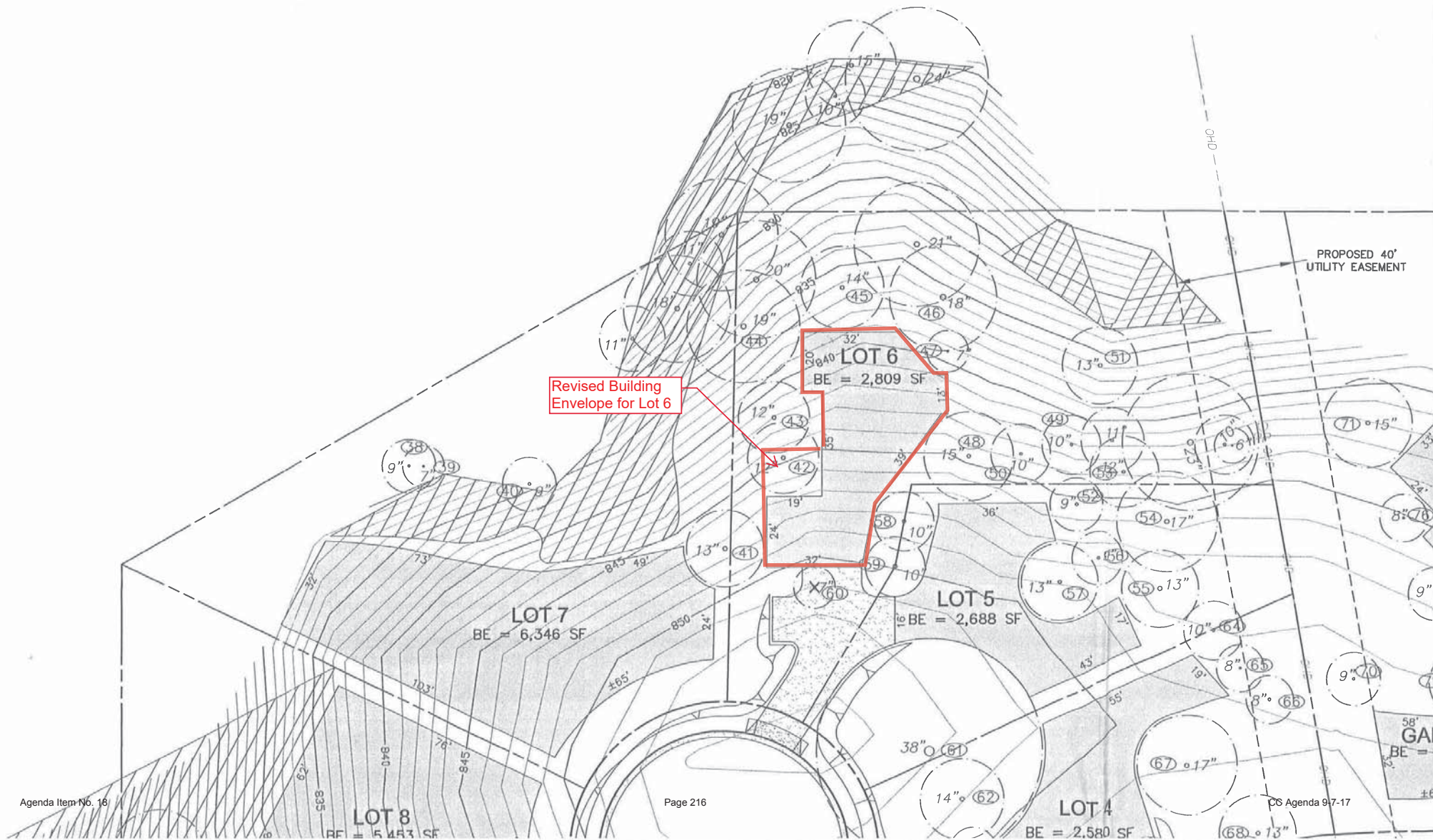
Recommendation

1. Approve Draft Resolution A, approving OTR 17-015, authorizing the removal of Tree No. 42 (12-inch Blue Oak) based on the tree being in poor health, as indicated in the Arborist Report and require two 1.5-inch diameter Blue Oak replacement trees (or a reduced number of larger diameter replacement trees adding up to 3-inches) be planted on site at the direction of the Arborist.
2. Approve Draft Resolution B, approving a modified building envelope/development plan for Lot 6.

Attachments

1. Vicinity Map
2. Lot Dev. Plan
3. Draft Resolution A - Approval the removal of the tree
 - a. A&T Arbortist - Arborist Report
4. Draft Resolution B – Approval of a modified development plan for Lot 6.





Attachment 3

Draft Resolution A

RESOLUTION 17-xxx

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF PASO ROBLES
AUTHORIZING THE REMOVAL OF ONE 12-INCH DIAMETER BLUE OAK TREE
AT 1712 VIA LANTANA – LOT 6 TRACT 2620 (OTR 17-015)
(VINCE VANDERLIP)

WHEREAS, Vince Vanderlip has submitted a request to remove one oak tree on Lot 6 of Tract 2620, located at 1712 Via Lantana Road; and

WHEREAS, the tree proposed to be removed is one 12-inch diameter Blue Oak; and

WHEREAS, Chip Tamagni, Certified Arborist, has evaluated Tree No. 42 and indicates that the tree is in severe stress because of the drought, resulting in significant tip dieback, as described in the Arborist Report, Exhibit A; and

WHEREAS, if the tree is approved to be removed, there are many other oak trees on the site that would be preserved; and

WHEREAS, since the tree was shown to be saved on an approved Development Plan and the tree shows signs of growth, 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. The City Council finds the factors outlined in Section 10.01.050.D, and the information provided by the Arborist, justify the removal of the 12-inch Blue Oak tree, based on the tree being in poor health, as indicated in Exhibit A.

Section 3. Mitigation. Two (2) 1.5-inch diameter blue oak tree replacement tree shall be planted on site at the direction of the Arborist to mitigate the visual impact of the tree’s removal.

APPROVED this 7th day of September, 2017, by the following vote:

AYES:

NOES:

ABSENT:

ABSTAIN:

Steven W. Martin, Mayor

ATTEST:

Kristen L. Buxkemper, Deputy City Clerk

Exhibits

- A. Chip Tamagni Arborist Report



9-10-2017

To: Paso Robles Community Development Department

From: Chip Tamagni, A & T Arborists

Re: Lot Six, 1712 Via Lantana, APN 025-523-072

This report is in regard to a heavily stressed 12" blue oak (*Quercus douglasii*), Tree #42, on Via Lantana owned by Vince Vanderlip. As we have seen in the last couple of years, many oak trees that have existed on the tops of hills through normal rain periods, have sporadically begun to show signs of significant stress due to the five years of drought. One tree may look reasonably healthy while one close to it looks close to death. This tree has very significant tip dieback that is a telltale sign of root death to some degree. While some trees may survive and return to normal growth after a good seasonal rain year, some do not. We are concerned this tree will fall into the latter category.

Building near these stressed trees usually does not end well for the tree. We feel that in many circumstances, re-establishing new trees under proper care in the correct place on the lot will result in better long term success in maintaining the urban forest.

When these lots were originally planned, the building envelopes were pretty tight in relation to the critical root zones. The original tree removal was very insignificant given that there are literally 7-800 undisturbed blue oaks in the permanent open space that exists downhill from the lots on his property that cannot ever be removed. Vince Vanderlip has been able to work around most of the trees keeping the rural blue oak environment intact with new home construction. This tree being as stressed as it is not worth trying to build around when its useful life expectancy is maybe two to three years at best until final decline. Removing this tree will enable constructing a home that is a better fit for the neighborhood.

Vince has proven through proper care that re-planting oaks can be very successful. The second photo illustrates what a well-cared for 24" box oak can become in a few years.

We feel that removing this tree is proper arboricultural practice considering its declining health and probable short term death.

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



Tree #46 being proposed for removal

Attachment 4

Draft Resolution B

RESOLUTION 17-xxx

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF PASO ROBLES
APPROVING A MINOR MODIFICATION TO THE DEVELOPMENT PLAN BUILDING
ENVELOPE FOR LOT 6 OF TRACT 2620
AT 1712 VIA LANTANA – (OTR 17-015)
(VINCE VANDERLIP – APN 025-523-073)

WHEREAS, Tract 2620 was approved by the Planning Commission along with PD 04-016 in March 2005, via Resolutions 05-028, 05-029 & 05-030; and

WHEREAS, Tract 2620 is located on Via Magnolia and Via Lantan; and

WHEREAS, in order to insure that there was a sufficient building envelope on each lot that protected the oak trees, an Oak Tree Location and Lot Development Plan was prepared; and

WHEREAS, on September 5, 2017, the City Council approved the removal of Tree No. 46 on Lot 6, based on the tree being in poor condition; and

WHEREAS, with the removal of the tree, the applicant is requesting that the City Council approved a modified Lot Development Plan for the lot 6 as shown in Exhibit A; and

WHEREAS, as a result of the City Council approving the removal of Tree No. 46, the building envelope for the lot can be expanded consistent with the intent of the original project approval; and

WHEREAS, since the building envelope expansion will not result in additional impacts to the remaining oak trees on the lot, a public hearing is not required; 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. Based upon the facts and analysis presented in the staff report, public testimony received and subject to the conditions listed below, the City Council makes the following findings as required by Government Code Sections 66474 and 65457:

1. Modifying the building envelope for Lot 6 to correspond with the removal of Tree No. 46, would allow for additional area on the lot to build a home in a manner that would preserve the remaining oak trees on the Lot 6.

Section 3. Approval. The City Council does hereby approve a modified Lot Development Plan of Lot 6 of Tract 2620 /PD 04-016, subject to the following conditions of approval:

1. The building envelope of Lot 6 of Tract 2620 can be modified as shown on Exhibit A of this resolution.

APPROVED this 5th day of September, 2017, by the following vote:

AYES:

NOES:

ABSENT:

ABSTAIN:

Steven W. Martin, Mayor

ATTEST:

Kristen L. Buxkemper, Deputy City Clerk

Exhibits

A. Lot 15 Amendment Building Envelope

EXHIBIT - A

