

City Council

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Planning Director

Kari Svanstrom
Assistant Planner
Dana Morrison
Administrative Assistant
Rebecca Mansour

City of Sebastopol Tree Board Staff Report

Meeting Date: December 19, 2018
Agenda Item: 8B
To: Tree Board
From: Dana Morrison, Assistant Planner
Subject: Tree Removal Permit: Coast Live Oak
Recommendation: Approval with Conditions
Applicant/Owner: Sandborn Tree Service/ Charlie Pendergast
File Number: 2018-100
Address: 7345 Healdsburg Avenue
CEQA Status: Categorical Exemption: Section 15301: Class 1
General Plan: CO: Commercial Office
Zoning: CG: General Commercial Multifamily

Introduction:

This is a Tree Removal Permit application, requesting approval to remove one 21" dbh coast live oak from 7345 Healdsburg Ave. This application requires Tree Board approval because it involves the removal of a tree with a d.b.h. that exceeds 10" from a commercial property.

Project Description:

The subject tree is a 21" d.b.h. coast live oak which is located on the southern side of the property and in the building's parking lot. The primary reason why the applicant is requesting to remove the tree is due to the fact that the tree is in poor health and is declining, a recommendation from Sandborn Tree Service (included in the Attachments) support the removal. Overall, the City Arborist has reviewed the tree and has determined that it is decaying, will continue to do so, and as such, supports removal of the tree.

No replacement trees were recommended or suggested by the applicant, likely given the limited opportunities on the site for plantings. As such, the deposit fee would be retained by the City and the money will go towards planting replacement trees elsewhere in the City. The Board could discuss the possibility of a replacement tree in the existing tree's location, taking care to select a species suited for the location. The City Arborist suggested that the site could be large enough to handle a replacement tree, but care should be taken to ensure that the species selected is resistant to oak root fungus.

Project History:

In 2008 the owner, Mr. Pendergast, received approval for a Design Review project for the property, this approval included a requirement that a Tree Protection Plan be submitted along

with the required grading permit. While the grading permit was still going through the process of approval, the contractor started construction on the approved remodel. At this time, during a drive by, the City Arborist noted that the roots of a protected oak had been cut as part of the work. Planning Staff, the City Arborist, and the applicant met and created mitigation measures to ensure the protection of the trees during the rest of the construction process; these were implemented by the contractor and no further code enforcement issues in regards to the trees arose.

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 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 December 3, 2018. 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 tree in question is in severe decline, with only a handful of leaves present on the tree, and found that the tree is becoming infested with beetles. According to the Arborist the tree is likely to become increasingly unstable as the remaining roots continue to decay and could pose a hazard to nearby structure, cars or pedestrians. As such, she recommends approval consistent with this criterion.

- 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 criterion does not apply.

- 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 criterion does not apply.

- 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 criterion does not apply.

- 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 criterion does not apply.

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.

A phone call was received by one caller on December 3, 2018 who inquired about the removal of tree. The caller generally supported the removal of the tree, as it appears to be in poor form, but was supportive of some smaller replacement tree, if possible.

Analysis:

The request involves the removal of one (1) coast live oak, which is located in the rear parking lot of 7345 Healdsburg Avenue. Both the City Arborist and the consulting Arborist (Chip Sandborn) have reviewed the tree and found it to be in severe decline. While the tree's decline could be related to the decade-old construction damage, the 3-year post-construction assessment period has passed. As such, staff has determined that it is appropriate for the application to be assessed as a Tree Removal request, not as a Tree Protection violation (SMC 8.12.050). However, the Tree Board may wish to take this into consideration in determining whether a replacement tree(s) should be replanted on-site.

Regardless, according to both Arborists, the roots of the tree are decaying and will continue to do so. The tree currently has only a handful of leaves and has become infested with beetles. Both Arborists concurred that the tree has the potential to become a hazard. As such, the City Arborist recommends removal of this tree in keeping with Criterion #1 of the City's Tree Protection Ordinance requirements.

Staff has visited the site, conferred with the City Arborist, and have determined that off-site or in-lieu payment of the replacement requirement is permissible. The City Arborist did note that the

existing planter could accommodate another tree. However, she requested that if the applicant does decide to do an on-site replacement, the selected tree should be resistant to oak root fungus.

If the Board is inclined to approve the removal they should determine whether replacement on-site should be a required Condition of Approval or leave the decision up the applicant (which, if they decide to not plant on-site, would result in the retention of the Tree Deposit collected at the time of application submittal).

Recommendation:

Staff recommends that the Board hear from the applicant, deliberate and either approve the removal of the tree based on the facts, findings and analysis set forth in this staff report.

Attachments:

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

TREE REMOVAL PERMIT: 2018-100
Removal of one coast live oak with a DBH of 21 Inches
7345 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 a multi-trunk locust tree, which will result in the minor alteration of landscape features on an existing commercial property.
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.
3. That the City Arborist found that the subject tree, an evergreen, is almost dead.
4. That the City Arborist found that the subject tree has only a handful of leaves on the tree and found that the tree has become infested with beetles.
5. That the City Arborist found that the tree will become increasingly unstable and be subject to failure as it continues to decay.
6. That the City Arborist found that the subject tree merits removal per Criterion #1 of the Tree Ordinance, in that the tree is almost dead, will continue to decline, and could pose a hazard to property or people if it were to fail.

Recommended Conditions of Approval:

1. The Tree Removal Permit shall be valid for a period of three (3) 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 approved by the City Arborist, or from the list recommended in the Tree Ordinance, within 365 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.
6. If on-site replacement is selected, then the replacement tree shall be a species which is resistant to oak root fungus.



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 #: 2018-100
Date Filed: 11-19-18
Total Fee Paid: \$ 465
Received by: [Signature]
Date Application Deemed Complete: _____

PROJECT INFORMATION

ADDRESS: 7345 Hwy Ave Seb
825 Gravenstein Hwy

ASSESSOR'S PARCEL #: 004251031

Applicant's Information

Name: Sandborn Tree Service
Address: 119 Morris street
City, State, Zip: Sebastopol, Ca 95472
Phone #: (707) 823-9144
Fax #: (707) 823-1795
Email: Sandbornrtree@gmail.com
Signature: [Signature]

Owner's Information

Name: Pendergast, Charlie
Address: 825 Gravenstein Hwy
City, State, Zip: Sebastopol, Ca 95472
Phone #: (707) 823-2737 876-9922
Fax #: _____
Email: _____
Signature: [Signature]

I certify that this application is being made with my consent

Date: 11/12/18

Date: 11/05/2018

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	<u>Coast Live Oak</u>		<input type="checkbox"/> Yes <input type="checkbox"/> No			
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

Tree Removal Permit - January 2005

NOV 19 2018

[Signature]

	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 RE Sanderson **Date Signed** 11/12/18 **Planning File No.** _____

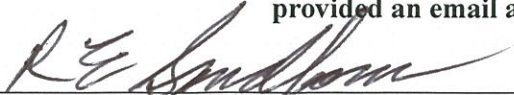
NOTE: The purpose of the indemnification agreement is to allow the City to be held harmless in terms of potential legal costs and liabilities in conjunction with permit processing and approval.



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

CHIP SANDBORN
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

CHIP SANDBORN
Printed Name





City of Sebastopol
Planning Department
7120 Bodega Hwy.
Sebastopol, Ca 95472

RE: Removal application for one coast live oak (*Quercus agrifolia*) at 7345 Healdsburg Ave. Sebastopol

Dear Planner,

November 12th, 2018

The subject tree had a diameter at 36" above grade of 21.3". A large limb originates below that point. It has a diameter at 4.5' above grade of 1.5". The tree is rooted in an area that some years ago was paved, creating a change in its root environment to which it has not been able to adjust, and as such it has been declining ever since. It appears at first glance to be bereft of all foliage. On closer inspection, about 1-2% of normal foliage still persists on certain branches, with many others in the upper crown being totally devoid of leaves. The lower trunk is largely dead as it is missing bark in one area and has horizontal cracking over a majority of its circumference, indicating a dead cambial layer and dried xylem beneath the bark. Sycamore bores are working over what little live phloem is left and ambrosia beetles are in evidence in the dead wood.

This tree, while not completely dead, cannot be expected to be rejuvenated as its demise was guaranteed by the initial grading and installation of the pavement. It can, however, certainly be expected to completely die and should be considered hazardous in its current condition and more so with the passage of time as it continues to lose structural integrity over a high traffic area.

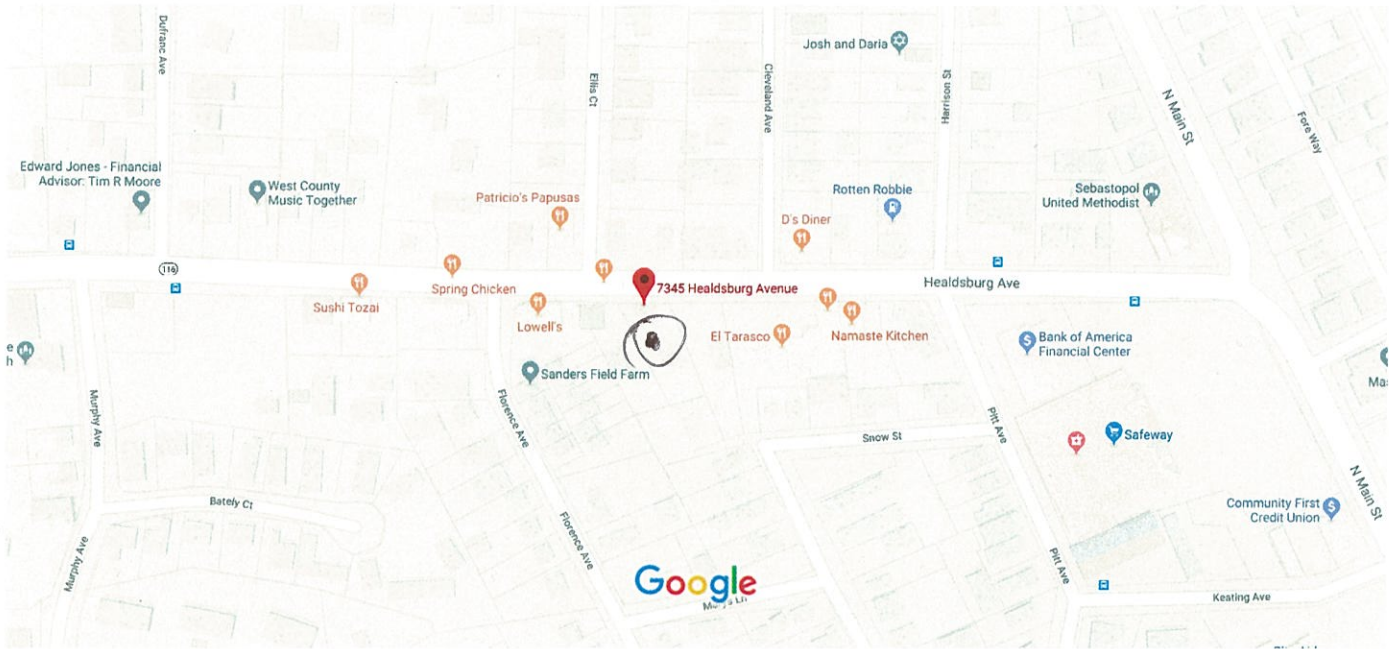
I recommend this tree be removed in order to abate a hazard as it targets cars and their occupants as they park and walk beneath or near it.

Regards,

Chip Sandborn
Certified Arborist WE0177A

NOV 19 2018

Google Maps 7345 Healdsburg Ave



Map data ©2018 Google 100 ft

NOV 19 2018

[Handwritten signature]

7345 Healdsburg Avenue

Legend

 7345 Healdsburg Ave

7345 Healdsburg Ave

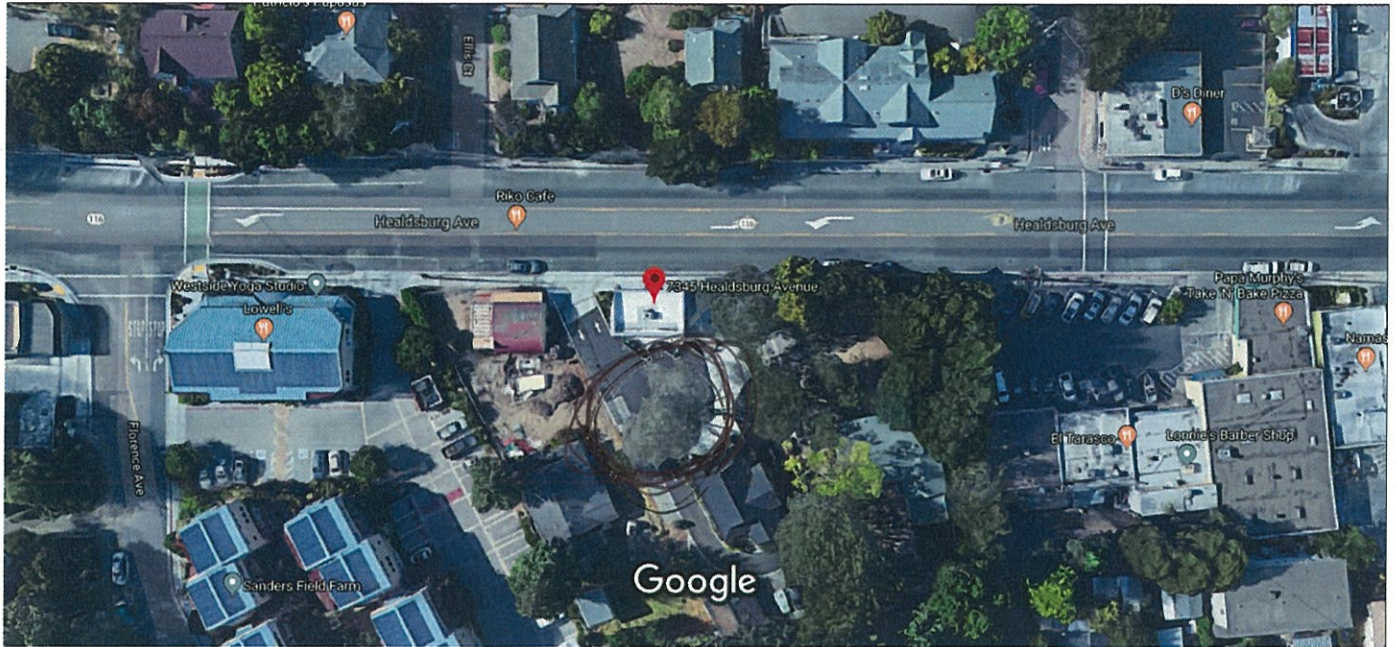
Google Earth

© 2018 Google

600 ft



Google Maps 7345 Healdsburg Ave



Imagery ©2018 Google, Map data ©2018 Google

50 ft



Ellis Court →

Healdsburg Ave

Sidewalk

Neighboring building

7345
Healdsburg Ave

Drive way

Parking

Handwritten note:
This is the subject of the

Neighboring Building

Neighboring Building

NOV 19 2018





SANOBORN
Tree Service Inc.
Since 1975

Pendergast, Charlie

7345 Healdsburg Ave., Sebastopol



NOV 19 2018



SANDBORN
Tree Service Inc.
Since 1975

Pendergast,
7345 Healdsburg Ave
Sebastopol, Ca 95472



NOV 19 2018

A handwritten signature in black ink, appearing to be 'SK' or similar, written over the date stamp.

LG CHIP TRK	CHIPPER: 1800?	USA	CONES	HOBBS	SCHED DATE
4X4 CHIP TRK	TRAX CHIP	RAYCO DOSKO	SIGNS	BLOCK	CABLE# TYPE D
ANY CHIP TRUCK ✓	OMME	LG TRAX GRIND	FLAGGERS	SLING	GROUNDMAN# 2 HRS DAYS 1
4X4 PU Arm	BOBCAT ? w/ Bucket	MED TRAX GRIND	PADDLES	BULLROPE	CLIMBER# 1 HRS DAYS 1
BUCKET ?	LADDER	W/ Topper	VESTS	LONG ROPE	DBH H
CRANE any	LOPPERS	MAGNUM GRIND	RADIOS	LONG FLIP LINE	PLYWD #1/2" 1
FLATBED	HEDGESHEARS	PULASKI	POWERPOLE	BIGSHOT/THROWBALL	2 - 4x6 or 4x4

PROPOSAL SUBMITTED TO: <i>Charlie Rendergast</i>	JOB LOCATION <i>7345 Heakburg Ave Seb</i>	DATE <i>7/21/18</i>
STREET <i>825 Hwy N.</i>	HOME PHONE <i>823 27037</i>	WORK PHONE <i>876-9922</i>
CITY, STATE AND ZIP CODE <i>Seb. Ca 95472</i>	OTHER	
CONTACT PERSON <i>Charlie, Kevin</i>	CONTACT PHONE	FAX

We hereby submit specifications and estimates for:

*22' radius of dead branches
Best live oak in parking area 26.2" dbh x 35'h
1-2% foliage, 360° pavement, h. cracking, symonore boxes, ambrosia beetles
Take down heavy traffic (rest parking, handicapped phing, dwy
Grind stump as deep as possible, ramp
grinder up+ over curb from 4 directions
if necessary, use plywood or (?) to
protect curb. Remove stump mulch (leave
hole open)
Cut wood too large to chip into
16"± rounds & put in restaurant
parking place.*

Charlie to close parking lot.

Leave premises clean

*Permit fees not included, we will
apply for permit, Charlie to reimburse.*

I go to City in person

We Propose hereby to furnish material and labor — complete in accordance with above specifications, for the sum of:

Two thousand nine hundred twenty dollars (\$ *2920.00*).

Payment to be made as follows:

net 30 days

Trees are inherently large, growing and constantly changing organisms subject to a multitude of factors that can be critical to their physical and structural well being. The science of identifying their flaws is new and inexact, complicated by the fact that many defects are hidden completely from the arborist's possible detection. All trees will fail eventually. Most tree failure is sudden and unexpected. Therefore, those who live, or cause or allow others to live in proximity to trees do so at some degree of risk to persons and property despite all efforts to eliminate that risk. Signing this proposal acknowledges that the signer has read and understands the above and is responsible for paying the charges as quoted and either owns or has the right to maintain the subject trees. We are not responsible for damage to unmarked underground improvements unless otherwise stated.

Authorized Signature

Chip Sandborn

Note:

This proposal may be withdrawn by us if not accepted within *30* days.

Customer Signature

Charlie Rendergast

Date

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

ARBORIST'S REPORT

7345 Healdsburg Ave - Sebastopol
December 3, 2018

I visited this site on December 3rd to assess a declining 21" dbh coast live oak (*Quercus agrifolia*). As described in Chip Sandborn's report accompanying the application, this evergreen tree is almost dead, with only a handful of leaves left on it. Beetles are now attacking it.

Since the underlying cause of the decline appears to be in the rootzone, the tree will become increasingly unstable and subject to failure as the remaining roots continue to decay. It should be removed.

Respectfully submitted,

Becky Duckles

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

Dana Morrison

From: Becky Duckles <bduckles@comcast.net>
Sent: Wednesday, December 12, 2018 9:46 AM
To: Dana Morrison
Cc: Kari Svanstrom
Subject: Re: St Stephens and Healdsburg Ave Tree Removals

Hi Dana,

I think fruit trees are pretty reasonable in St Stephen's case since they have a community food pantry and the redwood tree doesn't provide any screening or much benefit. Maybe in the future I'll also suggest they do some milling on a large tree like that to generate lumber (or you could suggest it in your report, without requiring it). Most tree services can subcontract milling even if they don't have a portable mill.

The planter on Healdsburg Ave is fairly large, but they should replace the tree (if they do replant onsite) with an oak root fungus resistant species (lists easily found online). Offsite or in-lieu fee is fine too in that case.

Becky

On Dec 12, 2018, at 8:23 AM - 12/12/18, Dana Morrison <dmorrison@cityofsebastopol.org> wrote:

Hi Becky,

I am just wrapping up the staff reports for the Tree Removals at 500 Robinson Road (the Church) and 7345 Healdsburg. I wanted to make sure that you were supportive of the replacement trees proposed by the applicant for the Church tree removal, which was fruit trees? Are there any specific fruit trees that you would like to see (Kari would like to see Gravensteins)? She was also wondering if you thought there might be a tree which could replace the Healdsburg Ave tree? My initial thought was that the space is not appropriate to support another tree, but perhaps you know something I do not?

Thanks Becky!!

Cheers,

Dana E. Morrison

Assistant Planner

City of Sebastopol | Planning Department

7120 Bodega Avenue | Sebastopol, CA 95472

(707) 823-6167 phone | (707) 823-1135 fax

Office hours: Mon – Thurs | 7:00 a.m. – 5:30 p.m.

(closed on Fridays)

www.cityofsebastopol.org

<image001.png>