



Council Agenda Report

From: Darren Nash, Associate Planner

Subject: Oak Tree Removal Permit (OTR 18-006) - A request by Karen Jones (property owner / applicant) requesting that the City Council allow the removal of one Valley Oak tree (10 inch dbh) at 1402 Greenwood Ct.

Date: May 1, 2018

Facts

1. The removal request has been applied for by Ms. Jones, owner of the property located at 1402 Greenwood Ct. (See attached Vicinity Map, Attachment 1).
2. The tree requested for removal is a 10-inch diameter Valley Oak tree (*Quercus Lobata*). The tree was self planted from an acorn of an adjacent tree after the home was constructed.
3. The tree is leaning and is touching the roof of the neighboring house. Ms. Jones 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:
 - The tree has weak structure and has a severe lean towards the neighboring house;
 - Tree will continue to conflict with the neighboring house;
 - Requesting permit fees be waived based on the natural decline and increased hazard of the tree;
 - Requesting no replacement trees since there are multiple oaks on this site.
5. As a result of the tree conditions listed above, the Arborist recommends that the tree be removed to prevent future conflict with the neighboring house.
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 10-inch Valley Oak



Options

1. Approve Draft Resolution 18-xxx, approving OTR 18-006, allowing the removal of one 10-inch Valley Oak tree, based on the Arborist report concluding that the tree has a severe lean and is in conflict with the neighboring house, and require one (1) 24-inch box Valley 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 18-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 leaning toward the neighboring house, and conflict house would not improve as the tree grows, 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 conflict with neighboring 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 many other oak trees on the site that will be preserved.

5. Good forestry practices such as, but not limited to, the number of healthy trees the subject parcel of land will support.

There are many other oak trees on the site that will be preserved.

Option 1: Because 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 Valley 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 18-xxx finding the Valley Oak tree at 1402 Greenwood Drive to be in poor condition and likely to cause damage to the property if it were to remain, approve the removal of the tree, and require one 24-inch box replacement Valley 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 18-xxx Approval of the removal of the tree
 - a. A&T Arborist Report



Attachment 2

RESOLUTION 18-XXX

**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF PASO ROBLES
AUTHORIZING THE REMOVAL OF ONE 10" VALLEY OAK TREE
AT 1402 GREENWOOD CT.
(OTR 18-006 / JONES)
APN: 009-011-016**

WHEREAS, Karen Jones has filed a request for the removal of one 10" Valley oak tree located in the front yard of 1402 Greenwood Ct.; and

WHEREAS, an Arborist Report prepared by Chip Tamagni, Certified Arborist has been provided which concludes that the tree has a severe lean that could cause conflicts with the neighboring house; 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 10" Valley Oak tree located in the front yard of the house located at 1402 Greenwood Ct., based on the trees having a severe lean towards the neighboring house, as indicated in the Arborist Report, attached as Exhibit A;
2. Require the planting of one (1) 24-inch box replacement Valley 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 1st day of May, 2018, by the following vote:

AYES:
NOES:
ABSENT:
ABSTAIN:

Steven W. Martin, Mayor

ATTEST:

Kristen L. Buxkemper, Deputy City Clerk

Exhibit A: Arborist Report



RECEIVED
MAR 27 2018
City of Paso Robles
Community Development Dept.

3-27-18

Darren Nash, City of Paso Robles Planning Department

Re: Karen Jones, 1402 Greenwood Court

This report is in regard to a 10" valley oak (*Quercus lobata*) located adjacent to the front porch of 1402 Greenwood Ct. in Paso Robles, CA. This tree was self-planted after the home was constructed. Unfortunately, the acorn was deposited in a garden bed as shown in the included photograph. This bed is not compatible with a valley oak's root system and over time, the tree has started to lean because the roots cannot spread out. The tree's canopy is now touching the neighbor's home. It is a matter of time before the tree falls over as there is just not enough root structure to support a tree of this size.

The Jones have literally dozens of oak trees on their property. This tree was just a volunteer that cannot continue to grow in the location. The Jones are requesting permission to remove the tree. They are also requesting a waiver for any fees and would prefer to not have to re-plant as their only fault in this situation was not cutting the tree down before it grew to over six inches in diameter.

Included is a photograph of the situation.

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

