

RESOLUTION NO. 17-049

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF PASO ROBLES
AUTHORIZING THE REMOVAL OF ONE 11-INCH DIAMETER BLUE OAK TREE
AT 801 EXPERIMENTAL STATION ROAD (OTR 17-007)
(MBK HOMES – BLUE OAK APARTMENTS)

WHEREAS, in June of 2013, the City Council approved Planned Development (PD) 12-005 approving the 142-unit apartment complex on the 12.5-acre site; and

WHEREAS, concurrent with PD 12-005 the applicants requested that the City Council allow for the removal of three (3) of the 22 oak trees located on the site and the City Council approved Resolution 13-089 allowing for the removal of three trees based on the trees being in poor condition as determined by the Arborist at the time, Michael Bova of Davey Resource Group; and

WHEREAS, in addition to the three trees originally approved for removal, on March 7, 2017 the City Council approved the removal of Tree No. 74 (a 50-inch Blue Oak) based on the tree being in poor condition; and

WHEREAS, tree No. 76 was originally evaluated by Davey Resource Group as part of the Arborist Report for the entitlement process of the project and the Arborist indicated in the report that the tree was in fair condition (rated 63%), and that there would be slight CRZ encroachment with the house foundation, and the proposed deck would encroach into the CRZ; and

WHEREAS, Chip Tamagni of A&T Arborists on behalf of MBK Homes has submitted a request to remove one oak tree on the Blue Oak Apartment site, located at 801 Experimental Station Road; and

WHEREAS, the trees proposed to be removed is one 11-inch diameter Blue Oak; and

WHEREAS, Chip Tamagni, Arborist has provided information indicating that the grading and construction necessary to construct the house will severely impact the tree, and recommends that the tree be removed to accommodate the proposed house; and

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

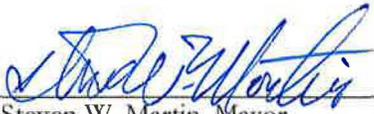
Section 1. All of the above recitals are true and correct and incorporated herein by reference.

Section 2. The City Council of the City of El Paso de Robles does hereby approve the request to remove the 11-inch Blue Oak tree (Tree No. 76) located at 801 Experimental Station Road, based on the following findings:

1. Having considered the factors outlined in Section 10.01.050.D, and the information provided by the Arborist, authorize the removal of the 11-inch Blue Oak tree, based on it being necessary to remove the tree to allow construction of proposed home, which is a reasonable use of the property, and consistent with the approved development plan (PD 12-005) for the Blue Oak Apartment project, as indicated in Exhibit A.
2. Require eight (8) 1.5-inch diameter blue 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.

PASSED AND ADOPTED by the City Council of the City of El Paso de Robles this 18th day of April 2017 by the following vote:

AYES: Hamon, Gregory, Reed, Martin
NOES: Strong
ABSENT:
ABSTAIN:



Steven W. Martin, Mayor

ATTEST:



Kristen L. Buxkemper, Deputy City Clerk

Exhibits

- A. A&T Arborist Report



3-21-2017

To: City of Paso Robles Planning Department

From: Chip Tamagni, A & T Arborists
MBK Builders

Re: Oak Tree Removal, Blue Oaks Apartments Experimental Station, Paso Robles

This tree removal report is in regard to tree #76 located towards the eastern side of the Blue Oaks Apartment Project that is currently under construction. A & T Arborists was hired to perform arborist consulting duties approximately four months ago. Since that time, we have discovered some issues with the original tree protection plan that was developed by others. The first issue we noticed was tree #74 was in significant decline. This tree was approved for removal at a recent city council meeting as it is hazardous due to cavities and it would threaten a building in the future.

The second issue involves tree #76. The tree was listed as "fair" with a 63% health rating in the original arborist report prepared by Mike Bova of Davey Resource Group through Althouse and Meade. Mike Bova is a city council approved certified arborist. The tree's location would eventually be growing through a deck attached to the new home. In addition, the over-excavation for the support column for the home would necessitate completely removing the tree. There is also a storm drain planned within the critical root zone. Per the original arborist report completed by Davey, it states, "proposed foundation is partially within CRZ" which was basically incorrect. The fact is the over-excavation for the foundation completely eliminates the tree. Staff also told me they did not notice or missed seeing the tree in the plans. Our initial plan was to remove the hazard tree (#74) and slide the home 10 feet west to allow for the column over-excavation and saving the tree (#76). This included making lot line adjustments to two properties which the owner was prepared to do. The other problem was the deck construction. The tree was planned to grow through the deck which in itself is not a problem. However, future pruning and training the tree to grow next to a three story building could have proved challenging although it can be done. The foundation of the

deck was planned to be a continuous footing around its circumference. Even with the building being moved, the tree would have required major root pruning to accommodate the footing. We then began planning to redesign the footing to a pier configuration which would have worked in minimizing root impacts. We also investigated redesigning the storm drain location to route it out of the critical root zone. Finally, we investigated transplanting the tree with a tree spade, however, with the tree having a diameter of 11 inches, the tree would most likely not survive.

After getting to this point with redesign, we discovered that with setback limitations for both the street and between the adjacent buildings, all we could move the building was four feet to the west. (See attached Staking Map and Property Line exhibits for reference.) While this did get the trunk of the tree out of the over-excavation of the support column, major root damage amounting to about 45% of the critical root zone would have to occur. Most likely, the tree would not survive long term. We would actually expect the tree to die within a couple of years at best. I also spoke with Warren Frace about reducing the setback from the street and moving the building closer to the street which we decided would not make the neighbors happy.

Therefore, we are requesting to remove a multiple trunk blue oak (tree #76), 11 inches in diameter and replace it with (2) 36" box oak trees that would be planted on site. The diameter of a 36" box tree is usually close to 5-6 inches. This would equal a 100% diameter replacement for the inches removed. Their survival would still be subject to the seven year guarantee spelled out in the original arborist report.

We diligently tried to accommodate this tree once we discovered these conflicts. Short of completely re-designing the entire building, which at this point of construction is impractical, we are out of options.

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



Photo 23. Tree 76, young tree east of mature tree 75, 2004 condition.



Photo 24. Tree 77, young tree east of mature tree 75, 2004 condition.



Photo 25. Tree 76, 2012 condition.



Photo 26. Tree 77, 2012 condition.

Tree 76 is also shown behind tree 77 in photo 26.

