



Council Agenda Report

From: Dwayne Brown, Maintenance Services Superintendent

Subject: Approval of Oak Tree Removal Permit 23-02 (204 18th Street – City Initiated)

CEQA Determination: The City finds that this action is not a project under the California Environmental Quality Act pursuant to State CEQA Guidelines, § 15304 for minor alterations to land.

Date: April 18, 2023

Facts

1. The tree removal request is related to a 28-inch diameter at breast height (DBH) Coast Live Oak located in the City right-of-way at 204 18th Street, adjacent to Locust Street (Attachment 1 – Tree Location Map).
2. After a report by a concerned citizen, Nate Wyatt, the City's Landscape Supervisor, contracted with City Certified Arborist Chris Stier, Greenvale Tree Company, to evaluate the tree. Mr. Stier provided an Arborist Report (Attachment 2) noting the subject tree has several areas of concern, including a large pocket of decay, significant lean, bark beetle damage and potential rot.
3. Because the tree is likely to fall, Mr. Stier recommends the removal of the tree.
4. The City Maintenance Services Division recommends replacing the existing tree with three 24-inch box – 2.5" DBH Coast Live Oaks on public property.

Options

1. Do nothing;
2. Approve Oak Tree Removal Permit 23-02, authorizing the removal of the 28-inch Coast Live Oak and planting three 24-inch box Coast Live Oaks on public property;
3. Deny Oak Tree Removal Permit 23-02 with findings and require the oak tree to remain and be protected;
4. Refer back to staff for additional analysis.

Analysis and Conclusions

Based on the report of a concerned citizen, the City's Landscape Supervisor contacted the City Certified Arborist to evaluate the tree. The Arborist's report states that the current condition of the subject Coast Live Oak indicates the decay will become worse and leave the tree vulnerable to structural failure. The Arborist report also indicates the possibility of root or crown rot which leaves the tree vulnerable to further bark beetle infestation. The soil surrounding the tree is highly compacted and is contributing to the decline. With remediation not a viable option, removal is the only reasonable choice.

According to Municipal Code Section 10.01.050.D, there are several factors that the City Council needs to review when considering the removal of a "healthy" oak tree. Although this tree has been deemed not to be healthy, Section 10.01.030(B) requires permit approval, so for consistency with the application procedures, these factors are considered 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.

- The Arborist Report indicates that the tree is in decline with significant decay, thinning and bark beetle infestation, the tree poses a threat to people, houses, and vehicles, and therefore the tree is a good candidate for removal.
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.
 - The property in question is in the public right-of-way and is not related to any development project. Further, the staff is proposing to replace the oak tree with three new trees to minimize the loss of the existing oak tree.
 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 removal of the tree will not result in negative effects on soil retention, water retention or surface water flows in the parkway.
 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.
 - Removal of the existing oak in the public right-of-way will have minimal impact on shade areas, area values and general City welfare. The proposed replacement trees will be planted in appropriate public spaces to provide additional shade and scenic beauty.
 5. Good forestry practices such as, but not limited to, the number of healthy trees the subject parcel of land will support.
 - The removed tree will be replaced by three trees on public property in an appropriate location.

Fiscal Impact

The estimated cost of the tree removal is \$3,800. In compliance with Ordinance No. 835, the City collects funds from developers for tree replacement. As such, there are adequate existing appropriations in the Street Trees and Medians maintenance budget to cover removal and replacement costs; no further action is needed.

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, § 15304, for minor alterations to land.

Recommendation

Approve Resolution 23-XXX, approving OTR 23-02, authorizing the removal of a hazardous Coast Live Oak and replacing it with 3 24-inch box Coast Valley Oaks on public property.

Attachments

1. Tree Location Map
2. Arborist Report
3. Resolution 23-XXX – OTR 23-02