

City Council

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Kenyon Webster

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Jonathan Atkinson

Administrative Assistant

Rebecca Mansour

City of Sebastopol Tree Board Staff Report

Meeting Date: June 15, 2016
Agenda Item: 9A
To: Tree Board
From: Jonathan Atkinson, Assistant Planner
Subject: Tree Removal Permit
Recommendation: Approval with Conditions
Applicant/Owner: Clive Sharrocks
File Number: 2016-31
Address: 7631 Healdsburg Avenue
CEQA Status: Categorical Exemption: Section 15301: Class 1
General Plan: Office
Zoning: CO: Office Commercial

Introduction:

This is a Tree Removal Permit application, requesting approval to remove one tree at 7631 Healdsburg Avenue. 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. The application is in conjunction with a Design Review application for a mixed-use development at the site.

Project Description:

The subject tree is a multi-trunk Coast Live Oak with a diameter at breast height (DBH) of at least 25 inches that is located on a vacant lot with one Valley Oak. The applicant has retained a project arborist, David Fowler, who has prepared a report (attached), providing an assessment of the subject tree and outlining the rationale for its removal. The primary reason for removing the subject tree is that it is situated directly in the location of the proposed mixed-use development.

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 Live Oak, which will result in the minor alteration of features on a vacant 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 June 1, 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.***

This condition is not applicable.

- 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.***

This condition is not applicable.

- 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.***

The subject tree is situated at the western portion of the lot, which is the proposed location of a two-story mixed-use building. The City Arborist conducted a site visit, reviewed the Design Review application, and subsequently found that it would be impossible to retain the subject tree without losing a significant percentage of the developable area based on its structure and form. The City Arborist also found that the subject tree could lose most of its branches and crown due to pruning for pedestrian access, even if it were retained as part of the development.

- 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.***

This condition is not applicable.

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 June 2, 2016. The Planning Department has not received any comments from the public as of writing the staff report.

Analysis:

The request involves the removal of one Coast Live Oak with a DBH of 25 inches, which is situated directly in the location of a proposed mixed-use development. The Tree Board may find that the subject tree merits removal in that it cannot be retained without losing a significant portion of the site's buildable area, as identified by the City Arborist. The City Arborist also found that the subject tree would require substantial pruning to allow for pedestrian access even if it were retained, due to its large low-hanging branches. The City Arborist concluded that it is reasonable to remove the subject tree and preserve the large Valley Oak, which is located closer to Healdsburg Avenue. While the site will lose a large tree as a result of this removal, the mixed-use project will result in the addition of several trees and plantings, including two Coast Live Oaks, which the Board may see as an overall improvement.

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: 2016-31 Removal of One Coast Live Oak with a DBH of 25 Inches 7631 Healdsburg Avenue

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 one tree, which is a minor alteration to existing features on a vacant 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 June 2, 2016.
3. That the City Arborist found that the subject tree merits removal in that it cannot be retained without losing a significant portion of the site's buildable area, and that it would require

substantial pruning to allow for pedestrian access even it were retained, due to its large low-hanging branches.

4. That the City Arborist found that the subject tree should be removed in that its removal will allow for the site to be developed while retaining an existing large Valley Oak.

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 in conjunction with the landscape plan for the proposed mixed-use development. 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
- Project Arborist's Report
- Location Map
- Site Plan
- Site Photographs
- City Arborist's Report



City of Sebastopol

TREE REMOVAL PERMIT

Application and Checklist

Planning File #: 2016-31

Date Filed: 04-19-16

Total Fee Paid: \$ 465

Received by: [Signature]

Date Application Deemed Complete: 05/17/16

PROJECT INFORMATION

ADDRESS: 7631 Healdsburg Ave

ASSESSOR'S PARCEL #: 004-291-018

PARCEL AREA: CORNER MURPHY & HEALDSBURG AV.

APPLICANT OR AGENT:

Name: Clive Shavrocks

Email Address: cshavrocks@yahoo.com

Mailing Address: 726 Robinson Rd.

City, State, Zip: Sebastopol, CA 95472

Phone: 707 829-1792

Fax: _____

Business License #: NA

Signature: [Signature]

OWNER OF PROPERTY, IF OTHER THAN APPLICANT:

Name: _____

Email Address: _____

Mailing Address: _____

City, State, Zip: _____

Phone: _____

Fax: _____

Business License # _____

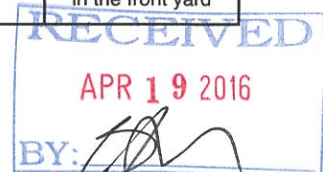
Signature: _____

I certify that this application is being made with my consent.

Date: 4/17/2016

Date: _____

Location Key	Species of Tree	Diameter at 4 1/2 feet	Area where tree is to be removed from?	Reason for Removal	Proposed Replacement
A	QUERCUS AGRI FOLIA COAST LIVE OAK	SEE REPORT MULTI TRUNK	MURPHY HEALDSBURG	CONFLICTS WITH BLOGS	SEE LANDSCAPE PLAN.
B					
C					
D					
	Example listed below:				
Sample	(Q. Lobata) Valley Oak	22.5"	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





City of Sebastopol

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 Clive Starvocks Date Signed 5/17/2016 Planning File No. 2016-31

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 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.

Chris Shannon
Signature

Clive Starvocks
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, or acted on administratively, as applicable.

THIS IS TO CERTIFY THAT I, THE APPLICANT, AM RESPONSIBLE FOR POSTING THE TREE(S) PROPOSED FOR REMOVAL WITHIN 10 DAYS PRIOR TO THE PUBLIC HEARING, OR ADMINISTRATIVE ACTION, AS APPLICABLE. 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.

Chris Shannon
Signature

Clive Starvocks
Printed Name

DAVID FOWLER DESIGNS
CONSULTING ARBORIST & LANDSCAPE DESIGNER
4908 B Sonoma Highway
SANTA ROSA, CA 95405
707.331.5199
dfowlerdesigns@gmail.com

ARBORIST'S REPORT
MAY 14, 2015

On May 13, 2015 I visited the site at 7631 Healdsburg Avenue to review a Coast Live Oak tree (*Quercus agrifolia*) at the request of property owner Clive Sharrocks. Please see attached google earth image for exact location of this tree as well as site photos.

This oak tree has a spreading multi-trunk growth habit. This is most likely due to being cut or having its central leader broken at an early age. Mr. Sharrocks informed me that the tree has grown very quickly, and I verified this information by checking google earth images from 2003. 12 years ago, the tree had a 27' diameter canopy, and it now is approximately 48'. The diameter at 2 feet above the ground (diameter at breast height was not possible to measure due to the multiple trunks) is 25 inches. The tree appears to be young and in good health but has some included bark at the branch unions. Currently, there are not hazards presented by this tree, but pruning it to accommodate building or parking would not be possible because of the extremely low branching pattern.

Mr. Sharrocks informed me that he has received a great deal of interest in the property from Key Bank, but the potential buyer does not want to have any adverse publicity over a confrontation about the tree. The location, size, and growth form of the tree make it nearly impossible to develop the lot. In accordance with the Sebastopol Tree Protection Ordinance (Chapter 8.12) Section D, "A Tree Removal permit may be approved only when at least one of the following conditions has been satisfied:"

(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.

I recommend the removal of this tree to accommodate future development of the parcel. To mitigate the loss of this tree, I recommend the planting of (2) 24" box Coast Live Oaks (*Quercus agrifolia*) planted on the same site, but more appropriately situated for development (ideally closer to the property lines).

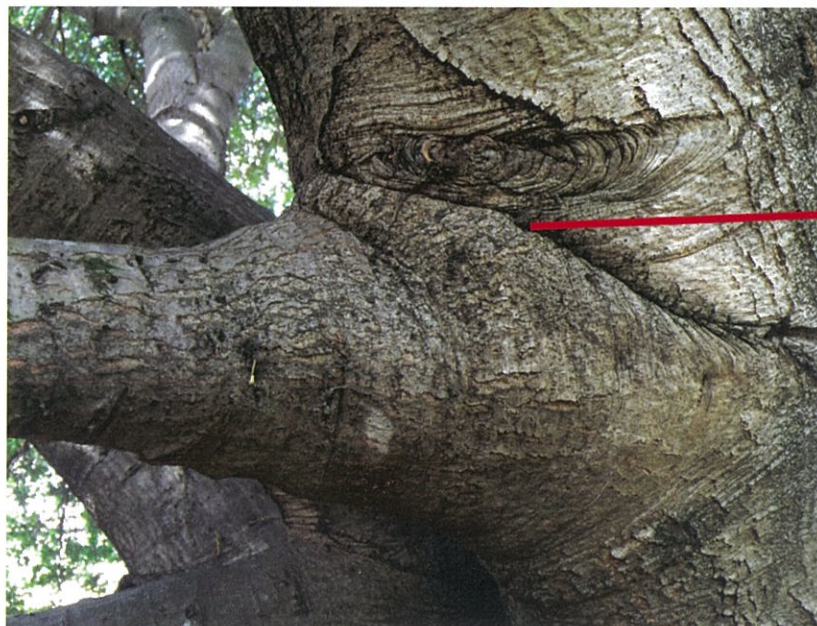
Sincerely,

David Fowler

David Fowler
International Society of Arboriculture, Certified Arborist # WE-10576A

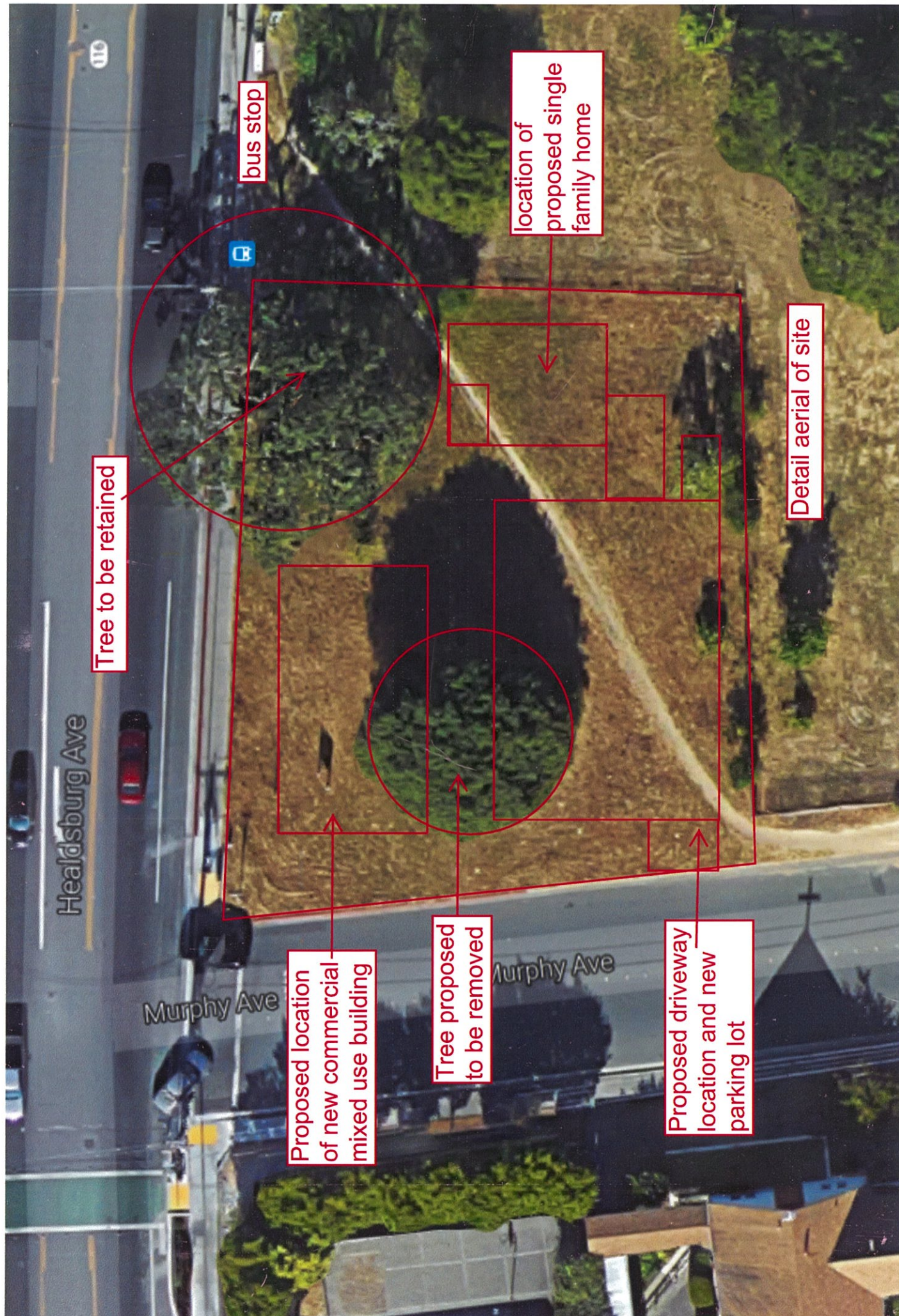


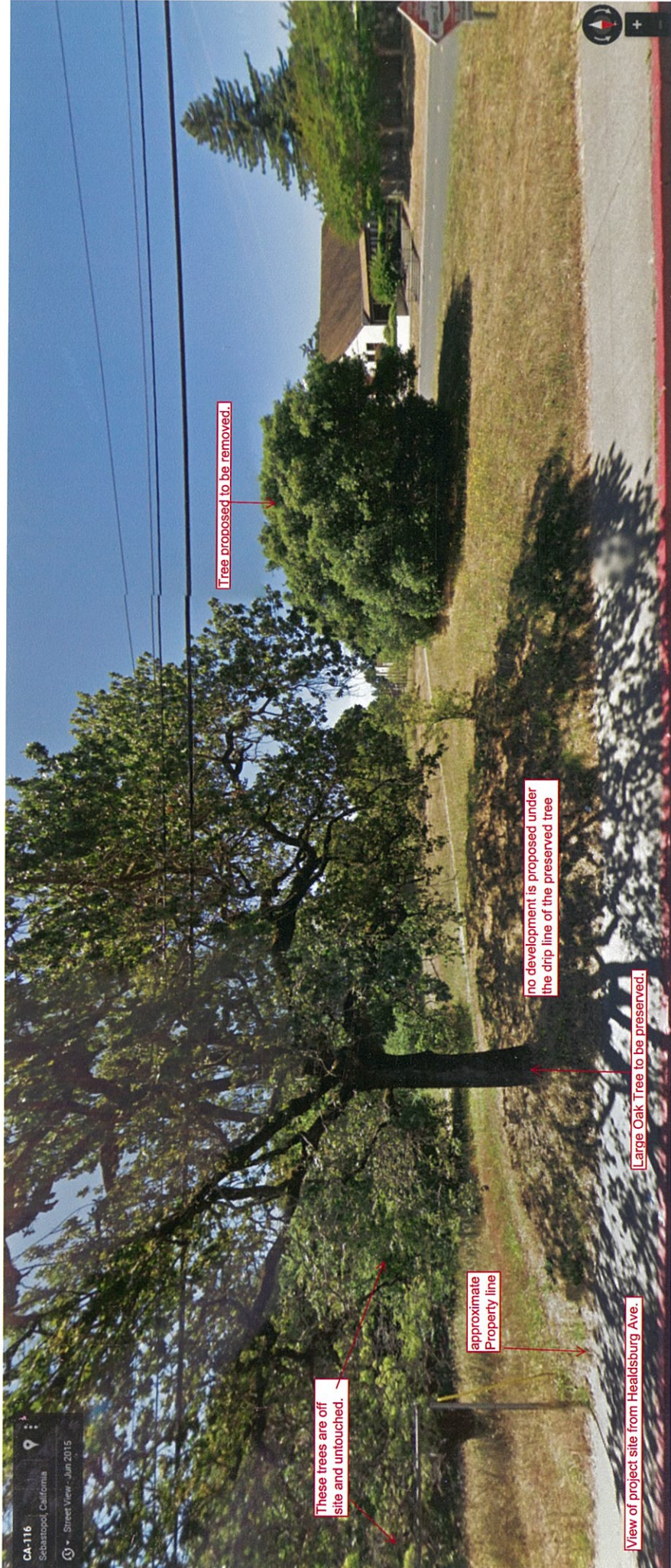
LOW BRANCHING
FORM



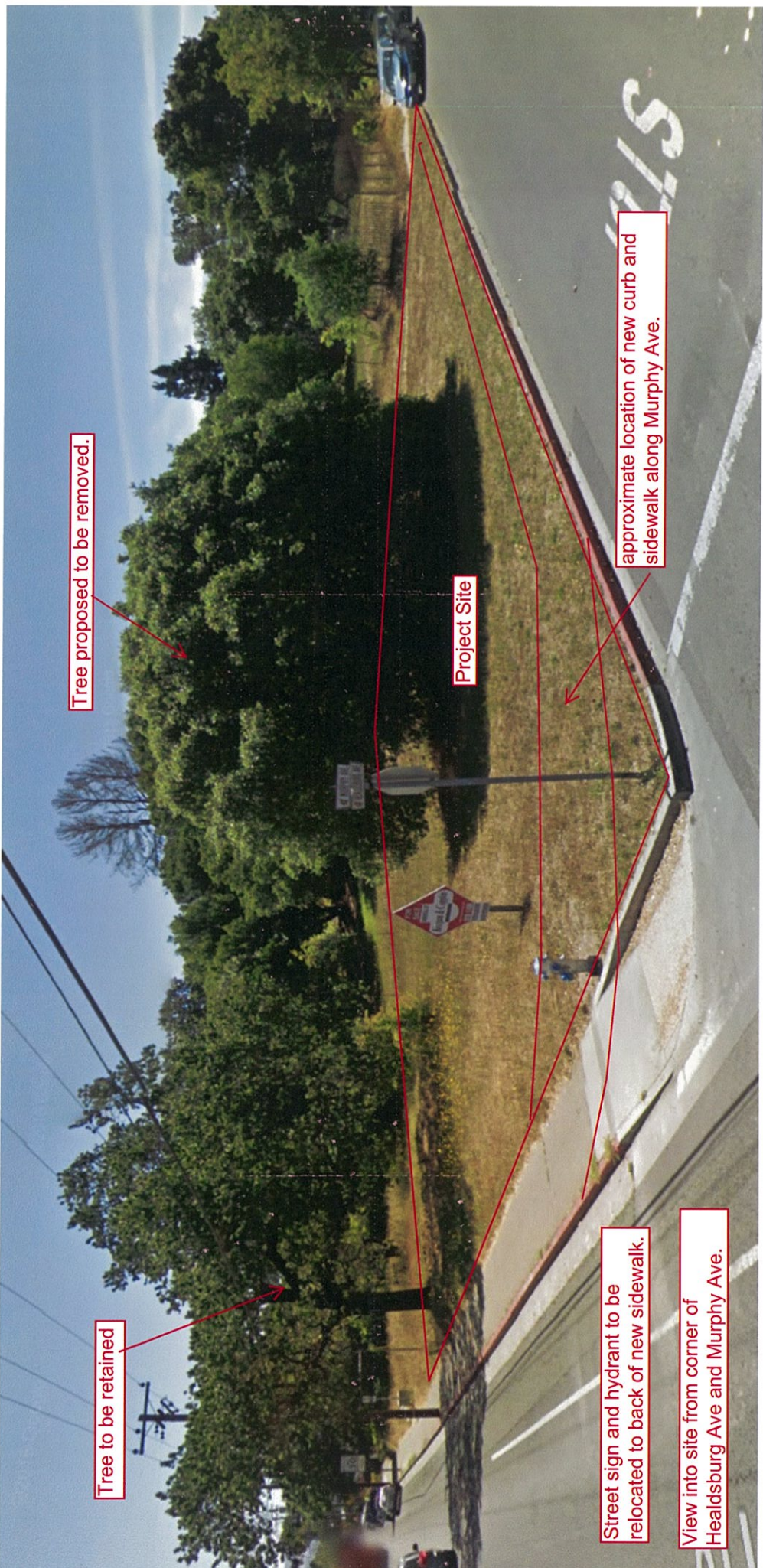
INCLUDED BARK
AT BRANCH UNIONS

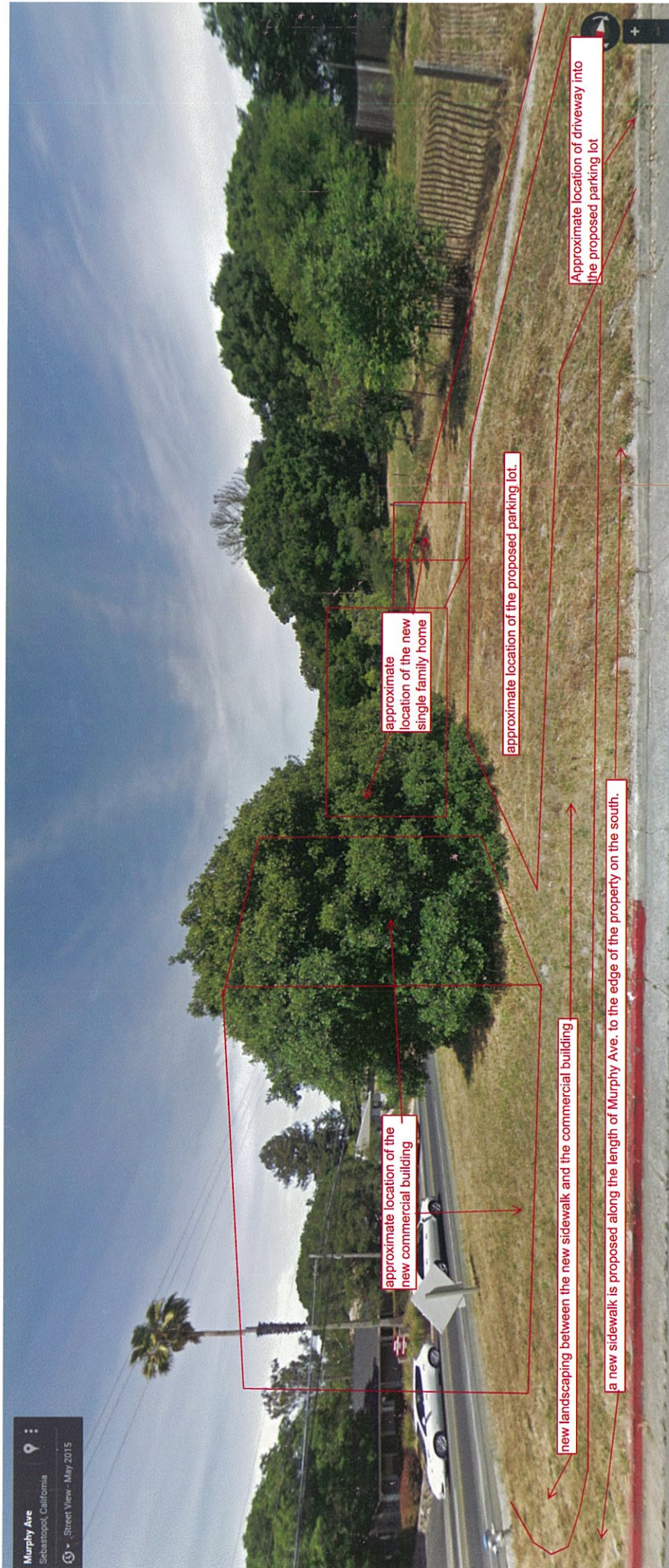












BECKY DUCKLES
CONSULTING ARBORIST & LANDSCAPE ADVISOR
SEBASTOPOL, CA.
707.829.0555 P

ARBORIST'S REPORT

7361 Healdsburg Ave., Sebastopol
Mixed Use Project
June 1, 2016

I have reviewed the preliminary application for this mixed use project and offer the following comments. The site is currently undeveloped, with two existing oak trees on the portion of the lot to be developed. Arborist reports have been provided regarding the two trees, and I have visited the site to inspect them and confirm the information.

Because of the form and structure of the coast live oak, I agree that it would be impossible to retain on this lot without losing a significant percentage of buildable area. It is extremely low-branched, almost to the ground, and clearance pruning even for pedestrian access would remove most of its branches and crown. It is reasonable to remove this tree and protect the valley oak closer to the street.

Any necessary clearance or hazard reduction pruning on the valley oak should be done by a qualified tree service according to ANSI standards. I reviewed the landscape plan, and the mulch top dressing specified under the oak is the best landscape treatment for the valley oak tree. When fence and gate post locations are marked out on site within its dripline, they should be hand dug to determine if oak tree roots 2" or larger are growing in those locations. If any are found, the post should be shifted a few inches in line to avoid damaging them.

Current ANSI recommendation/specification for staking new trees is to minimize staking and cross bracing wherever possible. Where vandalism and high winds aren't a problem, single stakes on the windward side with as few ties as possible is recommended to encourage deep rooting and good trunk taper. The boxed coast live oaks (replacement trees) are specified to be low-branched, so they should be fine with minimal staking. Tree holes should be no deeper than the rootball, but 2-3 times the width.

The project is well-designed and appropriate in regard to the valley oak to be preserved and the landscaping.

Please contact me if there are any questions regarding these recommendations.

Respectfully submitted,

Becky Duckles

Becky Duckles, City Arborist
ISA Certified Consulting Arborist #WE-0796A