RESOLUTION PC 17-033

A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF PASO ROBLES RECOMMENDING APPROVAL TO THE CITY COUNCIL OF OAK TREE REMOVAL PERMIT (OTR 17-015) TO REMOVE 33 OAK TREES

BORKEY AREA SPECIFIC PLAN SUBAREA A APPLICANT - ESTRELLA ASSOCIATES, INC. RIVER OAKS II - APN 025-390-009

WHEREAS, Estrella Associates, Inc., in connection with the proposed development of a project known as River Oaks II has filed a proposed Vesting Tentative Tract Map 3105 (VTTM 3105) to subdivide approximately 131 acres into 271 residential lots, 24 Open Space lots and 3 road parcels; and

WHEREAS, VTTM 3105 is located in the northeastern area of the City of Paso Robles, within the Borkey Area Specific Plan area (Subarea A), north of State Route 46 East, west of Buena Vista Drive, and east of the Salinas River; and

WHEREAS, in conjunction with VTTM 3105, a grading plan was submitted which identifies the need to remove 33 oak trees, and

WHEREAS, said 33 oak trees appear to be oak trees planted for a prior development project; and

WHEREAS, an Arborist Report (included in Exhibit A) was prepared by a certified arborist on the City's Arborist List, indicates the trees proposed for removal are in various states of health; and

WHEREAS, if the 33 oak trees are approved to be removed (a total diameter of 393 inches), the applicant would be required to comply with compensatory oak tree mitigation requirements and plant 98.25 diameter inches of mitigation oak trees on the project site; and

WHEREAS, the Community Development Director could not make the determination that the proposed 33 oak trees are "clearly dead or diseased beyond correction," and therefore, Section 10.01.050.C of the Oak Tree Ordinance would consider the trees "healthy" and require that the City Council make the determination of whether the trees should be removed or not, after consideration of the factors listed in Section 10.01.050.D; and

NOW, THEREFORE, THE PLANNING COMMISSION 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 Planning Commission of the City of El Paso de Robles does hereby recommend approval of the request to remove 33 oak trees at River Oaks II, 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 33 oak trees, based on it being necessary to remove the trees to allow grading (as proposed) for the River Oaks II expansion project, which is a reasonable use of the property, and consistent with the proposed development of VTTM 3105.

2. Compensatory mitigation requirements for the removal of 33 oak trees (393 inches in diameter), requires 98.25 inches in diameter 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 Planning Commission of the City of El Paso de Robles this 8th day of August 2017 by the following vote:

AYES: Commissioners Rollins, Barth, Davis, Agredano, Jorgensen and Chairman Donaldson
NOES:
ABSENT: Commissioner Brennan
ABSTAIN:

John Donaldson, Planning Commission Chair

ATTEST:

Warren Frace, Secretary of the Planning Commission

Exhibits

A. A&T Arborist Report

Exhibit A

Oak Tree Protection Plan

Rivers Oaks II, Estrella Associates

Prepared By

Chip Tamagni
Certified Arborist #WE 6436-A
Certified Hazard Risk Assessor #1209

Steven Alvarez
Certified Arborist #WE 0511-A

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A & T ARBORISTS
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As consulting arborists, we have been hired to inform and educate how to protect trees both during the design phase and construction. Different species can adapt to more impacts than others just as young trees can sustain more root disturbance that older trees. All individuals and firms involved in the planning stages should be made completely aware of the limitations regarding setbacks from critical root zones that are recommended to protect the trees. When we are given a plan, it should show **all** possible disturbances within the critical root zone areas. This includes all cuts, fills, over-excavation limits, building clearances, and all utilities. We will suggest changes if we feel the impacts are too great and it is up to the owner or their designee to follow our recommendations. If the plan we receive is not complete with potential impacts, we will fairly assume any additions will fall completely out of the critical root zone areas. It is the burden of the property owner or their designee to inform us of any changes, omissions, or deletions that may impact the critical root zone area of the trees in any way.

It is the responsibility of the **owner** to provide a copy of this tree protection plan to any and all contractors and subs that work within the critical root zone of any native tree. We recommend making it mandatory that the grading/trenching operator have all of his/her employees sign that they have read this plan plans. It is highly recommended that all other contractors sign and acknowledge this tree protection plan as well. In addition, each their respective employees shall be made aware of this tree plan.

The term "critical root zone" is often referred to in this report. The CRZ is an imaginary circle around the trunk of the tree with a radius in feet equal to the tree's diameter in inches. Therefore, a 10 inch diameter tree would have a critical root zone with a 10 foot radius.

This tree evaluation and protection plan is in regard to the development of River Oaks II, Tract 3105 in Paso Robles. At the western edge of the property, there are several blue oaks (*Quercus douglasii*) that are native plantings. Inside the boundaries of the project are several dozen coast live oaks (*Quercus agrifolia*) that were previously planted by the developer. None of the planted live oaks were mitigation trees from another project. Many of these planted trees will have to be removed with mitigation. In total, 33 coast live oaks over six inches in diameter will need to be removed. Total diameter inches is 393 that will require 98.25 diameter inches of mitigation oak trees. We recommend that live oaks be used for the majority of the replacement trees as they seem to thrive in this location. Some of the previously planted oak trees will remain and all the grading near them shall be monitored. The blue oaks adjacent to the site will only need tree fencing as the impacts should barely encroach into the crz if at all. There is the potential for some of the planted trees to be relocated. We will work with the developers in deciding which trees are good candidates for transplanting.

Projects usually require an on-site pre-construction meeting with the city, owner, grading contractor and the arborist. Topics will include fencing, monitoring and requirements for a positive final occupancy letter. It is the owner's responsibility to adequately inform us prior to any meetings where we need to be present.

All trees potentially impacted by this project are numbered and identified on both the grading plan and the spreadsheet. Trees whose CRZ edges are greater than 50 feet from site disturbance will generally not be tagged and inventoried. Trees that are inherently protected by other saved trees will also not be tagged. Trees are numbered on the grading plans and in the field with an aluminum tag. Tree protection fencing is shown on the grading plan.

Tree Rating System

A rating system of 1-10 was used for visually establishing the overall condition of each tree on the spreadsheet.

Determining factors include:

- Previous impacts to tree root zone
- Observation of cavities, conks or other structurally limiting factors
- Pest, fungal, or bacterial disorders
- Past failures
- Current growth habit

The rating system is defined as follows:

Rating	Condition
0	Deceased
1	Evidence of massive past failures, extreme disease and is in severe decline.
2	May be saved with attention to class 4 pruning, insect/pest eradication and future monitoring.
3	Some past failures, some pests or structural defects that may be mitigated by class IV pruning.
4	May have had minor past failures, excessive deadwood or minor structural defects that can be mitigated with pruning.
5	Relatively healthy tree with little visual structural and or pest defects.
6	Healthy tree that probably can be left in its natural state. Future pruning may be required.
7-9	The tree has had proper arboricultural pruning and attention or have no apparent structural defects.
10	Specimen tree with perfect shape, structure and foliage in a protected setting (i.e. park, arboretum).

The following mitigation measures/methods must be fully understood and followed by anyone working within the drip line of any native tree. Any necessary clarification will be provided by us (the arborists) upon request.

Fencing: The proposed fencing shall be shown in orange ink on the grading plan. It must be a minimum of 4' high chain link, snow or safety fence staked at the edge of the CRZ or line of encroachment for each tree or group of trees. The fence shall be up before any construction or earth moving begins. The owner or their designee shall be responsible for maintaining an erect fence throughout the construction period. The arborist(s), upon notification, will inspect the fence placement once it is erected. After this time, fencing shall not be moved without arborist inspection/approval. If the orange plastic fencing is used, a minimum of four zip ties shall be used on each stake to secure the fence. All efforts shall be made to maximize the distance from each saved tree. The fencing must be constructed prior to the city pre-construction meeting for inspection by the city and the arborists. Fence maintenance is an issue with many job sites. Windy conditions and other issues can cause the fence to sage and fall. Keeping it erect should be a part of any general contractor's bid for a project. Down fencing is one of the causes for a stop work notice to be placed on a project.

Soil Aeration Methods: Soils within the CRZ that have been compacted by heavy equipment and/or construction activities must be returned to their original state before all work is completed. Methods include adding specialized soil conditioners, water jetting, adding organic matter, and boring small holes with an auger (18" deep, 2-3' apart with a 2-4" auger) and the application of moderate amounts of nitrogen fertilizer. The arborist(s) shall advise.

Chip Mulch: All areas within the CRZ of the trees that cannot be fenced shall receive a 4-6" layer of chip mulch to retain moisture, soil structure and reduce the effects of soil compaction.

Trenching Within CRZ: All trenching/excavation for foundations within the CRZ of native trees shall be **hand dug**. All major roots shall be avoided whenever possible. All exposed roots larger than 1" in diameter shall be clean cut with sharp pruning tools and not left ragged. A **Mandatory** meeting between the arborists and grading/trenching contractor(s) shall take place prior to work start. This activity shall be monitored by the arborist(s) to insure proper root pruning is talking place. Any landscape architects and contractors involved shall not design any irrigation or other features within any drip line unless previously approved by the project arborist.

Grading Within CRZ: Grading shall not encroach within the drip line unless approved by the project arborist. Grading should not disrupt the normal drainage pattern around the trees. Fills should not create a ponding condition and excavations should not leave the tree on a rapidly draining mound.

Exposed Roots: Any exposed roots shall be re-covered the same day they were exposed. If they cannot, they must be covered with burlap or another suitable material and wetted down 2x per day until re-buried.

Equipment Operation: Vehicles and all heavy equipment shall not be driven under the trees, as this will contribute to soil compaction. Also there is to be no parking of equipment or personal vehicles in these areas. All areas behind fencing are off limits unless pre-approved by the arborist. All soil compaction within drip line areas shall be mitigated as described previously.

Existing Surfaces: The existing ground surface within the CRZ of all native trees shall not be cut, filled, compacted or pared, unless shown on the grading plans **and** approved by the arborist.

Construction Materials And Waste: No liquid or solid construction waste shall be dumped on the ground within the CRZ of any native tree. The CRZ areas are not for storage of materials either. Any violations shall be remedied through proper cleanup approved by the project arborist at the expense of the owner.

Arborist Monitoring: An arborist shall be present for selected activities (trees identified on spreadsheet and items bulleted below). The monitoring does not necessarily have to be continuous but observational at times during these activities. It is the responsibility of the owner(s) or their designee to inform us prior to these events so we can make arrangements to be present. It is the responsibility of the owner to contract (prior to construction) a locally licensed and insured arborist that will document all monitoring activities.

- pre-construction fence placement
- any utility or drainage trenching within any CRZ
- All grading and trenching near trees requiring monitoring on the spreadsheet

Pre-Construction Meeting: An on-site pre-construction meeting with the Arborist(s), Owner(s), Planning Staff, and all contractors and subs is highly recommended prior to the start of any work. At a minimum, the grading contractor shall be present. It is the sole responsibility of the owner that all topics covered during the preconstruction meeting are appropriately passed on to non-present contractors. Prior to final occupancy, a letter from the arborist(s) shall be required verifying the health and condition of all impacted trees and providing any recommendations for any additional mitigation. The letter shall verify that the arborist(s) were on site for all grading and/or trenching activity that encroached into the CRZ of the selected native trees, and that all work done in these areas was completed to the standards set forth above.

Pruning: All native tree pruning shall be completed by a licensed and insured D49 tree trimming contractor that has a valid city business license. Class 4 pruning includes: Crown reduction pruning consisting of reduction of tops, sides or individual limbs. A trained arborist shall perform all pruning. No pruning shall take more than 25% of the live crown of any native tree. Any trees that may need pruning for road/home clearance shall be pruned **prior** to any grading activities to avoid any branch tearing.

Landscape: All landscape under the CRZ shall be drought tolerant or native varieties. Lawns shall be avoided. All irrigation trenching shall be routed around drip lines; otherwise above ground drip-irrigation shall be used. It is the owner's

responsibility to notify the landscape architect and contractor regarding this mitigation. The project arborist shall approve all landscape materials and irrigation within the CRZ of any oak tree.

Utility Placement: All utilities and sewer/storm drains shall be placed down the roads/driveways and when possible outside of the CRZ. If roads exist between two trees, the utilities shall be routed down the middle of the road or completely hand dug. The arborist shall supervise trenching within the CRZ. **All trenches in these areas shall be exposed by air spade or hand dug with utilities routed under/over the roots**. Roots greater than 2 inches in diameter shall **not** be cut.

Fertilization and Cultural Practices: As the project moves toward completion, the arborist(s) may suggest fertilization, insecticide, fungicide, soil amendments, and/or mycorrhiza applications that will benefit tree health.

The included spreadsheet includes trees listed by number, species and multiple stems if applicable, diameter and breast height (4.5'), condition (scale from poor to excellent), status (avoided, impacted, removed, exempt), percent of drip line impacted, mitigation required (fencing, root pruning, monitoring), construction impact (trenching, grading), recommended pruning and individual tree notes.

If **all** the above mitigation measures are followed, we feel there will be no additional long-term significant impacts to the remaining native trees.

A & T Arborists strongly suggests that the responsible party (owner of their designee) make copies of this report. Any reproduction by A & T Arborists or changes to this original report will require an additional charge.

Please let us know if we can be of any future assistance to you for this project.

Steven G. Alvarez
Certified Arborist #WC 0511

Chip Tamagni
Certified Arborist #WE 6436-A

Exhibit A

TREE PROTECTION SPREAD SHEET

1	2	3	4	5	6	7	8	9	10	11	12	13	14	15	16
TREE #	TREE SPECIES	SCIENTIFIC NAME	TRUNK DBH	TREE COND.	CONST STATUS	CRZ % IMPACT	CONST IMPACT	MITIGATION PROPOSAL	MONT REQUIRED	PRUNING CLASS	AESTH. VALUE	FIELD NOTES	NS EW	LTSI H-M-L-N	USEFUL LIFE EXP.
301	BO	*Q. doug.*	16	3	A	0%	NONE	F	NO		good		32/30	none	80
302	BO	*Q. doug.*	34	4	A	0%	NONE	F	NO		good		38/45	none	60
303	BO	*Q. doug.*	39	5	A	0%	NONE	F	NO		good		42/50	none	60
304	LO	Q. agrif.	13	5	I	15%	GR	F,RP,M	YES		good		20/22	none	90
305	LO	*Q. agrif.*	13	5	R	100%	GR	NONE	NO		good		24/20		90
306	LO	*Q. agrif.*	18	5	R	100%	GR	NONE	NO		good		24/20		90
307	LO	*Q. agrif.*	12	4	R	100%	GR	NONE	NO		good		20/18		90
308	LO	*Q. agrif.*	12	2	R	100%	GR	NONE	NO		poor		20/18		90
309	LO	*Q. agrif.*	29	5	R	100%	GR	NONE	NO		good		30/34		90
310	LO	*Q. agrif.*	10	5	R	100%	GR	NONE	NO		good		15/12		90
311	LO	*Q. agrif.*	17	5	R	100%	GR	NONE	NO		good		19/15		90
312	LO	*Q. agrif.*	10	5	R	100%	GR	NONE	NO		good		12/12		90
313	LO	*Q. agrif.*	9	5	R	100%	GR	NONE	NO		good		10/11		90
314	LO	*Q. agrif.*	8	5	R	100%	GR	NONE	NO		good		10/8		90
315	LO	*Q. agrif.*	20	5	R	100%	GR	NONE	NO		good		22/24		90
316	LO	*Q. agrif.*	8	5	R	100%	GR	NONE	NO		good		10/12		90
317	LO	*Q. agrif.*	10	5	R	100%	GR	NONE	NO		good		12/14		90
318	LO	*Q. agrif.*	11	5	R	100%	GR	NONE	NO		good		13/12		90
319	LO	*Q. agrif.*	14	5	R	100%	GR	NONE	NO		good		16/15		90
320	LO	*Q. agrif.*	14	5	R	100%	GR	NONE	NO		good		18/14		90

1 = TREE #: MOSTLY CLOCKWISE FROM DUE NORTH

2 = TREE TYPE: COMMON NAME IE.W.O.= WHITE OAK

3= SCIENTIFIC NAME

4 = TRUNK DIAMETER @ 4'6"

5 = TREE CONDITION: 1 = POOR, 10 = EXCELLENT

6 = CONSTRUCTION STATUS: AVOIDED, IMPACTED, REMOVAL

7 = CRZ: PERCENT OF IMPACTED CRITICAL ROOT ZONE

8= CONSTRUCTION IMPACT TYPE: **G**RADING, **C**OMPACTION, **TR**ENCHING, **F**ILL

9 = MITIGATION REQUIREMENTS: **F**ENCING, **M**ONITORING, **R**OOT**P**RUNING,

10 = ARBORIST MONITORING REQUIRED: YES/NO

11 = PERSCRIBED PRUNING: CLASS 1-4

12= AESTHETIC VALUE

13= FIELD NOTES

13= NORTH SOUTH/ EAST WEST CANOPY SPREAD

14= CANOPY SPREAD

15= LONG TERM SIGNIFICANT IMPACTS: HIGH, MEDIUM, LOW, NONE

16 = USEFUL LIFE EXPECTANCY

Exhibit A

TREE PROTECTION SPREAD SHEET

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TREE #	TREE SPECIES	SCIENTIFIC NAME	TRUNK DBH	TREE COND.	CONST STATUS	CRZ % IMPACT	CONST IMPACT	MITIGATION PROPOSAL	MONT REQUIRED	PRUNING CLASS	AESTH. VALUE	FIELD NOTES	NS EW	LTSI H-M-L-N	USEFUL LIFE EXP.
321	LO	*Q. agrif.*	9	5	R	100%	GR	NONE	NO		good		10/10		90
322	LO	*Q. agrif.*	9	5	R	100%	GR	NONE	NO		good		11/10		90
323	LO	*Q. agrif.*	9	5	R	100%	GR	NONE	NO		good		10/10		90
324	LO	Q. agrif.	9	5	I	20%	GR	F,RP,M	YES		good		10/10	low	90
325	LO	*Q. agrif.*	8	4	R	100%	GR	NONE	NO		good		9/11		90
326	LO	*Q. agrif.*	8	5	R	100%	GR	NONE	NO		good		9/11		90
327	LO	Q. agrif.	14	5	I	20%	GR	F,RP,M	YES		good		18/14	low	90
328	LO	*Q. agrif.*	7	5	R	100%	GR	NONE	NO		good		10/8		90
329	LO	*Q. agrif.*	16	4	R	100%	GR	NONE	NO		good		18/16		90
330	LO	*Q. agrif.*	10	5	R	100%	GR	NONE	NO		good		12/12		90
331	LO	*Q. agrif.*	6	4	R	100%	GR	NONE	NO		good		7/7		90
332	LO	*Q. agrif.*	14	6	R	100%	GR	NONE	NO		good		15/15	low	90
333	LO	*Q. agrif.*	11	5	R	100%	GR	NONE	NO		good		15/16	low	90
334	LO	*Q. agrif.*	8	5	R	100%	GR	NONE	NO		good		9/9	low	90
335	LO	Q. agrif.	14	5	I	20%	GR	F,RP,M	YES		good		15/15	low	90
336	LO	*Q. agrif.*	9	5	R	100%	GR	NONE	NO		good		10/10		90
337	LO	*Q. agrif.*	6	4	R	100%	GR	NONE	NO		good		7/9		90
338	LO	*Q. agrif.*	14	5	R	100%	GR	NONE	NO		good		18/18		90
339	LO	*Q. agrif.*	14	5	R	100%	GR	NONE	NO		good		18/20		90
340	LO	*Q. agrif.*	6	5	R	100%	GR	NONE	NO		good		7/8		90

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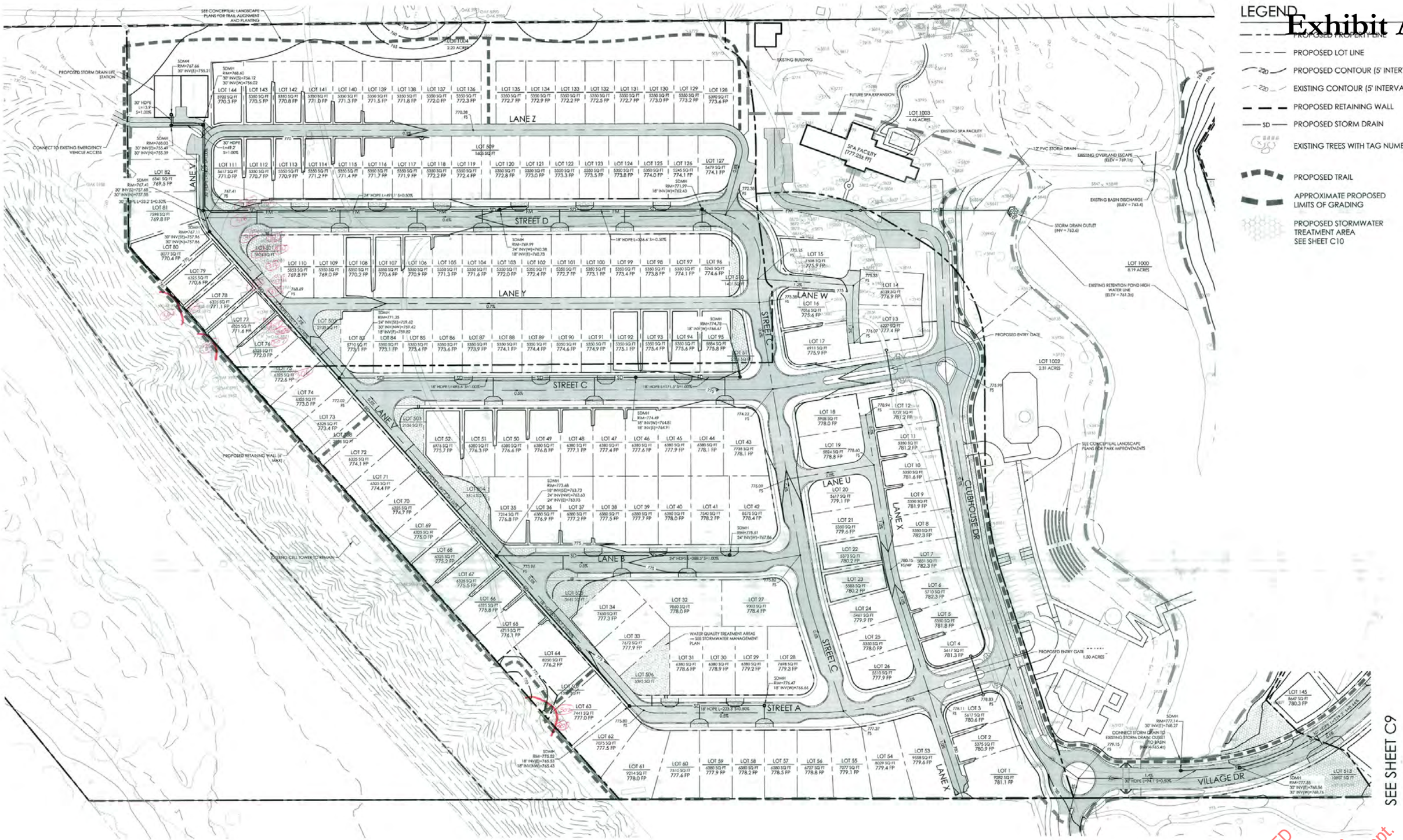
16 = USEFUL LIFE EXPECTANCY

Exhibit A

LEGEND

- PROPOSED PROPERTY LINE
- PROPOSED LOT LINE
- PROPOSED CONTOUR (5' INTERVAL)
- EXISTING CONTOUR (5' INTERVAL)
- PROPOSED RETAINING WALL
- PROPOSED STORM DRAIN
- EXISTING TREES WITH TAG NUMBER
- PROPOSED TRAIL
- APPROXIMATE PROPOSED LIMITS OF GRADING
- PROPOSED STORMWATER TREATMENT AREA SEE SHEET C10



NOTES

SEE C2 FOR DISPOSITION OF EXISTING STRUCTURES AND EXISTING EASEMENT INFORMATION

SEE C5 FOR PHASING INFORMATION AND CONSTRUCTION

TREES WITHIN THE LIMITS OF GRADING ARE TO BE REMOVED. A TOTAL OF APPROXIMATELY 283 TREES ARE TO BE REMOVED INCLUDING 63 OAK TREES. SEE THE ARBORIST'S REPORT FOR MORE INFORMATION.

RIVER OAKS

rrm design group

GRADING PLAN (TN)

May 8, 2017

11

RIVER OAKS II

TRACT 3105

C8

Exhibit A

RECEIVED
7/26/17
City of Paso Robles
Community Development Dept.

RIVER OAKS

rrm design group

GRADING PLAN (RH)

May 8, 201712

RIVER OAKS II
TRACT 3105

C9