

**TO: JAMES L. APP, CITY MANAGER**

**FROM: RON WHISENAND, COMMUNITY DEVELOPMENT DIRECTOR**

**SUBJECT: OTR 08-008 - REQUEST TO REMOVE TWO OAK TREES IN RELATION TO THE FRONTAGE IMPROVEMENTS AND WIDENING OF GOLDEN HILL ROAD (REGENCY CENTERS)**

**DATE: OCTOBER 7, 2008**

**Needs:** For the City Council to consider a request to remove two mature Valley Oak trees.

- Facts:**
1. A request has been submitted by Regency Centers to remove two mature oak trees (36" and 48" dbh). They are both located in the Golden Hill Road right-of-way. (See attached Vicinity Map).
  2. The request for the tree removals is in relation to the development of the Golden Hill Plaza shopping center. The trees are located at the entrance to the shopping center site on Golden Hill Road. Staff and the applicant considered several different options to keep the trees and integrate them into the road and frontage design, but determined that due to the health and short longevity projected for the trees that removing them is an appropriate alternative.
  3. The shopping center was approved a little over a year ago, and the applicant is currently beginning to grade the site. The oak tree removals were addressed in the project environmental analysis approved by the Planning Commission. The City's Oak Tree Preservation Ordinance however still requires action by the City Council.
  4. Chip Tamagni of A&T Arborists prepared a letter dated January 16, 2007, which indicates that the trees are in very poor condition and have several compromising features. (See attached tree photos and letter.)

**Analysis**

**And Conclusion:** According to Section 10.01.050.E, 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:

*E. 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;*

Steven Alvarez of A&T Arborists has provided a letter indicating that the trees proposed for removal, are not healthy due to age, significant trunk failures and extensive scale infestation. The report indicates that the tree should be removed since the trees are in poor health (significant trunk and crown loss), are diseased, are in an imminent state of decline (within ten years), and due to existing tree stress are not good candidates for relocation.

*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;*

Staff worked with the applicant on design methods for improvements that would allow for the trees to remain. However, the preferred site entrance design would preclude the ability to maintain these trees. Additionally, given the state of the health of the trees and their marginal aesthetic quality it does not warrant the additional costs that would be associated with redesigning this entrance and road improvements to keep them.

*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;*

There would not be any negative effects on soil retention, water retention or surface water flows for the neighborhood, if this tree were to be removed.

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;*

These trees are unattractive, do not provide significant shade, have suffered significant trunk failures and crown loss and thus do not add scenic beauty to the City.

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

If the Council allows the trees to be removed, the Ordinance would require that eleven (2)-inch diameter replacement oak trees be planted, based on the two tree trunk diameters of 36" and 48".

It would appear that based on the trees not being in good health and that they do not have a high aesthetic value that it would be better to remove the trees to accommodate the road and entrance improvements rather than trying to alter the designs.

**Policy**

**Reference:** Paso Robles Municipal Code Section 10.01

**Fiscal**

**Impact:** None.

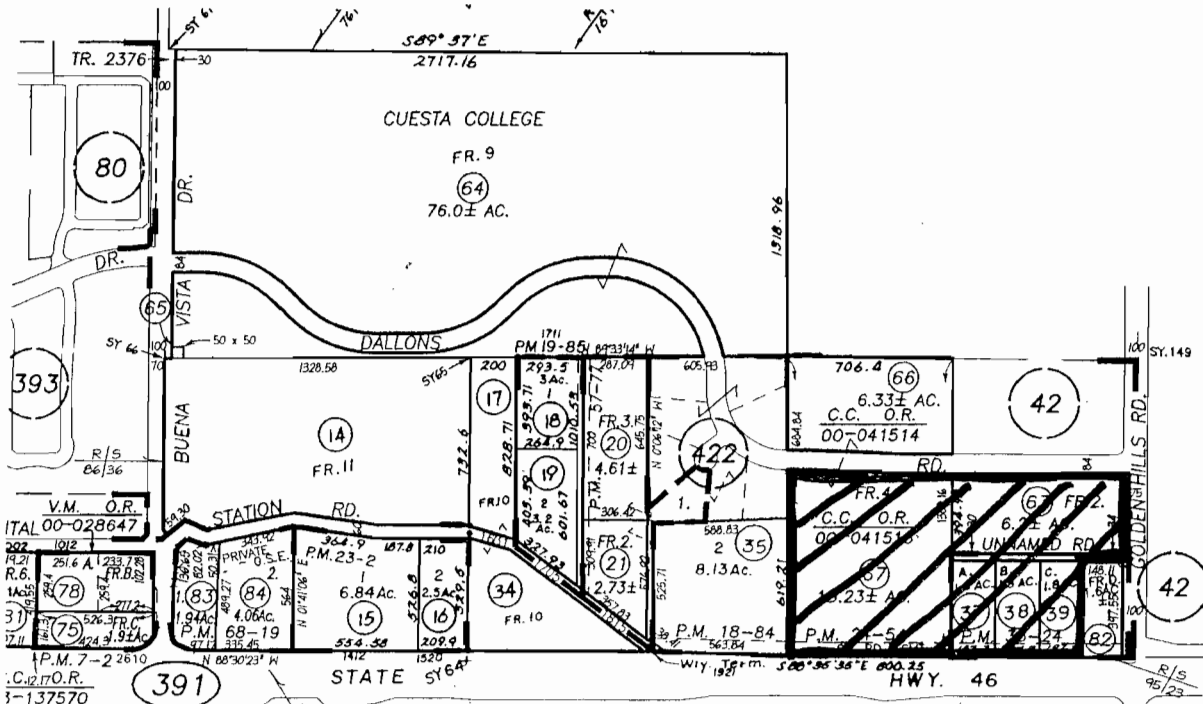
**Options:**

- A. Adopt Resolution No. 08-xx approving OTR 08-008, allowing the removal of two oak trees (36" and 48"), based on the trees being in poor health and low aesthetic value and that the removal is necessary in order to accommodate the Golden Hill Road improvements, and that 11 (2") diameter replacement trees be required to be planted at the direction of the Arborist;
- B. Amend, modify or reject the above options.

**Staff Report Prepared by:** Susan DeCarli

Attachments:

1. Vicinity Map
2. Arborist Letter
3. Tree Photos
4. Resolution



Project Location

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# A & T ARBOR

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Paso Robles

APR 09 2007

Planning Division

1-16-07

C. M. Florence

Oasis Landscape Architecture and Planning

3427 Miguelito Ct.

San Luis Obispo, California 93401

**Background Information:** There is an existing 25 acre parcel located north of Highway 46 at Golden Hill Road in Paso Robles, California. A new shopping center is being proposed for the site. Improvements will need to be made to Golden Hill Road including widening, sidewalks along with curb and gutter. Along Golden Hill Road are two over mature valley oaks (*Quercus lobata*) that may be impacted by the project.

**Assignment:** Determine which of the following options is the most feasible for the trees considering their health and condition:

- Transplant the trees to a more feasible area on-site
- Design project around the trees and mitigate for impacts
- Remove the trees and re-plant

**Observations:** The trees are each approximately 36 and 48 inches in diameter and the two trunks are about four feet apart. The tree to the south had a massive failure in the past losing approximately 70% of its crown. It now has a cavity extending from the failure down to three feet from the ground and is basically hollow. The tree to the north has lost two major scaffold branches accounting for 20% of the crown. There is a low scaffold branch extending over Goldenhill Road that has been repeatedly struck by large trucks that would have to be removed with future development and road improvements. Both trees show signs of extensive scale infestation usually a result from stress and decline. Annual shoot growth appeared very poor the last year. Healthy valley oak trees usually have up to 12 inches or more of new shoot growth each year. These trees appear to have had only two to six inches of growth the past year. Many dead leaves still remain on the trees resulting from very poor hardening of the cuticles at the base of the petioles which is another sign of stress. Healthy deciduous trees normally shed the majority of their leaves by January in this area. There is extensive ground squirrel activity near the trunks.

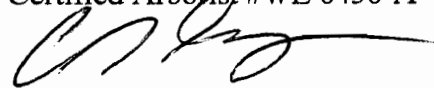
**Testing and Analysis:** None performed

**Conclusions:** Trees this large and under their current stress levels are virtually non-transplantable. The trees may be able to be mitigated and saved during construction however their viable lifespan at this time is very limited. Their decline is attributed to age/maturity, Golden Hill Road construction, compaction within the critical root zone and location for the species. Valley oaks do grow in this vicinity and some have grown

quite well. However, the healthiest valley oaks trees tend to be located in areas with extensive alluvium soils such as closer to the Huero Huero Creek riparian areas in addition to areas further west that receive more annual rainfall. As one moves east away from the city, blue oaks (*Quercus douglasii*) are the predominant species generally because they are more drought tolerant.

**Recommendations:** Making the effort to design a project around oak trees should be focused on saving trees that are healthy and have many years of life left. Too often, many thousands of dollars are spent designing projects around trees that will only live ten more years or less. We recommend removing the trees because their useful life expectancy is very limited. Blue oaks tend to grow better in this area and if the removals are approved in the future, consideration should be given to planting blue oaks as the replacement trees.

Chip Tamagni  
Certified Arborist #WE 6436-A



Steven G. Alvarez  
Certified Arborist #WE 0511

**Attachment 3  
Oak Tree Photos**



RESOLUTION NO. 08-

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF PASO ROBLES  
AUTHORIZING THE REMOVAL OF TWO OAK TREES  
(Regency Centers)

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WHEREAS, Regency Centers has submitted a request to remove two Valley Oak Trees (36" and 48" dbh) located at the entrance to the Golden Hill Plaza shopping center; and

WHEREAS, the two Valley Oak trees are located in the City public right-of-way on Golden Hill Road; and

WHEREAS, Steven Alvarez, Arborist has provided a letter in which he concludes that the trees are in poor health and will not likely survive longer than 10 years and are not suitable candidates for tree relocation; and

WHEREAS, the 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.E; and

NOW, THEREFORE, BE IT RESOLVED, that the City Council of the City of El Paso de Robles does hereby:

1. Authorize the removal of two Valley Oak trees (36" and 48" dbh) based on the factors listed in Section 10.01.050.E of the Oak Tree Preservation Ordinance, including the trees being in poor condition and based on the opinion of the Arborist that the trees have a short projected life span and are not suitable candidates for relocation and should be removed since they are at the entrance of an approved shopping center project in the public right-of-way.
2. Require the planting of eleven 2-inch diameter replacement oak trees to be planted on the project site, or make a donation in the amount of \$200 per tree to be paid to the City's Oak Tree replacement fund.

PASSED AND ADOPTED by the City Council of the City of El Paso de Robles this 7<sup>th</sup> day of October 2008 by the following vote:

AYES:

NOES:

ABSTAIN:

ABSENT:

ATTEST:

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Frank R. Mecham, Mayor

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Deborah Robinson, Deputy City Clerk