

# Attachment 1

## RESOLUTION 23-XXX

### RESOLUTION OF THE CITY COUNCIL OF THE CITY OF EL PASO DE ROBLES AUTHORIZING THE REMOVAL OF ONE 40-INCH DIAMETER BLUE OAK TREE AT 1517 OLIVE STREET

WHEREAS, the City has received an application from Mr. Angel Cabrera, owner of the property, for oak tree removal permit OTR 23-07 (P23-0034) to remove one 40-inch diameter Blue oak tree located on the property at 1517 Olive Street; and

WHEREAS, an Arborist Report was provided by Steve Alvarez along with Morgan Scovell, Certified Arborists, indicating that the tree has severe rot/decay in the roots and trunk and is a hazardous situation; and

WHEREAS, 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, and

WHEREAS, with the passing of Mr. Alvarez, Arborist Morgan Scovell of 4<sup>th</sup> Generation Tree is working with Mr. Cabrera and is familiar with this tree; and

WHEREAS, since the tree shows signs of 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; and

WHEREAS, 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 home owner; and

WHEREAS, 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; and

WHEREAS, 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; and

WHEREAS, at their regular meeting on October 3, 2023, the City Council considered the facts as presented in the staff report prepared for this project and accepted public testimony regarding this oak tree removal request.

NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF EL PASO DE ROBLES DOES HEREBY RESOLVE AS FOLLOWS:

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

Section 2. 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 that the removal of the Blue oak tree is necessary since the tree has severe rot/decay in the roots and trunk and is creating a hazardous condition.

Section 3: The City Council of the City of El Paso de Robles does hereby:

1. Authorize the removal of one (1) Blue oak tree; and
2. 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).

APPROVED this 3<sup>rd</sup> day of October 2023, by the following vote:

AYES:

NOES:

ABSENT:

ABSTAIN:

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John R. Hamon, Jr., Mayor

ATTEST:

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Melissa Boyer, City Clerk

## Attachments

Exhibit A - Arborist Report

Exhibit B – Cabrera Letter