



## Council Agenda Report

From: Darren Nash, Associate Planner

Subject: Oak Tree Removal Permit (OTR 17-018) - A request by Mark Stephenson (property owner / applicant) requesting that the City Council allow the removal of one Live Oak tree (24 inch dbh) at 1316 Chestnut Street.

Date: October 17, 2017

---

### Facts

1. The removal request has been applied for by Mark Stephenson, owner of the property located at 1316 Chestnut Street. (See attached Vicinity Map, Attachment 1).
2. The tree requested for removal is a 24-inch diameter Coast Live Oak tree (*Quercus Agrifolia*). The tree was established prior to the construction of the duplex building in 1980.
3. Over the years the tree has grown to a point where it is in conflict with the building and to prevent future damage to the apartment building, Mr. Stephenson is requesting that the tree be removed.
4. Chip Tamagin of A&T Arborists, has provided an Arborist Report (Attachment 2) that indicates the following:
  - The tree is leaning against the apartment building;
  - There is significant decay along the trunk and main branches;
5. As a result of the tree conditions listed above, the Arborist recommends that the tree be removed before the tree falls into the building.
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 24-inch Live Oak

## Options

1. Approve Draft Resolution 17-xxx, approving OTR 17-018, allowing the removal of one 24-inch Live 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 four (4) 1.5-inch diameter Live Oak replacement trees on site or payment into the City's replacement fund.
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 on 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 Live 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. Making payments to the oak replacement fund for the four (4) 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 tree 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 payments to the oak replacement fund for four (4) 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



# Attachment 2

## RESOLUTION 17-XXX

**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF PASO ROBLES  
AUTHORIZING THE REMOVAL OF ONE 24” COAST LIVE OAK TREE  
AT 1316 CHESTNUT STREET  
(OTR 17-018 / MARK STEPHENSON)  
APN: 009-031-021**

---

WHEREAS, Mark Stephenson has filed a request for the removal of one 24” Coast Live oak tree located adjacent to the apartment building located at 1316 Chestnut Street; and

WHEREAS, an Arborist Report prepared by Chip Tamagni, 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 tree being in poor condition, and allowing for the removal of the tree would prevent the possibility future damage to the apartment building. Mitigation 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 24” Coast Live Oak tree located adjacent to the apartment building at 1316 Chestnut 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 payment into the City’s Oak Replacement fund for four (4) 1.5-inch diameter Coast Live Oak replacement trees.

APPROVED this 17th day of October, 2017, by the following vote:

AYES:  
NOES:  
ABSENT:  
ABSTAIN:

---

Steven W. Martin, Mayor

ATTEST:

---

Kristen L. Buxkemper, Deputy City Clerk

Exhibit A: Arborist Report





8-3-2017

Darren Nash, City of Paso Robles Planning Department

Re: diseased coast live oak 1316 Chestnut Street

This report is in regard to a 34 inch diameter coast live oak (*Quercus agrifolia*) located in the middle of an apartment complex located at 1316 Chestnut Street. When these apartments were constructed, efforts were made to preserve this tree that were successful as the tree is still alive today.

Historically, the tree had a lean to the east. Over the years, the lean has increased to the point the tree is now up against one of the buildings. To compound the problem, significant decay has developed along the trunk and main branches evidenced by extensive conk (mushroom like growths). This is an obvious sign that this tree is diseased and should be removed before the tree fails into the building.

With the tree being diseased (shown in the photos), we are requesting a staff level removal permit if possible. Please inform me which way you would like to go and we will promptly bring a check for the correct amount.

The owner has stated that the replacement trees will be planted at another location within the city limits as there is not really enough room at this 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

Received  
09/21/17  
City of Paso Robles  
Community Development





Notice all the conks up and down the scaffold branches and trunk



Tree against the building