

City Council

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Kenyon Webster

Assistant Planner

Jonathan Atkinson

Administrative Assistant

Rebecca Mansour

City of Sebastopol Tree Board Staff Report

Meeting Date: July 20, 2016
Agenda Item: 8A
To: Tree Board
From: Jonathan Atkinson, Assistant Planner
Subject: Tree Removal Permit: One Coast Redwood
Recommendation: Approval with Conditions
Applicant/Owner: McAvoy Management / McPhail Land Corporation
File Number: 2016-48
Address: 120 Pleasant Hill Avenue North
CEQA Status: Categorical Exemption: Section 15301: Class 1
General Plan: General Commercial
Zoning: CN: Neighborhood Commercial

Introduction:

This is a Tree Removal Permit application, requesting approval to remove one tree at 120 Pleasant Hill Avenue North. This application requires Tree Board approval because it involves the removal of one tree that is classified as a 'Protected Native' on a non-single family or duplex residential property.

Project Description:

The subject tree is a Coast Redwood with a diameter at breast height (DBH) of 30 inches, which is located in the parking lot of a commercial property. The primary reason for removing the subject tree is that it is in poor health due to extensive root damage and may threaten property if it were to fail. The applicant has prepared a written statement outlining the rationale for removal, which is attached to the staff report.

Environmental Review:

The project is categorically exempt from the requirements of the California Environmental Quality Act (CEQA), pursuant to the following:

Section 15301: Existing Facilities: Class 1 consists of the operation, repair, maintenance, permitting, leasing, licensing, or minor alteration of existing public or private structures, facilities, mechanical equipment, or topographical features, involving negligible or no expansion of use beyond that existing at the time of the lead agency's determination.

The project is consistent with this categorical exemption in that it involves the removal of a Coast Redwood, which will result in the minor alteration of landscape features in an existing parking lot.

City Departmental Comment:

Becky Duckles, an ISA Certified Arborist serving as the City Arborist, reviewed the application, conducted a site visit, and prepared an Arborist's Report on July 12, 2016. The report is attached and its findings are reflected in the following sections of this staff report: Tree Protection Ordinance Consistency, Analysis, Recommendation, and Findings.

Tree Protection Ordinance Consistency:

Requirements for Tree Removal Permit: Section 8.12.060.D of the Tree Protection Ordinance states that a Tree Removal Permit may be approved when an International Society of Arboriculture (ISA) Certified Arborist has verified at least one of the following conditions:

- 1. The tree is diseased or structurally unsound and, as a result, is likely to become a significant hazard to life or property within the next two (2) years.***

The City Arborist found that the subject tree is thinning with sparse foliage and dying branches, and has a bulbous trunk, which results from structural root damage. The City Arborist also suspects that the subject tree is experiencing decay at the base of its trunk, which along with its other structural deformities, increases the likelihood of tree failure.

- 2. The tree poses a likely foreseeable threat to life or property, which cannot be reasonably mitigated through pruning, root barriers, or other management methods.***

The City Arborist found that the subject tree has experienced substantial damage to large structural roots, which has compromised its health and increased the probability that it may fall on an adjacent commercial building in the event of inclement weather.

- 3. The property owner can demonstrate that there are unreasonably onerous recurring maintenance issues, which are deemed necessary for safety or protection of property. The property owner is responsible for providing documentation to support such a claim.***

This condition is not applicable.

- 4. A situation exists or is proposed in which structures or improvements, including, but not limited to, building additions, second units, swimming pools, and solar energy systems, such as solar panels, cannot be reasonably designed or altered to avoid the need for tree removal.***

This condition is not applicable.

- 5. The tree has matured to such an extent that it is determined to be out of scale with adjacent structures and utilities, or with other landscape features.***

The City Arborist found that the subject tree was planted in a confined space, which is inappropriate for its species and ultimate size.

Public Comment:

Public Notification of Tree Removal: Section 8.12.060.F of the Tree Protection Ordinance states that trees proposed for removal shall be marked by City staff with a form prescribed by the City. Notice of a Tree Removal Permit application shall be posted on the subject parcel, and in at least two public places within 300 feet of the affected trees, at least ten (10) calendar days prior to the date of the Sebastopol Tree Board meeting at which the application will be considered.

Notice of the tree removal was provided at least ten (10) days before the Tree Board meeting with one notice posted on the subject parcel and two notices posted within three-hundred (300) feet of the subject parcel on July 5, 2016. The Planning Department received the following comments as of writing the staff report:

Patricia Martinez: Asked questions about the reason(s) for removing the subject tree and commented that she does not oppose the removal.

Theresa Simon: Commented that she opposes the removal.

Analysis:

The request involves the removal of one Coast Redwood with a DBH of 30 inches, which is located in the parking lot of a commercial property on Pleasant Hill Avenue North. The Tree Board may find that the subject tree merits removal in that it has sustained extensive root damage and loss, which has resulted in thinning with sparse foliage, dying branches, a bulbous trunk, and possible trunk decay, as documented by the City Arborist. The City Arborist also found that the subject tree was planted in a confined space, which was too small for its species and ultimate size. The City Arborist concluded that removal is appropriate in that the subject tree would likely damage the adjacent commercial building, if it were to fall in the event of inclement weather, as a result of its compromised health. While the site will lose a large tree as a result of this removal, there will be an opportunity to replant a tree that is more appropriate for the confined space in terms of species and size.

Recommendation:

Staff recommends that the Board approve the application based on the facts, findings, and analysis set forth and subject to the conditions of approval contained in this staff report, if there is a consensus that the subject tree warrants removal.

TREE REMOVAL PERMIT: 2016-48
Removal of One Coast Redwood with a DBH of 30 Inches
120 Pleasant Hill Avenue North

Findings for Approval:

1. That the removal is categorically exempt from the requirements of the California Environmental Quality Act, pursuant to Section 15301, Class 1, in that it involves the removal of a Coast Redwood, which will result in the minor alteration of landscape features in an existing parking lot.
2. That the removal is consistent with the Tree Protection Ordinance in that it was properly noticed at least ten (10) days before the Tree Board made a determination with one notice being posted on the subject parcel and two notices being posted in public places within 300 feet on July 5, 2016.
3. That the City Arborist found that the subject tree merits removal in that it has sustained extensive root damage and loss, which has resulted in thinning with sparse foliage, dying branches, a bulbous trunk, and possible trunk decay
4. That the City Arborist found that the subject tree was planted in a confined space, which is inappropriate for its species and ultimate size.
5. That the City Arborist found that the subject tree merits removal in that its health has been compromised due to root damage, which increases the probability that it may fall on the adjacent commercial building in the event of inclement weather.

Recommended Conditions of Approval:

1. The Tree Removal Permit shall be valid for a period of two (2) years, except that the applicant may request a one (1) year extension of this approval from the Planning Director, pursuant to Section 17.250.050 of the Zoning Ordinance.
2. An Encroachment Permit may be required prior to the removal of the tree. Please contact the Engineering Department prior to removal if work will be performed, or materials placed, in the public right-of-way. The phone number for the Engineering Department is (707) 823-2151.
3. Tree removals shall only take place during the following hours: Monday to Friday, from 7:00 A.M. to 8:00 P.M., and Saturday and Sunday, from 8:00 A.M. to 5:00 P.M. Additionally, no tree shall be removed on any of the following holidays: New Year's Day, Memorial Day, Independence Day, Labor Day, Veterans Day, Christmas Day, and Thanksgiving Day.
4. The applicant shall plant two (2) onsite replacement trees of a type and number approved by the City Arborist for each protected tree, within 45 days of this letter. A site plan indicating the replacement trees, and/or receipts of the trees shall be submitted to the Planning Department upon tree replacement approval and selection. Alternately, the applicant may opt to allow the City to retain the per-tree replacement deposit of \$150.00, which will be transferred into the City's Tree Fund.

5. Any replacement trees that will reach a height greater than 20 feet at maturity shall not be planted within 20 feet (measured horizontally) of any overhead utility lines.

Attachments:

- Tree Removal Permit Application
- Written Statement
- Location Map
- Site Plan
- Site Photographs
- City Arborist's Report



City of Sebastopol

TREE REMOVAL PERMIT Application and Checklist

The submittal information shall be provided to the Planning Department. All submittal information shall be presented along with the related fees, and any additional information required by the Planning Department before the application can be accepted as complete.

Planning File #: 2016-48
 Date Filed: 06-28-16
 Total Fee Paid: \$ 465-
 Received by: [Signature]
 Date Application Deemed Complete: 06/28/16

PROJECT INFORMATION

ADDRESS: 120 Pleasant Hill Ave, N. ASSESSOR'S PARCEL #: 004-350-064-000

Applicant's Information

Name: McAvoy Mgmt.
 Address: P.O. Box 1269
 City, State, Zip: NOVATO, CA 94948
 Phone #: 415-898-0102
 Fax #: 415-898-8113
 Email: bowvlvr@comcast.net
 Signature: [Signature]
as agent for owner
 Date: 6/27/2016

Owner's Information

Name: McPhail Land Corp
 Address: c/o P.O. Box 1269
 City, State, Zip: NOVATO, CA 94948
 Phone #: 415-898-0102
 Fax #: 415-898-8113
 Email: bowvlvr@comcast.net
 Signature: [Signature]
 I certify that this application is being made with my consent
 Date: 6/27/16

Location Key	Species of Tree	Diameter at 4 1/2 feet	Heritage Tree?	Area where tree is to be removed from?	Reason for Removal	Proposed Replacement
A	Redwood		<input type="checkbox"/> Yes <input type="checkbox"/> No	<u>To right of trail enclosure</u>	<u>Dying</u>	<u>See letter w/ suggestions</u>
B			<input type="checkbox"/> Yes <input type="checkbox"/> No			
C			<input type="checkbox"/> Yes <input type="checkbox"/> No			
D			<input type="checkbox"/> Yes <input type="checkbox"/> No			
E			<input type="checkbox"/> Yes <input type="checkbox"/> No			
F	EXAMPLES LISTED BELOW:		<input type="checkbox"/> Yes <input type="checkbox"/> No			
Sample	(Q. lobata) Valley Oak	22.5"	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No	Back Yard near existing house	Large areas of decay in main trunk	4-15 Gallon live oaks, 2 here and 2 in the front yard
Sample	(S. semiperv.)	Multi trunks	<input type="checkbox"/> Yes	Front Yard	Root-sprouted;	2-15 gallon



	Coast Redwood	5" - 9" diameter	[xx] No		weak; poor specimen/form.	redwoods @ rear property line
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The submittal information shall be provided to the Planning Department. All submittal information shall be presented along with the Planning Application form, related fees, and any additional information required by the Planning Department before the application can be accepted as complete.

Upon receipt of this information the Planning Department has 30 days in which to determine if the application is complete. Once the application has been deemed complete, the project can be scheduled before the Tree Board. The Tree Board meets on the 1st and 3rd Wednesday of each month at Sebastopol City Hall, 7120 Bodega Avenue, Sebastopol, at 4:00 p.m.

The applicant and/or his representative must be present for any meetings. Failure to do so may result in the application being continued.

Size Limit: Plans should not be larger than 30" x 42" trimmed. All plans shall be folded into a 9" x 11" size. **Unfolded plans will not be accepted.**

Scale: The scale used on submittal plans shall generally be at a 1/8" = 1'0" for the architectural plans, 1" = 20' for site engineering plans. Include a north arrow, the scale and a bar scale on all plans.

- 1. **Application Form:**(1)
Completed and signed by applicant and property owner.
- 2. **Fee:** As defined on the fee schedule listed on the Master Planning Application. Checks should be made payable to the City of Sebastopol.
- 3. **Location Map:**(1)
Indicate the subject parcel(s) and adjacent streets on an 8 1/2" x 11" map.
- 4. **Written Statement**.....(1)
Written Statement providing a description of tree(s) proposed to be removed.
- 5. **Site Plans:**.....(1 set)
Clearly show the location of the tree(s) proposed to be removed on the property.
- 6. **Site Photographs:** (1 set)
Clearly show the views of and from the project, including neighboring development. Include a key map indicating where the pictures were taken from and in what direction they were taken. Label the pictures accordingly. It is often desirable to provide the City with a series of overlapping photographs of the surrounding neighborhood that show a panoramic view. Polaroids or digital photos on a CD are acceptable.

INDEMNIFICATION AGREEMENT

"As part of this application, applicant agrees to defend, indemnify, release and hold harmless the City, its agents, officers, attorneys, employees, boards and commissions from any claim, action or proceeding brought against any of the foregoing individuals or entities, the purpose of which is to attack, set aside, void or annul the approval of this application or the adoption of the environmental document which accompanies it or otherwise arises out of or in connection with the City's action on this application. This indemnification shall include, but not be limited to, damages, costs, expenses, attorney fees or expert witness fees that may be asserted by any person or entity, including the applicant, arising out of or in connection with the City's action on this application, whether or not there is concurrent passive or active negligence on the part of the City.

If, for any reason any portion of this indemnification agreement is held to be void or unenforceable by a court of competent jurisdiction, the remainder of the agreement shall remain in full force and effect."

Applicant's Signature Rebecca S. Croft Date Signed 6/28/16 Planning File No. 2016-48

NOTE: The purpose of the indemnification agreement is to allow the City to be held harmless in terms of potential legal costs and liabilities in conjunction with permit processing and approval.



NOTICE OF MAILING:

Effective immediately, email addresses or facsimiles will be used for sending out of staff reports and agendas to applicants, their representatives, property owners, and others to be notified if an email address or facsimile number is available.

Please sign and acknowledge you have been notified of the Notice of Mailing for applications and have provided an email address or fax number.


Signature

REBECCA S. CRANFORD
Printed Name

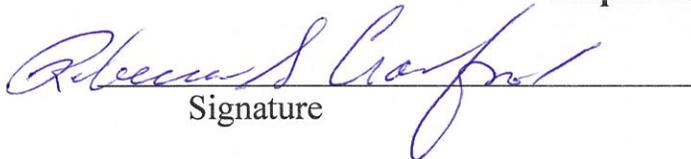
Public Notification of Tree Removal

Trees proposed for removal shall be marked by THE APPLICANT with a form prescribed by the City (attached). Notice of a Tree Removal Permit application shall be posted on the subject parcel on affected tree(s), and in at least two public places within 300 feet of the affected trees, at least ten (10) calendar days prior to the date of the Sebastopol Tree Board meeting at which the application will be considered.

THIS IS TO CERTIFY THAT I, THE APPLICANT, AM RESPONSIBLE FOR POSTING THE TREE(S) PROPOSED FOR REMOVAL WITH THE ATTACHED FORM WITHIN 5 DAYS OF FILING THIS TREE REMOVAL APPLICATION. FAILURE TO POST THE PROPOSED TREE(S), AS REQUIRED, MAY RESULT IN THE APPLICATION BEING CONTINUED OR DENIED.

If you need help in posting the proposed tree(s), please contact the Planning Department at 707-823-6167

Please sign and acknowledge you have been notified of the Posting of Tree(s) Requirement


Signature

REBECCA S. CRANFORD
Printed Name



McAvoy
Management
Real Estate Property Management

June 28, 2016

City of Sebastopol
Planning Dept.
7120 Bodega Avenue
Sebastopol, CA

Re: Tree Removal

Dear Sir:

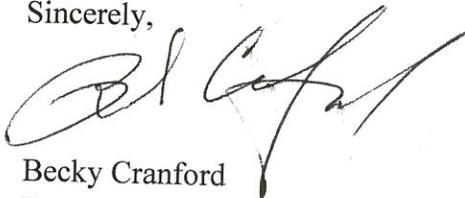
On behalf of my client, McPhail Land Corp., I am providing this written statement as an explanation of why we feel it is important to remove one redwood tree from the landscaping of this office building.

The tree roots were uplifting the parking lot. When the parking lot asphalt and the concrete curb were repaired, this tree's major root was compromised. Over the years, the tree has shown signs of deterioration. It is at the point now that it should be removed to avoid any limbs dropping and damaging vehicles below or other structures. This tree will only continue to slowly die.

The location of the tree is such that a replacement would not be recommended. However, it could be that somewhere on the property we could plant an arbutus, a smoke tree, a crepe myrtle, or perhaps a western red bud. We are currently in contract to improve the landscaping in the front of the property which was damaged after ADA improvements were made to the parking lot and the sidewalk. We could integrate a replacement at the same time.

Please contact me with any concerns and/or to give my client's your approval to proceed.

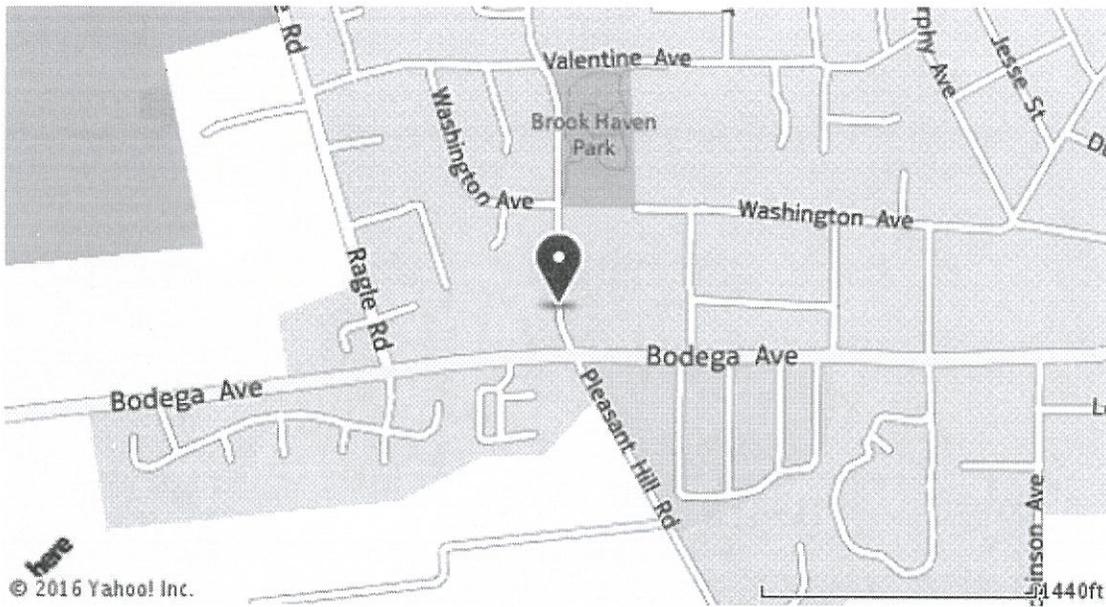
Sincerely,



Becky Cranford
Property Mgr.

cc: Alda McPhail





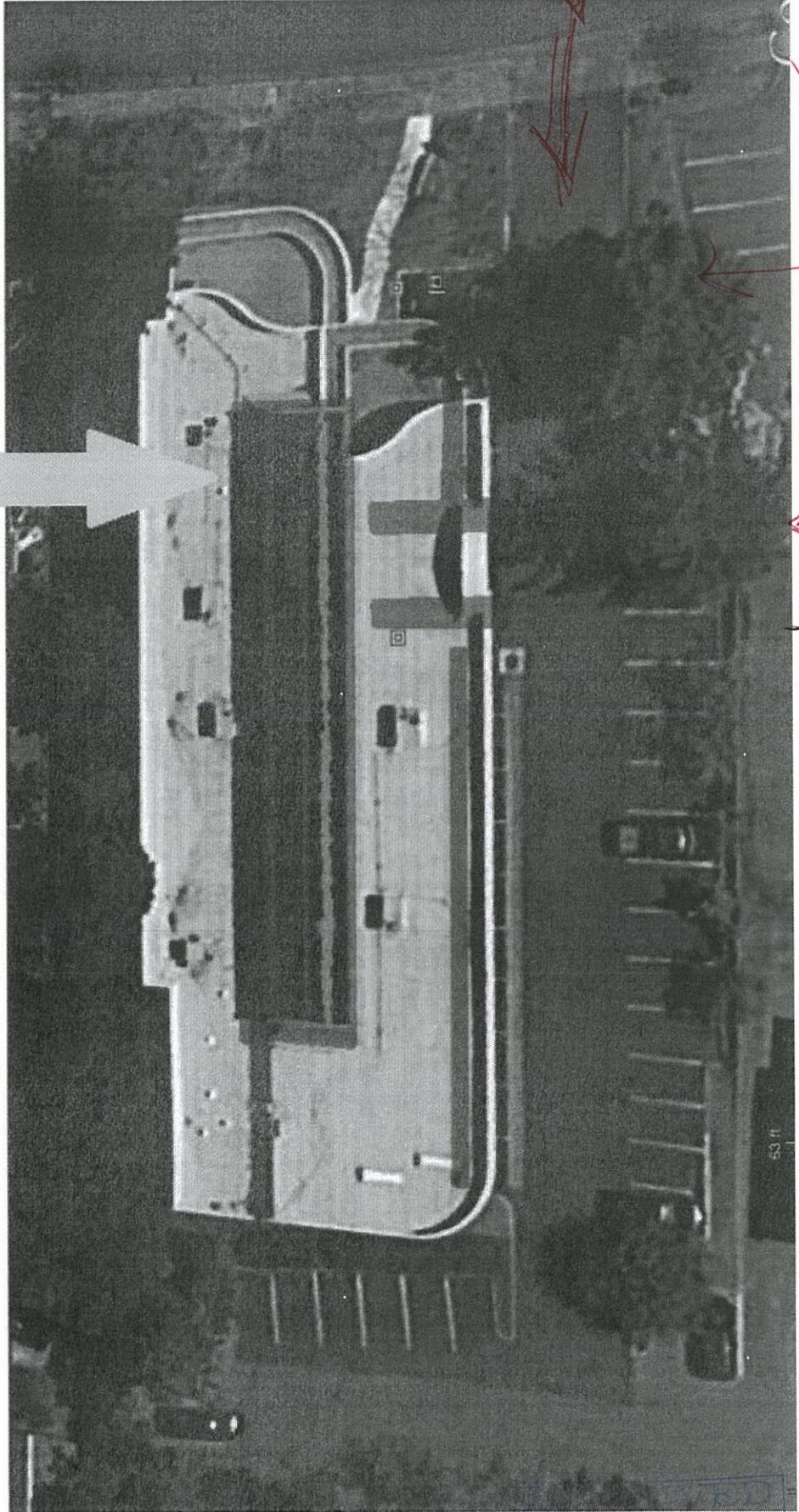
120 Pleasant Hill Ave, North

RECEIVED
JUN 28 2016
BY: *[Signature]*

- North & West side Exterior Beds
- Exterior (East Side)
- East Sidewalk-Street Islands
- Covered Parking Islands
- Interior Planting

120 Pleasant Hill, Sebastopol

Irrigation Controller Upgrade



Irrigation Controller Upgrade

New Planting

New Bed

JUN 28 2016

BY: *[Signature]*



RECEIVED
JUN 28 2016
BY: JA



RECEIVED
JUN 28 2016
BY: JA

BECKY DUCKLES
CONSULTING ARBORIST & LANDSCAPE ADVISOR
SEBASTOPOL, CA.
707.829.0555 P

ARBORIST'S REPORT

120 Pleasant Hill Ave North - Sebastopol

July 12, 2016

I have visited this site and evaluated a young, declining 30" dbh coast redwood (*Sequoia sempervirens*) proposed for removal. It's on a commercial site, growing in a 6' wide planter. The crown of the tree is thinning, with sparse foliage and dying branches. The base of the trunk is bulbous, and it is apparent that when the curb and paving were repaired, damage was done to large structural roots. Decay is probably progressing in the base of the trunk on the north side where the repairs were done and roots were cut. Prevailing winds and winter storms in this area often come from the southwest, which would push this compromised tree over the decayed trunk and damaged roots, most likely falling on the commercial building across the parking lot.

It is unfortunate that the owners and property managers didn't seek alternatives to removing structural, retention roots when performing the irrigation and paving repairs. It's also sad that a tree of this species and ultimate size was planted in such a confined space.

The tree should be removed, and the stump and large surface roots ground. If the dead flowering crabapple a few feet away is also removed, there would be room in that area for two 15 gal. hybrid madrones, *Arbutus* 'Marina' to be planted, one of the suggestions from the applicant.

Respectfully submitted,

Becky Duckles

Becky Duckles
ISA Certified Consulting Arborist #WE-0796A