

City Council

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Assistant Planner

Dana Morrison

Administrative Assistant

Rebecca Mansour

City of Sebastopol Planning Department

Meeting Date: July 19, 2017
Agenda Item No.: 8A
To: Tree Board
From: Dana Morrison, Assistant Planner
Subject: Tree Removal Permit
Recommendation: Approval with Conditions
Applicant/Owner: Sandborn Tree Services / Don Strouzas: Fiesta 116
File No.: 2017-43
Address: 550 Gravenstein Highway North
CEQA Status: Categorical Exemption: Class 1
General Plan: General Commercial
Zoning: General Commercial

Introduction:

This is a Tree Removal Permit application, requesting approval to remove two trees that are located on the south side of the west driveway to Pacific Market, along Covert Lane in Sebastopol, California. This application is subject to Tree Board approval because it involves the proposed removal of two Protected Native trees each with a diameter at breast height that exceeds 10 inches and are located on a commercial property.

Project Description:

This is an application for the approval of a Tree Removal Permit for two Coast Redwood (*Sequoia sempervirens*) trees located at 550 Gravenstein Highway North. The trees are located on the south western side of the Pacific Market property. The applicant is seeking a Tree Removal Permit because roots of the two trees have been consistently causing damage to the concrete sidewalk. The two trees have diameters that are approximately 22.3" and 27.5" each. There are two arborist reports attached to this report, outlining the rationale for the removal of these trees.

Public Comment:

Jenny Rose, Lorie Golden, Nadia Winstead, and Maria (last name unknown), all residents of Sebastopol, have contacted the Planning Department to express their concern and opposition to the removal of these two trees. All have stated that they feel that other mitigation measures could be taken to address the sidewalk issue.

City Departmental Comment:

Becky Duckles, the City Arborist, reviewed the application, conducted a site visit, and prepared an Arborist Report on June 26, 2017. The report is attached and its finding are reflected in the following sections of this staff report: Tree Protection Ordinance Consistency, Analysis, Recommendation and Findings.

Environmental Consistency:

The application is categorically exempt from the requirements of CEQA, pursuant to Section 15301, Class 1, which 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 subject trees are located on a commercial lot, which is already developed and contains a number of businesses. The proposed tree removals will result in a minor alteration to existing topographical features.

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 at least one of the following conditions has been verified by an ISA Certified Arborist:

- 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 does not apply.

- 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 trees' roots are damaging the concrete sidewalk. Possible damage has also been reported to the market wall and plumbing. The application is consistent with this condition.

- 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 is responsible for providing documentation to support such a claim.*

The property owner has provided photo documentation showing that the subject trees are damaging the existing sidewalk. The City Arborist documented the damage done to the sidewalk, and noted that the roots will likely cause more damage, causing recurring maintenance issues. The application is consistent with this condition.

- 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 does not apply.

5. *The tree has matured to such an extent that they are out of scale with adjacent structures and utilities, or with other landscape features.*

The City Arborist found that the trees are planted in an area that is too small, and that the roots of the two trees are causing damage to the concrete walkway; thus they are out of scale with the area available for landscape features. The application is consistent with this condition.

Public Notification of Tree Removal:

Section 8.12.060.F: 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.

The proposed tree removal was properly noticed at least ten (10) days before the Tree Board meeting with one notice being posted on the subject tree and two notices being posted at two public places within 300 feet on June 29, 2017, which was twenty (20) days prior to meeting of July 19, 2017. The application is consistent with this requirement.

Analysis:

The subject trees are Coast Redwoods, which are classified as a Protected Native per the Tree Protection Ordinance, and are of significant size with a diameter of 22.3 and 27.5 inches, each. The applicant provided an arborist report, conducted by Sandborn Tree Service Inc. (attached), which recommended the "removal of both trees to abate hazards and further damage to improvements which are inevitable as the trees were planted in a planter that is much too small to accommodate them due to their potential for growth. Coast redwoods are the fastest growing and are potentially capable of achieving the largest height, girth and spread of any tree on the planet. They have no future in a 5' wide planter strip." The City Arborist agreed with this assessment.

In her report, submitted June 26, 2017, the City Arborist stated that the two trees in question were relatively healthy, well-shaped trees, but they were growing in planters too small for their roots and growth potential. The two trees roots' have damaged the sidewalk significantly, creating a trip hazard, and cracked the adjacent curb and paving. Along with this, possible damage to the market wall and plumbing were also reported. Both are young trees which will continue to grow at least an inch in diameter and several feet in height every year. Based on this, the City Arborist concluded that it is reasonable to remove the two trees, however the market owner/managers should propose replacement tree species and locations, appropriate for the site.

The application is consistent with three of the five conditions outlined in the Tree Protection Ordinance, which only requires consistency with one condition to merit a Tree Removal Permit. Furthermore, removal of the subject trees would create an opportunity in to select and plant replacement trees which are more compatible with the existing site.

Recommendation:

If it is the consensus of the Tree Board that the subject tree warrants a Tree Removal Permit, staff recommends that the application be approved based on the facts, findings, and analysis set forth in this staff report, and subject to the conditions of approval outlined.

Findings:**Finding for Tree Removal Permit, Application No. 2017-43; 550 Gravenstein Highway North, for approval to remove two Coast redwood trees:**

1. That the application is categorically exempt from the requirements of CEQA, pursuant to Section 15301, Class 1, which 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 in that the proposed tree removal will result in a minor alteration to existing topographical features.
2. That the application is consistent with Section 8.12.060.F of the Tree Protection Ordinance in that the proposed tree removal was properly noticed at least ten (10) days before the Tree Board meeting with one notice being posted on the subject tree and two notices being posted at two public places within 300 feet on June 29, 2017, which was twenty (20) days prior to meeting of July 19, 2017.
3. That the application is consistent with Section 8.12.060.D of the Tree Protection Ordinance in that the subject trees roots have created a trip hazard, and cracked the adjacent curb and paving. Coast redwoods are fast growing and are capable of achieving large height, girth, and spread. In that both trees are young and will continue to grow and will outgrow the 5' planter in which they were planted, they are likely to continue to cause damage to the sidewalk. The property owner has provided photo documentation that the subject trees are damaging the existing sidewalk, and indicated through a written statement (conducted by an ISA certified Arborist) that its roots pose a threat to the concrete sidewalk and pavement. The City Arborist documented the damage done to the sidewalk, and noted that the roots will likely cause more structural damage. The application is consistent with 3 of the 5 conditions outlined in the Tree Protection Ordinance as set forth in the staff report, including requirements 2, 3 and 5, which only requires consistency with one condition to grant a Tree Removal Permit.

Conditions:

1. The Tree Removal Permit shall be valid for a period of three (3) years.
2. An encroachment permit may be required prior to the removal of the trees. Please contact the Engineering Department prior to installation if work will be performed, or materials placed, in the public right-of-way. The phone number for the Engineering Department is 823-2151.
3. Within 45 days from this letter, the applicant shall plant two (2) on-site replacement trees of a type and number approved by the City Arborist for each protected tree. 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. Alternatively, 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.

Attachments:

- Tree Removal Permit Application and Checklist
- Location Map
- City Arborist Report
- Site Photographs



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 #: 2017-43
Date Filed: 06.13.17
Total Fee Paid: \$ 615
Received by: [Signature]
Date Application Deemed Complete: _____

PROJECT INFORMATION

ADDRESS: 550 GRACESTON HWY N.
SEBASTOPOL
Applicant's Information

Name: SANDBORA TREE SERVICE, INC
Address: 119 MORRIS ST.
City, State, Zip: SEBASTOPOL CA
Phone #: (707) 823-9144
Fax #: 823-1795
Email: SANDBORATREE@gmail.com
Signature: [Signature]

Date: 6/7/17

ASSESSOR'S PARCEL #: 004.430.038

Owner's Information

Name: FIESTA 116
JOE DON STANOUZAS
Address: 4248 VIEWCREST DR.
City, State, Zip: OAKLAND, CA 94619
Phone #: (510) 531-1423
Fax #: (510) 531-1034
Email: dstanouzas@comcast.net
Signature: [Signature]

I certify that this application is being made with my consent

Date: 6-9-2017

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	(S. semiperv) (Coast Redwood)	22.3	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No	Planted strip on coast Ln.	Too large / Damage to surrounding area	
B	(S. semiperv) (Coast Redwood)	27.5	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No	II		
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

Tree Removal Permit - January 2005



	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 Don Strougo Date Signed 6-9-17 Planning File No. 2017-43

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.

Don Strouzas
Signature

DON STROUZAS
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

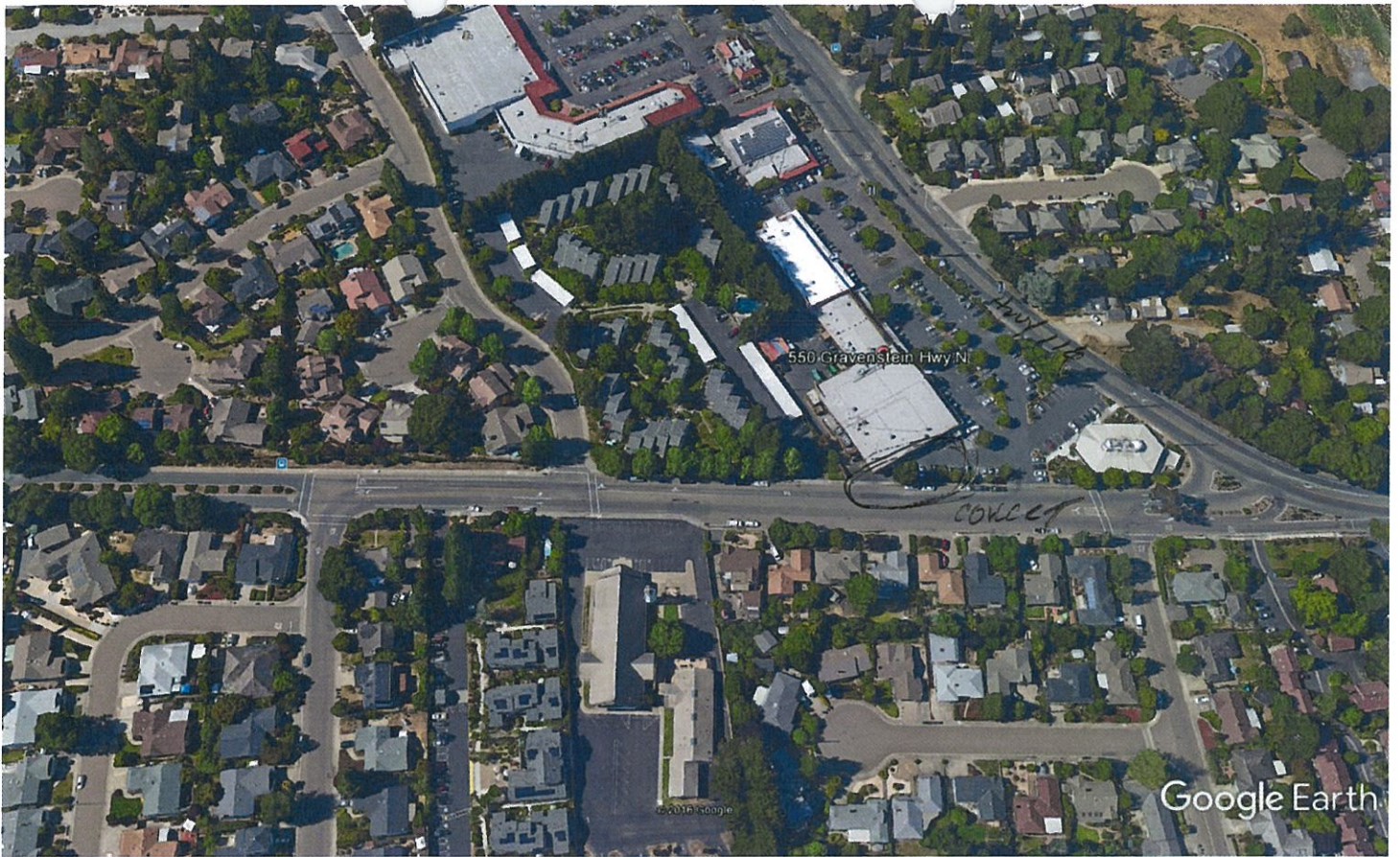
Please sign and acknowledge you have been notified of the Posting of Tree(s) Requirement

Don Strouzas
Signature

DON STROUZAS
Printed Name



N



Google Earth

feet
meters





June 8, 2017

Sebastopol Planning Department
7120 Bodega Ave.
Sebastopol, CA 95472

Re: Two (2) Coast redwood (*Sequoia sempervirens*) trees located at 550 Hwy. 116 North and Covert Lane (Pacific Market) Sebastopol

Dear Planner,

Planted in the 5' wide planter strip on the north side of Covert Lane, on the south side of the west driveway to Pacific Market are two Coast redwood trees. The west tree has a diameter 4.5' above grade (d.b.h.) of 22.3". The east tree has a d.b.h. of 27.5". The west tree is 50' tall and the east tree is 55' tall. Both trees have good vitality with strong central leaders. The top 4' of the west tree had very thin foliage, probably due to squirrel girdling. Neither tree shows signs of previous pruning except crown raising for vehicle clearance. Both trees have broken branches in the crown, an abundance of limbs and thick, dark green foliage. Not pests or diseases are apparent, except for the before mentioned assumption that squirrel(s) have stripped the bark off the top of the crown of the west tree. The roots of these trees have elevated a section of city sidewalk (129" x 54") by 3" on the northside of the sidewalk which tilts down to 0" on the south edge. Root growth has also cracked (but not shifted) the curb on the north side of the planter, raised and cracked the asphalt of the driveway to an extensive degree between the north side of the trees and the south wall of Pacific Market 25' north of the trees and has damaged a toilet on the inside of that wall of the grocery building.

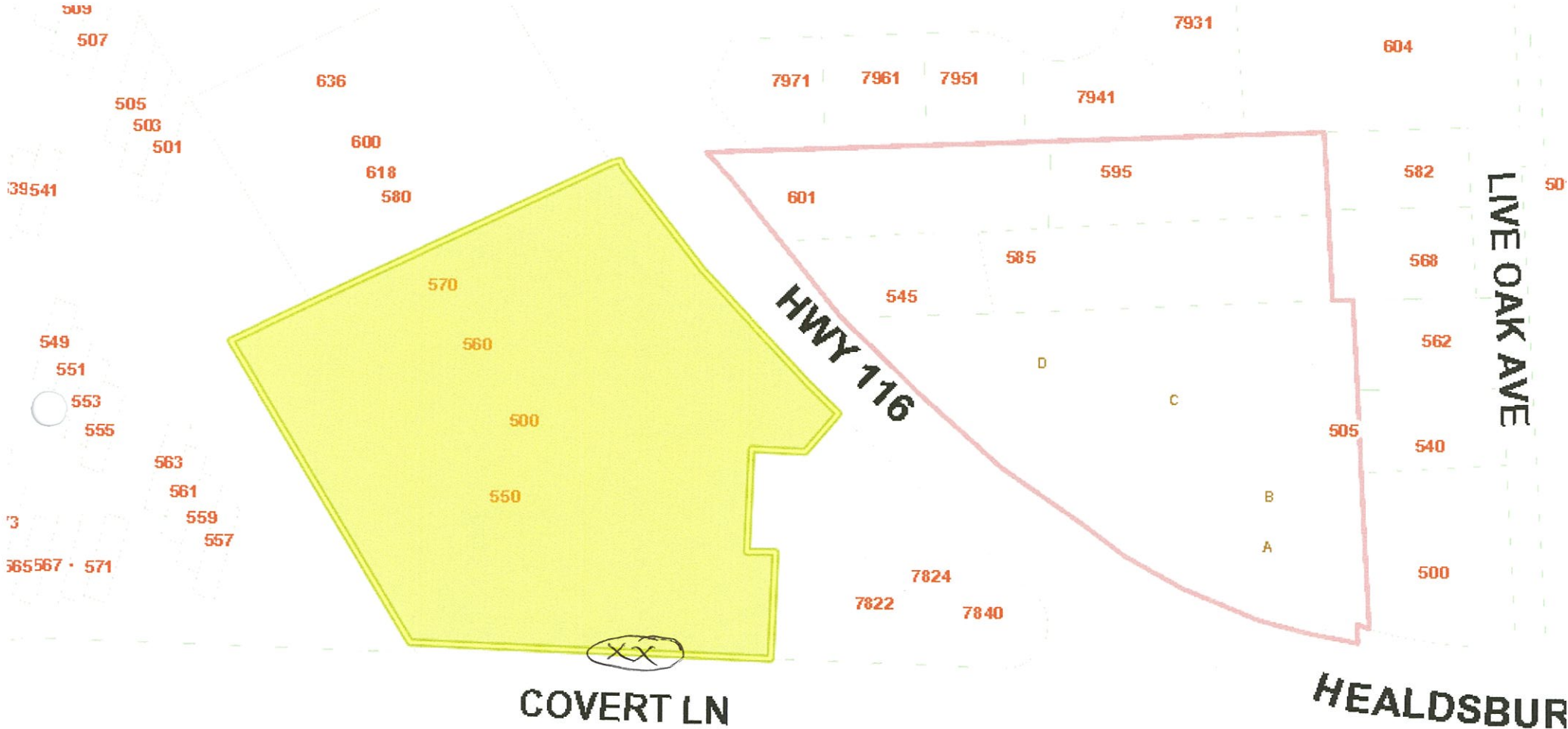
I recommend those trees be removed to abate hazards and further damage to improvements which are inevitable as the trees were planted in a planter that is much too small to accommodate them due to their potential for growth. Coast redwoods are the fastest growing and are potentially capable of achieving the largest height, girth and spread of any tree on the planet. They have no future in a 5' wide planter strip.

If you have any questions, feel free to call.

Sincerely,

R. E. (Chip) Sandborn
ISA Certified Arborist® #WE-0177A





RECEIVED
JUN 13 2017
BY: [Signature]

6/13/2017 9:35:19 AM

County Assessor Information

Address: 550 GRAVENSTEIN HWY N
SEBASTOPOL, CA 95472

Land Use: NEIGHBORHOOD SHOPPING CENTE

Tax Area: 005004

Jurisdiction: SEBASTOPOL

Recording#: 2016R045588

Rec Date: 05/26/2016

Lot Acres: 2.12

Land Value: \$835,999

Bldg Value: \$1,503,314

Bldg Sqft: 23,360

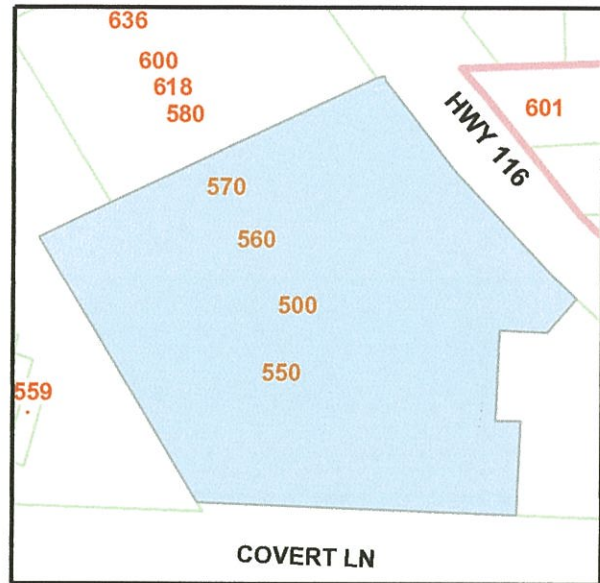
Built: 1967

Res Units:

Bedrooms:

Bathrooms:

Com Units:



Santa Rosa Only Information

General Plan:**Area Plan:****Zoning Code:****Identifier:****Planned Dev:****Historic Dist:****Fault km:** 0**Wind Zone:****Fire Zone:****Park Fee:****Fire District:** 0

GIS Calculated Information

Lot Acres: 2.05

Latitude: 38.405782

Longitude: -122.837963

Census Tract: 153401

Census Block: 4006

Street Sweep:

Elem School: PARK SIDE (K-2) & PINE
CREST (3-5)



DAIRIE MKT



Pacific AKS.



Pacific MKT.





Jessie Post





Google Earth

feet 10
meters 4







Public Works Department

714 Johnson Street
Sebastopol, CA 95472
Phone (707) 823-5331
Fax (707) 823-4721

Website: www.ci.sebastopol.ca.us
Email: nsutton@cityofsebastopol.org
Nathan Sutton, Assistant Superintendent

May 9, 2017

Fiesta 116 et al.
c/o Spyridon Strouzas
6268 View Crest Drive
Oakland, CA 94619-3718

Subject: Sidewalk Repair – 550 Gravenstein Hwy North

To Whom It May Concern:

It has come to our attention that the sidewalk on the front side of the above listed property is in need of repairs and is in a condition that may endanger persons and property and interfere with the public convenience in the use of the sidewalk.

Streets and Highway Code Section 5611 provides that owners or persons in possession of property fronting on a sidewalk are responsible for repairs to that sidewalk. Repairs to that described portion of the sidewalk are required to be done in accordance with City Standards and Specifications.

Streets and Highway Code Section 5614 provides that if actions by the property owner to repair the sidewalk are not started within four (4) weeks from the date of this Notice, the City of Sebastopol shall obtain bids from private contractors to make the repairs and present a bill for the cost of the repairs to the property owner. If the City is not reimbursed for the cost of the repairs, the cost then may become a lien on the property.

Please call the Public Works Department at 823-5331 within ten (10) days of receipt of this letter so arrangements can be made to meet the Public Works Inspector at the site to discuss the repairs with you. You may contact Reyna Ramirez, Administrative Assistant, for this meeting.

Prior to performing any work on the sidewalk, the Contractor must first obtain an Encroachment Permit from the Public Works Department, 714 Johnson Street, Sebastopol. Please contact the Engineering Department at 823-2151 for information about the Encroachment Permit process.

Your anticipated cooperation in this matter will be greatly appreciated. If you have any questions, please feel free to call me at 707-823-5331 or email me at sebpw@cityofsebastopol.org.

Sincerely,

Nathan Sutton
Assistant Superintendent