



## Council Agenda Report

From: Darren Nash, City Planner

Subject: Approval of OTR 23-07/P23-0034 - Request to Remove a 40-inch Blue Oak Tree

CEQA Determination: The City finds that this action is not a project under the California Environmental Quality Act pursuant to State Guidelines Section State CEQA Guidelines, §§ 15060, subd. (c)(2)-(3), 15378.

Date: October 3, 2023

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### Facts

1. An oak tree removal request has been applied for by Mr. Angel Cabrera, owner of the property, to remove a tree located at 1517 Olive Street (See Vicinity Map, Attachment 1).
2. The tree requested for removal is a 40-inch diameter Blue Oak tree (*Quercus Douglassi*) and has had multiple past limb failures that have damaged the house.
3. Mr. Cabrera has provided a letter to the City Council which provides the background for his request to remove the oak tree from his property.
4. Mr. Cabrera hired Steve Alvarez, Certified Arborist of A&T Arborists, to evaluate the oak tree condition. Mr. Alvarez prepared an ISA Basic Tree Risk Assessment Form which concludes that the tree is an extreme risk of failing and has residual risk of additional limbs falling that could cause additional damage the house, neighboring residences, and utility lines (see Exhibit 2, Attachment 2).
5. With the passing of Mr. Alvarez, Arborist Morgan Scovell of 4<sup>th</sup> Generation Tree is now working with Mr. Cabrera and is familiar with this tree.
6. The City's Oak Tree Ordinance (PRMC 10.01.030) requires replacement of 25% of the total DBH of the oaks being removed, which is equivalent in this case to 10 inches, or 7 1.5-inch diameter replacement trees. The applicant is requesting that the City Council require the planting of one replacement tree, due to the lot not being suitable for the planting of more oak trees and since the decline of the tree is not the fault of the homeowner.
7. In accordance with PRMC 10.10.030(E) which provides that arrangements can be made to locate a replacement tree on public property instead, staff recommends the Council allow the mitigation requirement to be satisfied with the option to pay an in-lieu fee, with the full amount to go toward the City's planting one 1.5-inch diameter Blue Oak tree.
8. 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.D 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. Based on the Arborists' recommendation and the factors listed in Section 10.01.050.D, the Community Development Director concurs with the removal request.

### Options

1. Approve OTR 23-07, authorizing the removal of the 41-inch diameter tree and recommending payment of an in-lieu fee so that a replacement tree be planted in public area by the City;

2. Deny OTR 23-07 with findings and require the oak tree to remain and be protected;
3. Provide alternative direction to staff.

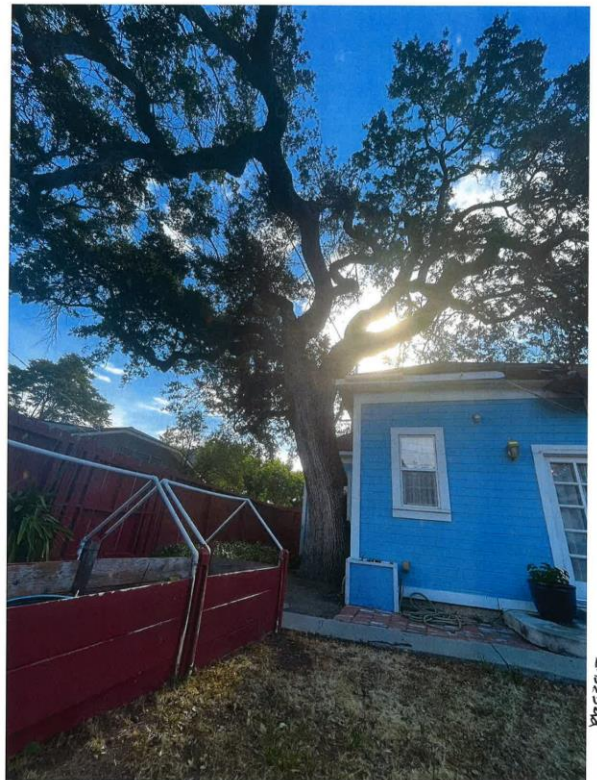
### **Analysis and Conclusions**

Paso Robles Municipal Code Section 10.01.050.E requires the City Council to consider the following factors when reviewing the removal of a healthy oak tree. These factors along with staff's analysis of each factor are listed below:

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 Hazard Evaluation indicating that the tree is at a high risk of failure and is hazardous, the tree appears to be a good candidate for removal. If limbs were to fall it is likely the home underneath the tree would be damaged, there are also utility lines serving surrounding homes that could be damaged from falling limbs.*

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 proposed with this removal request. This is a request to eliminate a hazardous situation.*

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 tree is not a significant contributor to soil or water retention and does not have an impact on surface waters.*

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.

*If the tree is allowed to be removed, there are other trees that would remain in the neighborhood, and a replacement tree will be planted on City property.*

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 a minimum of the payment of in-lieu fee in the amount of \$200 for 1 1.5-inch diameter replacement tree to be planted at the City's discretion, for the replacement tree to be planted on public property.*

### **Fiscal Impact**

There is not a fiscal impact to the City related to this oak tree removal request, as the applicant will deposit \$200 in-lieu fee towards the cost of a one replacement tree; however, oak trees can provide value to a property and can be an aesthetic value to the city as a whole.

### **CEQA**

The City finds that this action is not a project under the California Environmental Quality Act pursuant to State Guidelines Section State CEQA Guidelines, §§ 15060, subd. (c)(2)-(3), 15378.

### **Recommendation (Option 1)**

Approve Resolution 23-XXX OTR 23-07, authorizing the removal of the 40-inch diameter oak tree and require the replanting of one (1) 1.5-inch dbh Blue oak replacement tree on site, at the direction of the Arborist, or pay \$200 in-lieu fee to have the City plant a replacement tree on public property permit PRMC10.01.030(E).

### **Attachments**

1. Resolution 23-XXX Arborist Report with Hazard Evaluation and Photos
  - Exhibit A – Arborist Report & Hazard Evaluation
  - Exhibit B – Mr. Cabrera Letter