



Council Agenda Report

From: Darren Nash, Associate Planner

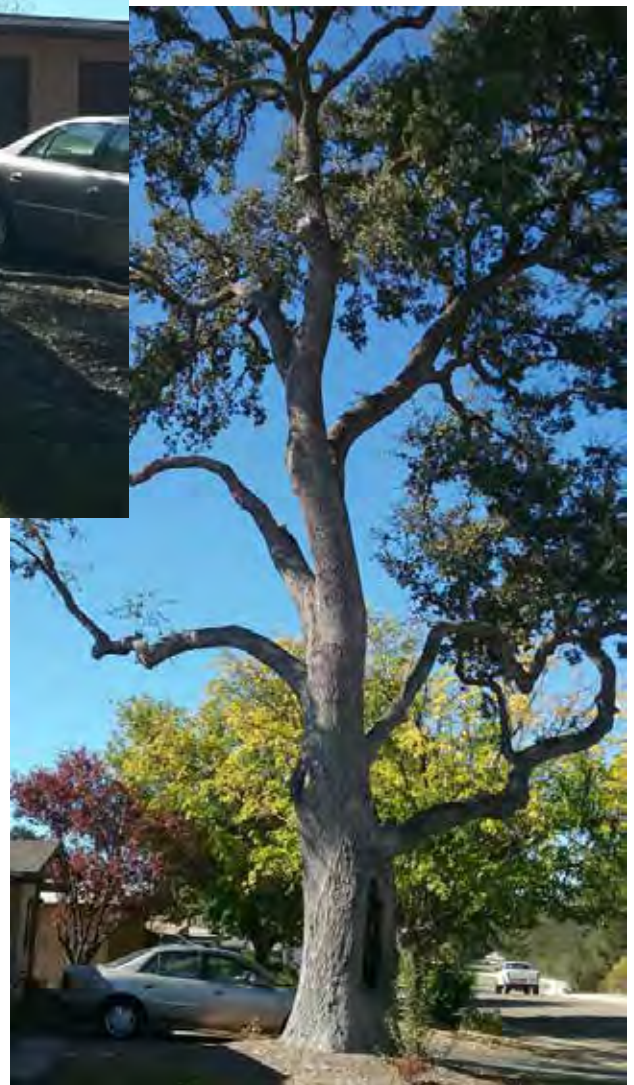
Subject: Oak Tree Removal Permit (OTR 17-019) - A request by Darlene DeLaVega (property owner / applicant) requesting that the City Council allow the removal of one Blue Oak tree (40 inch dbh) at 954 Brookhill Drive

Date: November 21, 2017

Facts

1. The removal request has been applied for by Ms. DeLaVega, owner of the property located at 954 Brookhill Drive. (See attached Vicinity Map, Attachment 1).
2. The tree requested for removal is a 40-inch diameter Blue Oak tree (*Quercus Douglasii*). The tree was well established prior to the construction of the house in 1980.
3. The tree has a large cavity in the trunk and has had past failures, including a recent limb failure that totaled a car parked in the driveway. Ms. DeLaVega is requesting that the tree be removed.
4. Chip Tamagni of A&T Arborists has provided an Arborist Report (Attachment 2) that indicates the following:
 - Major cavity in trunk, entire center of tree is decayed;
 - Tree has had past limb failures;
 - Requesting permit fees be waived based on the natural decline and increased hazard of the tree.
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. Based on significant 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.

Photos of 40-inch Blue Oak





Options

1. Approve Draft Resolution 17-xxx, approving OTR 17-019, allowing the removal of one 40-inch Blue Oak tree, based on the Arborist report concluding that the entire center of the tree is decayed and is prone to limb failure, and require one (1) 24-inch box Blue Oak Tree replacement tree on site. Additionally allow for the waiver of the \$600 application deposit based on the decline of the tree not being the fault of the current owner.
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 limb failure, 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 tree 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 no other oaks on this 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 tree will require replacement trees to be planted on site.

Option 1:

As a result of the existing cavity and decay and past limb failures, and to prevent future limb failure, Council may determine that there is enough information to allow removal of the tree, based on the arborist report. One 24-inch box replacement Blue Oak tree would be required as mitigation of the tree

removal. Additionally, based on the decline of the tree not being the fault of the current owner, waive the \$600 application deposit.

Options 2 / 3:

Council may wish to approve an amended version of the option 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)

1. Approve Resolution 17-xxx finding the Blue Oak tree at 954 Brookhill Drive to be 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) 24-inch box replacement Blue Oak tree as mitigation to the tree removal, to be planted on site.

2. Additionally, based on the decline of the tree not being the fault of the current owner, waive the \$600 application deposit.

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 40" BLUE OAK TREE
AT 954 BROOKHILL STREET
(OTR 17-019 / DARLENE DELAVEGA)
APN: 009-792-042**

WHEREAS, Darlene DeLaVega has filed a request for the removal of one 40" Blue oak tree located in the front yard of 954 Brookhill Drive; 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 Arborist has indicated that the decline of the tree is not the fault of the current owner and is requesting that the City Council waive the \$600 application deposit; 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 house and property. Mitigation tree 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 40" Blue Oak tree located in the front yard of the house located at 954 Brookhill Drive, based on the trees being in poor health and prone to failure, as indicated in the Arborist Report, attached as Exhibit A;
2. Require the planting of one (1) 24-inch box replacement Blue Oak tree to be planted on site at the direction of the Arborist.
3. Waive the \$600 application deposit based on the Arborist indicating that the decline of the tree is not the fault of current owner.

APPROVED this 21st day of November, 2017, by the following vote:

AYES:
NOES:
ABSENT:
ABSTAIN:

ATTEST:

Steven W. Martin, Mayor

Kristen L. Buxkemper, Deputy City Clerk

Exhibit A: Arborist Report



10-14-17

Darren Nash, City of Paso Robles Planning Department

Re: Diseased blue oak 954 Brookhill Drive, Paso Robles

This report is in regard to a 40 inch blue oak (*Quercus douglasii*). This tree has a major cavity near the base of the tree that amounts to the entire center of the tree being decayed. Some years ago, the tree lost a limb and caused damage to the home. The new owners (The DeLaVegas) had the tree trimmed within the last couple of years. A few months ago, a large limb failed and completely destroyed their car. Fortunately no one was in the vehicle. This tree is in decline and it must be removed before total collapse occurs. With the obvious decay in the trunk which is completely hollow, this tree should have to qualify as a diseased tree.

We are hereby requesting removal of this tree. Attached are photographs of the tree.

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



Totaled car in the background



11-9-2017

Darren Nash, City of Paso Robles Planning Department

Re: Brookhill Blue Oak Removal

We are requesting a waiver of the \$600.00 fee as the Paso Robles Oak Tree section 10.01.050 allows:

B. Exceptions to deposit requirement: A property owner may make a written request for authorization to remove a dead or diseased oak tree without the need to provide a deposit if he or she can provide documentation from an arborist concluding that the tree's death or disease is not their fault.

The subject tree suffered a major failure 40-50 years ago. The subsequent decay is a direct result of that failure. The tree has been pruned in the past by others and it appears that they followed proper pruning practices. Recently, a large limb failed and crushed the property owner's car. Previous to that, another limb failed that damaged the home. The tree is losing its vigor and the limb loss is a regular event in the decline of a tree this age. The initial limb loss and decay is in no way the fault of the owner and all fees should be waived.

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