

City Council
Mayor Patrick Slayter
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Planning Director
Kari Svanstrom
Associate Planner
Alan Montes
Senior Administrative Assistant
Rebecca Mansour

City of Sebastopol Design Review Board/Tree Board Staff Report

Meeting Date: February 19, 2020
Agenda Item: 9A
To: Tree Board
From: Alan Montes, Associate Planner
Subject: Tree Removal Permit
Recommendation: Approval with Conditions
Applicant/Owner: Konstantine Paxinos
File Number: 2019-96
Address: 385 Murphy Ave.
CEQA Status: Categorical Exemption: Section 15304: Class 4
General Plan: HDR: High Density Residential
Zoning: R7: Multifamily Residential

Introduction:

This is a Tree Removal Permit application requesting approval to remove eight (8) willow trees from 385 Murphy Ave. This application requires approval from the Design Review Board/Tree Board (DRB) because it involves the removal of protected trees, willows with a diameter at breast height (d.b.h.) that exceeds 10", on a multifamily residential property.

Project Description:

The project had initially applied to remove three (3) protected willows along the north-west corner of the property. On October 15th, the City Arborist visited the site and supported the removal of three (3) willows (identified on the application and site plan as Trees A, B and C) along with a fourth willow (Tree D), as they are dead, fallen or decayed and hazardous. In the City Arborist's report, it was indicated that there may be additional restrictions from other agencies, as the trees are adjacent to a creek.

On December 4, 2019, Planning staff, the City Arborist, and State Fish and Wildlife staff met the applicant at the site to further discuss the proposed tree removals. Upon discussing the three (3) initial trees and the fourth tree recommended in the October 15th City Arborist report, it was determined by Fish and Wildlife that a Lake and Streambed Alteration Agreement permit would not be necessary, but that the roots and stumps of the trees located in and adjacent to the creek banks would need to be preserved in order to protect against bank erosion. The applicant then inquired about several other trees on the property and about whether a permit would be required for their removal. The City Arborist noted that several of the trees are infected with mistletoe (some of which are protected trees), while others are unstable or have collapsed.

The applicant resubmitted a revised tree removal application, increasing the number of protected trees proposed for removal from three (3) to eight (8) and requested guidance on the replacement trees. The City Arborist recommended Pacific Wax Myrtles, Coastal Redwoods when they are more than 30' from buildings, and citrus trees as the residents in the complex have requested additional fruit trees. The applicant submitted a replacement plan comprised of ten (10) Pacific Wax Myrtles, four (4) Japanese Cherry Blossoms and two (2) coastal redwood.

Environmental Review:

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

Section 15304: Minor Alterations to Land: Class 4 consists of minor public or private alterations in the condition of land, water, and/or vegetation which do not involve removal of healthy, mature, scenic trees except for forestry or agricultural purposes.

The project is consistent with this categorical exemption in that it involves the removal and replacement of eight (8) unhealthy trees, which will result in the minor alteration of landscape.

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 dated October 15, 2019. The City arborist has provided a list of recommended species on December 19, 2019 and a revised Arborist Report dated February 4, 2020. The reports and memo are provided as attachments.

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 trees in question are in decline and that the Tree Removal chart explanations for removal are appropriate in that the trees are dead, fallen, decayed, hazardous and/or infected with mistletoe. Given the poor health of the trees staff believes that that the request for removal is appropriate.

- 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 a notice posted on each tree as well as two additional notices placed throughout on the subject parcel and two notices posted within three-hundred (300) feet of the subject parcel.

At the time of this publication staff has received three (3) phone calls and five (5) emails from the public regarding this application. The comments have been primarily in opposition of the removal of the trees, citing loss of habitat, the loss of creek shading, loss of privacy (noise and sight), erosion, and could cause a potential increase in flooding.

One (1) comment was in partial support of the removals and stated that many of the trees are dead, rotting, falling over and are hazardous. However, each tree should be evaluated individually and that any healthy trees should be preserved in order to support the bird habitats.

Analysis:

The request involves the removal of eight (8) willow trees, located along the northern edge of the property. The City Arborist has reviewed the trees and has found them to be dead, fallen, decayed, hazardous and/or infected with mistletoe. As such, staff has conducted several site visits, reviewed the application, and public comments and finds that the request for removal appears appropriate for the following reasons:

Trees A, B, C, and D are dead, fallen or decayed and are hazardous.

Tree E's trunk is growing at a rather sharp angle and has potential stability issues.

Tree F's trunk is growing at a sharp angle and is infected with mistletoe.

Tree G has collapsed and is infected with mistletoe.

Tree H has collapsed.

The applicant has proposed to replace the protected trees with a two (2) to one (1) replacement, as required under the City's Tree Protection Ordinance. The replacement plan proposes to plant sixteen (16) new trees, comprised of ten (10) Pacific Wax Myrtles, four (4) Japanese Cherry Blossoms and two (2) Coastal Redwoods. The City Arborist has reviewed the replanting plan and is supportive of the Pacific Wax Myrtles and advises planting them in locations where screening is needed. The City Arborist is also supportive of the Coastal Redwoods as long as they maintain a 30' separation from structures. However, the city Arborist has expressed concern regarding the Japanese Cherry Blossoms as they are a disease prone species and has recommended planting citrus trees (15 gal containers Meyer lemons and Bears limes recommended) instead where there's almost full sun, as several of the residents have requested additional fruit bearing trees.

Staff has reviewed the application and is supportive of the removal requests but has concerns regarding the replacement trees, specifically the Coastal Redwoods and Japanese Cherry Blossoms. Staff is concerned regarding the appropriateness of adding Coastal Redwoods to a residential neighborhood, given the size, number of requests we receive to remove them and that they are generally not a recommended replacement tree. As for the Japanese Cherry Blossoms staff is not supportive of their use given the City Arborists comments. Staff would recommend replacing the Coastal Redwood and Japanese Cherry Blossoms with either additional Pacific Wax Myrtles, citrus trees (Meyer lemons or Bears limes), or a species listed in the approved replacement tree list, attached, in the Tree Protection Ordinance.

Recommendation:

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

Attachments:

- Location Map
- Tree Removal Permit Application
- Revised Submittal Documents
 - Removal Plan
 - Site Photographs
 - Tree Replacement Plan
- City Arborist Reports and Memo
- Public Comments
- Approved Replacement Tree List

TREE REMOVAL PERMIT: 2019-96
Removal of Eight Willow Trees with a D.B.H of 10+”
385 Murphy Ave.

Recommended Findings for Approval:

1. That the removal is categorically exempt from the requirements of the California Environmental Quality Act, pursuant to Section 15304, Class 4, in that it involves the removal of eight (8) unhealthy trees and the addition of sixteen (16) new trees which will result in the minor alteration of landscape features on an existing multifamily residential 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 trees are dead, fallen, decayed, infected with mistletoe and/or hazardous.
4. That the City found that the subject tree merits removal per Criterion #1 of the Tree Ordinance, in that the trees will continue to decline, and could pose a hazard to property or people.

Recommended Conditions of Approval:

1. The Tree Removal Permit for the removal of eight (8) willow trees, identified on the site plan, 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. The stumps and roots of trees located adjacent to and within the creek bank shall not be removed.
3. The applicant shall replace the removed trees in a two to one (2:1) ratio, as identified on the replanting plan, with the exception that the Japanese Cherry Blossoms and Coastal Redwood be replaced with Pacific Wax Myrtles, citrus trees (Meyer lemons or Bears limes), or a species listed in the approved replacement tree list.
4. 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.
5. 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.



City of Sebastopol

TREE REMOVAL PERMIT

Application and Checklist

Planning File #: 2019-90
 Date Filed: 10.03.19
 Total Fee Paid: \$ 765.00
 Received by: [Signature]
 Date Application Deemed Complete: _____

PROJECT INFORMATION

ADDRESS: 385 MURPHY AVE
 ASSESSOR'S PARCEL #: 004291043
 PARCEL AREA: 2.37 ACRES

APPLICANT OR AGENT:

Name: KONSTANTINE PAXINOS
 Email Address: IONIAN BUILDERS LLC@GMAIL
 Mailing Address: 2899 WASHINGTON ST
 City, State, Zip: S.F CA 94115
 Phone: 415 369 7779
 Fax: _____
 Business License #: _____
 Signature: [Signature]

OWNER OF PROPERTY, IF OTHER THAN APPLICANT:

Name: KOSTAS T PAXINOS
 Email Address: N/A
 Mailing Address: 163 N SIERRA AVE
 City, State, Zip: COTATI CA 94931
 Phone: 415 369 7779
 Fax: _____
 Business License #: 172
 Signature: [Signature]

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

Date: 10-3-19

Date: 10-3-19

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	WILLOW	12"	FRONT EDGE OF PROPERTY	FAILEN FIRE HAZARD	FRUIT TREES
B	WILLOW	12"	"	"	"
C	WILLOW	12"	"	"	"
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

RECEIVED
 OCT 03 2019
 BY: [Signature]



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  Date Signed 10-3-19 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 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 

KONSTANTINE PAXINOS
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.

Signature 

KONSTANTINE PAXINOS
Printed Name





RECEIVED
OCT 03 2019
BY: *[Signature]*

I, KOSTAS + PAXINOS WOULD
LIKE TO REMOVE 3
WILLOW TREES WHICH ARE:
UNSTABLE, ROTTEN AND/OR
BROKEN WITH NEW SHOOTS,
MAKING IT EVEN MORE
UNSTABLE AND A FIRE
HAZARD. PLEASE SEE
ATTACHED PHOTOS FOR
REFERENCE.

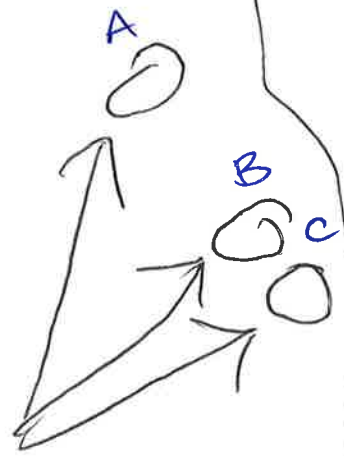
10-3-19



MURPHY AVE

Buildings

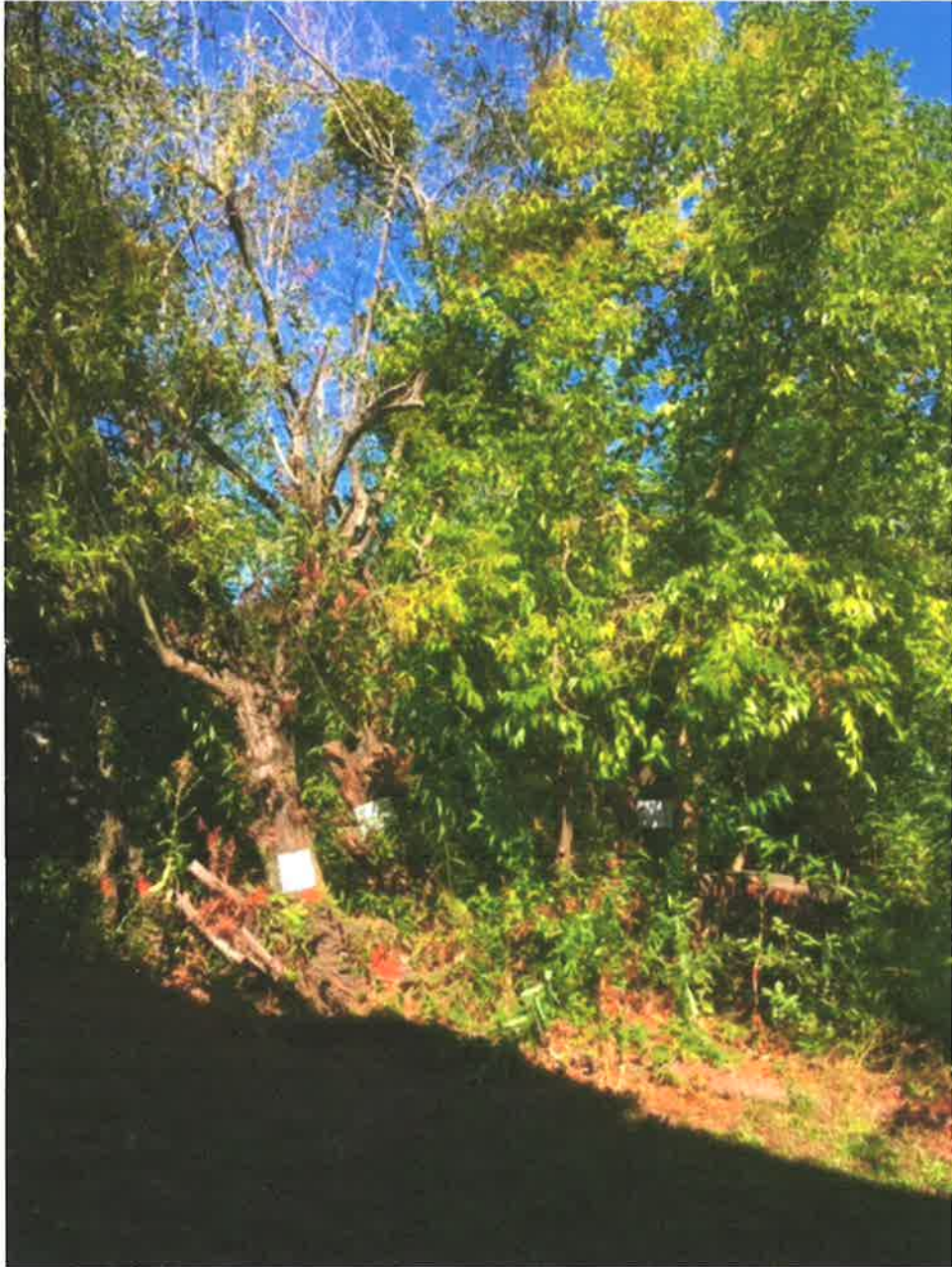
3 trees
that need cutting



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BY: *[Signature]*



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OCT 03 2019
BY: *[Signature]*

From: Ionian Builders <ionianbuildersllc@gmail.com>
Sent: Friday, January 10, 2020 12:27 PM
To: Alan Montes <Amontes@cityofsebastopol.org>
Subject: Re: Tree Removal Permit (2019-96)

Hello Alan, below is basically what i was planning on saying on Feb 5th. its pretty simple and straight forward, i have also attached photo of the trees infested with mistletoe, or are unstable.

Our initial request to the city was to remove three willow trees by the 100 building at 385 Murphy Ave, because we found the trees to be unstable, partially dead, and partly collapsed. We feared that the trees would be a potential fire hazard in the dry season and could potentially be blown onto the 100 building, damaging it. Due to their proximity to the building, and the potential for fire or wind damage, we determined that removing the trees would be the safest option for the tenants and the property.

We initiated the tree removal process with the city of Sebastopol and arranged for the city arborist to come an inspect the three willow trees. The city arborist determined that the trees were in fact dangerous and approved of their removal. The city arborist then inspected other trees on the property and determined that five other trees required removal due to infection from mistletoe or instability.

The privacy of our tenants and the atmosphere the foliage provides our property is something we value. Thus, after working with the city arborist, we elected to plant ten fifteen-gallon Wax Myrtle trees along the fence line to replace the removed willow trees, to create a layer of privacy. Additionally, we will be planting Coastal Redwoods and Japanese Cherry Blossoms to further enhance the beauty of our property. Please refer to map provided for the exact locations we will plant the trees.

385 Murphy Tree Removal Chart

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	Willow	12"	Northwest Corner of Property	Unstable, partially dead, and partly collapsed	16 New Trees, see replanting key
B	Willow	12"	Northwest Corner of Property	Unstable, partially dead, and partly collapsed	16 New Trees, see replanting key
C	Willow	12"	Northwest Corner of Property	Unstable, partially dead, and partly collapsed	16 New Trees, see replanting key
D	Willow	11"	Northwest Corner of Property	Unstable/dying	16 New Trees, see replanting key
E	Willow	10"	Center of north end of property	Unstable	16 New Trees, see replanting key
F	Willow	10"	Center of north end of property	Mistletoe infection	16 New Trees, see replanting key
G	Willow	13"	Northeast corner of property	Collapsed/mistletoe infection	16 New Trees, see replanting key
H	Willow	11"	Northeast corner of property	Collapsed	16 New Trees, see replanting key

Revised Removal Plan





Photo 1: Trees A, B and C



Photo 2: Tree D

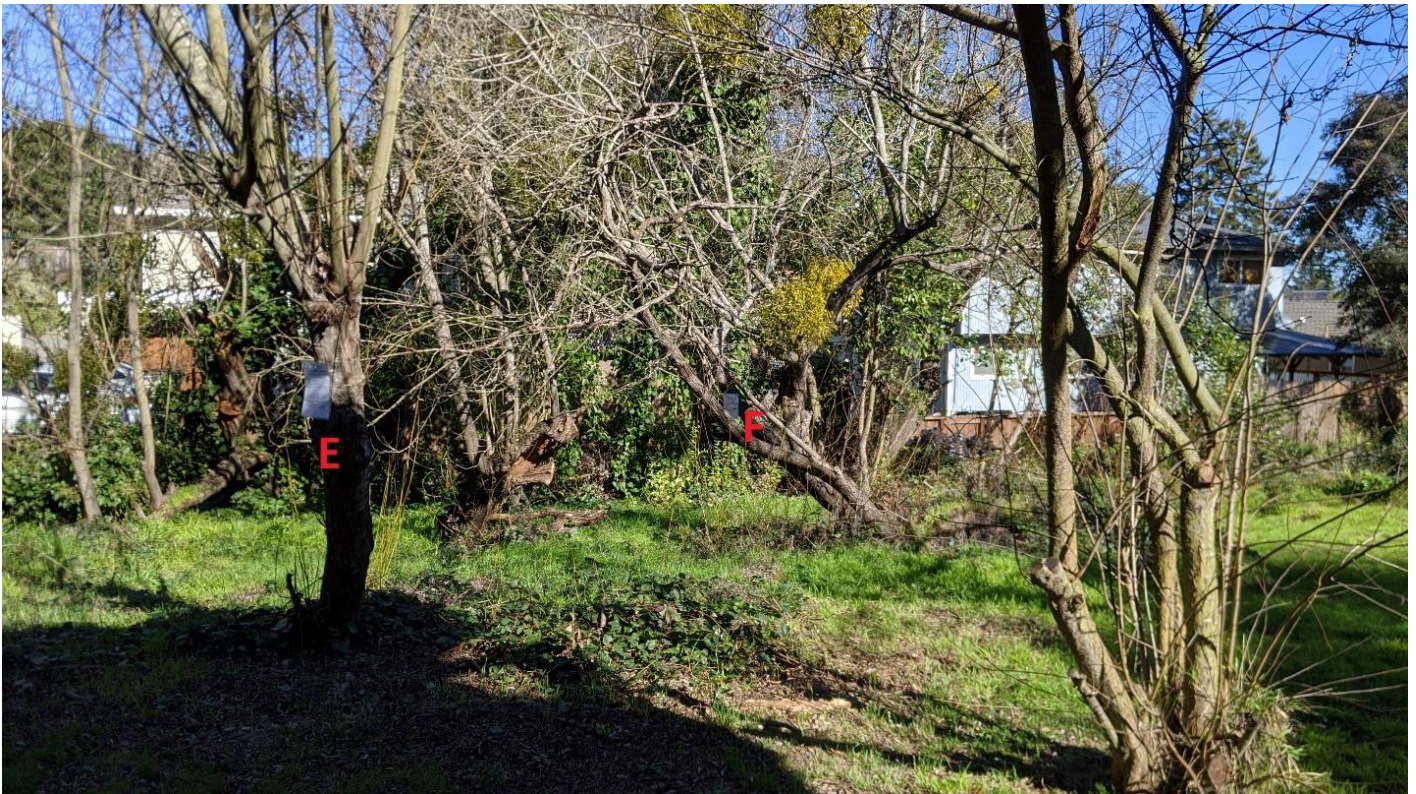


Photo 3: Trees E and F



Photo 4: Tree E



Photo 5: Trees G (has collapsed and split) and H



Photo 6: Part of Tree G and Tree H.

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

ARBORIST'S REPORT

385 Murphy Ave - Sebastopol
October 15, 2019

On October 14th I inspected the 12" willows proposed for removal at this multi-family residence. I met with the property manager who showed me the trees marked to be removed. There are more than the three proposed in the front northeast corner of the property, including at least one larger than the 10" threshold for protection, and one 10"+ dead tree that should be removed farther to the east along the creekbank. There are also many small willows 4-6" diameter that are not protected which are marked for removal.

I approve of the removal of the 4 protected willows, since they are either dead, fallen or decayed and hazardous. That description of their status in the application was accurate. Some of the smaller willows should also be removed, though they are not protected by Sebastopol's tree ordinance.

They are all growing near or on the banks of a year round creek and I'm not sure of the restrictions or notifications required by various agencies for removal of trees within creek setbacks and banks on a site such as this. Also, I was told by a resident that the majority of the renters in this complex have expressed concern, and signed a petition about the removal of so many trees because of loss of privacy and disturbance near the creek.

I suggest that after more research and discussion by the owners/applicant about procedure near the creek, that I meet with the applicant to take a second look at the specific trees proposed for removal and discuss where screening/shade may need to be enhanced by mitigation planting. We can then re-mark the trees with a different color paint.

The applicant has proposed planting fruit trees as replacements which is appreciated by the residents, but there will probably be a need for a few trees planted to provide additional screening and privacy from the street and nearby buildings. In those areas, a California native – Pacific wax myrtle will be a good additional species for planting since it will tolerate being an understory tree and provide evergreen, pest and disease-free foliage. The applicant will also need to provide his plan or agreement for irrigating and establishing the replacement trees.

Respectfully submitted,

Becky Duckles

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

From: Becky Duckles <bduckles@comcast.net>
Sent: Thursday, December 19, 2019 1:28 PM
To: Alan Montes <Amontes@cityofsebastopol.org>
Subject: Re: Tree Removal Permit (2019-96)

Glad to help with this.

Because of the creek setting, I think Pacific wax myrtle in 15 gal. containers would be the best choice for many of the removed tree replacements.

It's a medium evergreen Ca native and will be great in this riparian setting.

It can be found trained in standard form (trunk with small canopy), low branched or multi-stem. Urban Tree Farm is usually a good local source.

Standards would look most 'tree-like' and low-branched would provide best screening.

Where there's more than 30' from the buildings, coast redwood would be good too.

The residents seem to enjoy fruit trees which the owners have planted in the past, so this is a site where that's appropriate too.

So many choices!

Would the owners (and property manager) be willing to ask the residents if they want more fruit trees? Citrus would do well there too.

On Dec 19, 2019, at 10:15 AM - 12/19/19, Alan Montes <Amontes@cityofsebastopol.org> wrote:

Hi Becky,

The applicant for 385 Murphy has just provided a revised plan showing the extent of the tree removal for trees over 10". I believe they were hoping you would provide some recommended species, if you're OK with that. Otherwise, I can put it back on them to provide their replacement trees.

Sincerely,

Alan Montes
Associate Planner

City of Sebastopol | Planning Department
7120 Bodega Avenue | Sebastopol, CA 95472
(707) 823-6167 phone

www.cityofsebastopol.org

<image001.jpg>

City offices are open Monday - Thursday, 7:00 am - 5:30 pm, Closed every Friday/and holidays

From: Ionian Builders <ionianbuildersllc@gmail.com>
Sent: Thursday, December 19, 2019 9:30 AM
To: Alan Montes <Amontes@cityofsebastopol.org>
Subject: Re: Tree Removal Permit (2019-96)

Alan, please see updated PDF attached, thank you.

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

ARBORIST'S REPORT

385 Murphy Ave - Sebastopol
February 4, 2020

The applicants and staff have done an admirable job of coordinating and refining a complicated tree removal and replacement request. The Tree Location Map that Alan forwarded to me shows clearly which trees are proposed for removal and replacement locations. (The replacement key didn't come through, but is not critical). I recommend that the Pacific wax myrtle be planted where new screening will be needed, and the citrus (15 gal containers Meyer lemons and Bears limes recommended) where there's almost full sun. I think the residents will enjoy citrus more than the fleeting blooms of flowering cherry, which is also a disease-prone species.

Respectfully submitted,

Becky Duckles

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

385 Murphy Ave. Public Comments Regarding Tree Removal Permit

1. -----Original Message-----

From:

Sent: Tuesday, January 28, 2020 2:07 PM

To: Alan Montes <Amontes@cityofsebastopol.org>

Subject: Re: 385 Murphy

Hi Alan, I would like to remain anonymous. I just wanted to make a few points for the record. The willow trees used to be in much better shape and if pruned by professional arborist will be again. They were assaulted by inexperienced workers wielding chainsaws and weed whackers and that's why they are in such bad shape. They are just now sprouting new growth from where they were cut with the saws.

The benefits those trees provide are numerous. If removed I will have no privacy, the wildlife will lose their summer homes and will have a difficult time getting to the creek, it's even possible that removal could destabilize the creek's bank and finally the willows help with noise abatement from Bately Court.

The willows provide bird songs each day. They only need to be trimmed back.

Finally, if the city approves their removal, it needs to be done by professionals that do the job correctly. There are still piles of limbs and stumps leftover from the last chainsaw massacre done over a year ago. I am particularly interested in not removing the willows toward the rear of the property. They seem healthy and have no mistletoe growing in them.

Please don't cut down our magical trees. From a neighbor at Quail Hill

2. ----Original Message-----

From: August West <augustwest1285@gmail.com>

Sent: Tuesday, February 04, 2020 10:04 PM

To: Alan Montes <Amontes@cityofsebastopol.org>

Subject: Trees at Quail Hill Apartments

Hello - I live along the Zimpher Creek area at the Quail Hill apartments. The trees are critical for privacy between us and the adjacent apartments. These apartment's tenants are loud and rowdy, and the trees an effective and pleasant noise barrier, as well as beautiful to look at.

Additionally, Trees are an important natural element for those of us who chose to remove ourselves from the concrete jungle and move here in the first place. We should proliferate nature, not destsroy it. None of these trees should be cut down. Please plant even more trees in the Zimpher Creek area.

Please do not remove the trees.

Thank you

Sent from mobile please excuse typos

3. **From:** Dale Barnes <dbarnes@sonic.net>
Sent: Wednesday, February 05, 2020 3:51 PM
To: Alan Montes <Amontes@cityofsebastopol.org>
Subject: 385 Murphy Ave.

Mr. Montes,

I understand the controversy surrounding the removal of trees along Zimpher Creek on the 385 Murphy Avenue property. While not sure of the condition of all of the trees, it is obvious that some of them are dead, rotting and falling over. Part of one tree fell across the fence over the creek along the Murphy Avenue sidewalk. A woman walked into the fallen branch and gouged her forehead. As soon as the manager heard about it he went out and trimmed the branch back as far as possible.

Some of these trees need to be removed in the interest of public safety. If some of the healthy ones can be spared, that would be wonderful as they are home to many birds.

I don't believe it is a black or white situation. The trees should be assessed on a tree to tree basis.

Thank you.

4. **From:** Roger Scott <roger@rascottlaw.com>
Sent: Monday, February 03, 2020 11:29 AM
To: Alan Montes <Amontes@cityofsebastopol.org>
Subject: trees at 385 Murphy Ave

Dear Planning Commission,

I am a resident at 7611 Bately Ct, Sebastopol-- a house which abuts Zimpher Creek. I am writing to address and express my opposition to the idea of removing trees along the creek--specifically those referenced as being at 385 Murphy Ave, and which will be the subject of your hearing on 02/05/2020. These trees provide much wanted privacy from the apartments directly across from my own property. More importantly, the trees save the creek from what would be definite, catastrophic erosion. Some years ago, I took it upon myself to clear some brush along the banks of a section of this creek and I was immediately visited by Sebastopol authorities who admonished and counseled me about the danger to the ecology, and the threat of erosion caused by my actions. I would hope that the Planning Commission takes a similar view regarding the potential tree removal. It is my understanding that only one tree was deemed unsafe by the fire department. Please limit the tree removal to tony that single tree. Thank you,

--

ROGER SCOTT
Immigration Attorney
1400 N. Dutton Ave., Ste.21
Santa Rosa, CA 95401
(707)548-9806
rascottlaw.com

5. **From:**

Sent: Wednesday, January 29, 2020 2:08 PM

To: Alan Montes <Amontes@cityofsebastopol.org>

Subject: Response from tenants at 385 Murphy about tree removal please add to packet for Tree Board

Hello,

This message is from the tenants of 385 Murphy Avenue in Sebastopol, in response to the application for permits to chop down the trees on the property where we live. We hope you will add these elements to the packet for the tree board to better inform them of how issuing those permits may negatively impact us, the environment and our community. We also hope you will understand that unfortunately many of us feel it is important for us to stay anonymous, although we do want our voices to be heard and we ask that you redact our individual identifying information (including this email, names on letters, etc.) before including any of the information from this email in the packet. Thank you so much.

We do understand that you would want proof of how many people are concerned that the number of trees marked for removal is too high. We hope that what we have included in this email will at least help paint a picture of the quantity of concerned tenants and neighbors, and how it affects the community at large.

Our Concerns and What we would like the Tree Board to take into account when deciding whether to grant the permits:

We request that the Tree Board of Sebastopol be conservative in approving any permits for the removal of the trees on this property. Specifically that of those along (within 30ft) of Zimpher creek because it will be detrimental to the quality of life for us, the neighbors and tenants, as well as being harmful to the land, the creek's ecosystem, the riparian corridor, and the overall environment. We understand that one tree in this zone has been marked hazardous by the fire martial and we do not protest its removal what so ever. We also acknowledge the owners rights and that this will be their decision if the permits are issued. We appreciate them for the way they have kept this place so beautiful for so long and acknowledge that it is a love of these surroundings that makes us ask for them to reconsider their plan of removing so many trees that are of value to so many of us.

An application has been submitted by the owners of this property to the Sebastopol Tree board requesting permits for the removal trees, on the property of 385 Murphy Ave, over 25 trees have been marked

for removal by the owners with orange spray paint. We are requesting that a more conservative amount of permits be distributed and that they could be strategically decided upon based on not only the desires of the owners but also factoring in the way it will affect residents both on this property, down stream from this property, and across stream from this property, as well as the overall environmental well being. For detailed reasons about the impact on tenants and the environment, as well as what the tenants proposed to the owners as alternatives to cutting the trees, please see the attached pdf which is the letter/report sent by the tenants to the owners of 385 Murphy, titled "Trees Please".

A brief overview of reasons tenants listed for signing the petition wanting an alternative to cutting down so many trees at 385 Murphy Ave include:

- Many of apartments at 385 Murphy face directly towards the creek as do the properties on the opposite side of the creek. All yards and buildings on this block, would suffer from the elimination of these trees because they act as privacy screens that we highly value and we would lose our views of a beautiful lush area which for many of us was one of our main reasons for choosing to live at this location. Tenants of 385 Murphy also say they enjoy seeing animals, bird watching and strolling through the verdant area.
- Tenants listed the view of the trees, access to them, and to the creek and its natural surrounding areas as one of the 3 main reasons for choosing to live at 385 Murphy. The other two being location, and month to month lease.
- The removal of trees such as willows along a creek has been proven to increase the likelihood of flooding and land erosion. The trees help to prevent flooding, because the willow root network binds the soil together. Second, the willow foliage slows floodwaters which also helps reduce bank erosion downstream.
- Trees help absorb a large portion of rainfall and the natural debris from them helps keep creeks at a steady pace and level .
- When a property cuts down many trees along a creek bank the properties down stream are more likely to have flooding and erosion issues. At this time, these 25 trees make up almost the entire population of trees within this riparian zone, that are on this property (385 Murphy Ave). If Murphy downs the amount of trees they have marked for removal than when there is a large influx of water in Zimpher Creek the water will gather and gain speed as it passes through this property and properties down stream from it are more vulnerable to flooding and erosion.
- Pest problems can arise if you eliminate natural spaces for local animals because these animals are natural predators that maintain balance and keep bug and pest populations down.
- Without natural predators to control pest populations people will be more likely to use insecticides and other poisons to control pests- and without the natural filtration that shrubs and trees offer, these poisons will more readily go into and contaminate Zimpher Creek and

ultimately this creek travels to the Laguna de Rosa, home of many of Sonoma County's endangered species.

- The Laguna de Rosa Foundation received a large grant in the last three years from Sonoma Water Agency to clean up Zimpher Creek, which illustrates how important the health of Zimpher creek is to the balance of delicate environment here in Sonoma County. The Riparian zone keeps the creek healthier and therefore the protection of trees within this zone is crucial to this community's environmental health.
- The forested area along the creek, called a riparian corridor, is a very important part of Sonoma county ecosystem and loss of the trees would eliminate the homes and safe refuge of our local wildlife. As community members we value having these natural spaces that house many species of plants and creatures. This adds value to our lives and experience living here.
- The trees not only improve our quality of life, provide habitats for animals, but they also provide shade, which works to lower water temperatures. Lower water temperatures support higher dissolved oxygen levels which are important to maintain fisheries, making the stream more hospitable to fish and amphibians.

All over the world communities are working hard to restore their Riparian Corridors because they are so intrinsic to the balance of the entire environmental system and also because they have such a great affect on quality of life. We would just like Sebastopol's Tree Board to consider that they have the opportunity to help our community by being preventative in this matter by helping protect a Riparian area that, while it has already been greatly cleared, still currently exists. These last trees standing are all that is left of Zimpher Creek's Riparian zone along this property. If the tree board were to approve the removal of these trees it would be highly appreciated if it was only with the stipulation of planting native riparian trees in place of any full grown trees that are removed. The following is an excerpt from one study that explains how great the value of protecting the trees, plants, and creatures in Riparian areas are:

"Riparian areas are very significant ecosystems due to the numerous services they provide such as wildlife habitat, water quality improvement, flood mitigation and recreation opportunities. These ecosystem services make their protection and conservation a necessity. Many human developments, including cities and towns are frequently established in the riparian areas of rivers and streams. These developments can degrade riparian area functionality. By maintaining healthy riparian areas in urban settings a two-fold goal can be achieved. Firstly, healthy riparian areas in urban environments

can maintain the connectivity of the natural riparian areas. Fragmentation of riparian areas leads to the loss of many of the aforementioned ecosystem services. Secondly, healthy riparian areas are aesthetically pleasing and create a feeling of escape from the urban inhabitants. Thus, healthy riparian areas increase the real estate value of the adjacent structures."

The Petition

Before any permits were sought, more than 25 trees were marked for removal with orange spray paint, at 385 Murphy Ave. The tenants responded by creating a petition saying that to sign it means that the number of trees marked for removal concerns you, that the removal of the trees marked would negatively affect your life and also negatively effect the creek habitat, which you value. Also on the petition was the request that the owners give tenants two weeks to come up with our feedback to the idea of removal, that tenants would come up with alternative plans/proposals to chopping down the trees, and asked for the owners to allow us to propose those ideas.

There are 32 units at 385 Murphy, and the petition had accumulated 30 signatures before it went missing. It had been hung outside on the apartment mailbox structure so that it would be accessible to everyone to sign, and then one day it was just gone. The owners issued a response to our petition saying that they heard us and essentially that they will be removing the tree but that they plan to plant some orange trees. Unfortunately we don't have a picture of this response but perhaps the owners can confirm.

Later, the same day as the owner's response was posted, the petition went missing. This was very frustrating for the tenants, however they did allow for it to hang up for about a week which we appreciated. However, the sudden disappearance of it, in conjunction with some evictions in the past of tenants under questionable circumstances, makes it hard for the tenants to feel comfortable coming forward a second time with a second petition. There is concern that tenants seen as "in the way" or in conflict with the owners of 385 Murphy would be in danger of being evicted, or other retribution. Sadly, this is why there is not a petition to share with you at this time. Hopefully people will feel comfortable enough to reach out individually to the City Council Planning department and to the Tree Board. And, hopefully the letters from tenants, the report sent to the owners, the meeting minutes, and tenant correspondences will adequately represent how important this matter is to residents at 385 Murphy Ave and surrounding community members.

The Tenants communicating with each other and the owners

Once tenants saw the orange marking on the trees the petition mentioned above was written and the following note was posted to tenant's doors:

This will create a very big impact on our privacy and the lushness of our surroundings. It will also eliminate much of the habitat for the birds and creatures that we share this place with and get to enjoy.

If this is also a concern for you we have attached a petition on the mailbox you can sign, asking to give us time to propose an alternative solution to the removal the trees - such as trimming or clearing and pruning debris. We would also like to see if there is a way that we as tenants can help the owners to source help to make a less drastic removal a more affordable option.

Thanks

Later tenants posted these notes to each other's doors:

Tree Update:

Hi Neighbors,

♣ Do you want to keep the trees in the back yard?

If so, make sure to sign the petition **no later than tomorrow**. Thank you to those of you who have already considered this opportunity, and made your decision one way or another.

♥ Good news: The owners are being receptive to our interests and have asked to be kept up to date with how many signatures show up.

♣ We will be having a **meeting this Thursday, 9/26, @ 7:30pm** in the garden to discuss alternative options to tree removal. Meeting is open to all residents of Quail Hill Apartments, 385 Murphy Avenue.

♣ If you want your opinion heard but cannot attend the meeting, write your ideas on a paper and drop it in the box underneath the petition by Thursday at 6:30. Please feel free to write your reasons for wanting to protect the trees and not have them removed. Also, if you have any ideas for what we can offer as an alternative to the tree removal please include that as well. Any contributions found in the box will be collected and read at the meeting- your help matters.

Concern of Fire Hazard

Some tenants had heard that the reason the trees were marked for removal was because they were deemed hazardous when the property got a fire inspection. So tenants called the Fire Marshal to ask what trees were hazardous on the property and he clarified that he had only said one tree needed removal. This information and more was addressed in the note below about the tenant meeting.

Today's Tree Meeting is at 7:30pm, at the garden area with garden boxes 🌳

The fire marshal has only asked for one of the standing trees to be removed. That tree is completely dead and has no greenery, it is on the north side of the property. They also said that there were some dead logs that needed to be cleared, and lastly, that in the summer high grass must be cut. All those adjustments for fire safety are not in question. We will only be discussing helpful options to propose that would allow us to keep the trees that were not a fire safety concern. See you there :)!

Meeting Minutes

A meeting was held on September 26, 2020 with tenants of 385 Murphy and meeting minutes were recorded. They are attached to this email as a pdf titled, "September 26 meeting minutes". The document was edited to remove names.

Letters from Tenants who could not attend meeting but wanted to also voice input

9/24/19

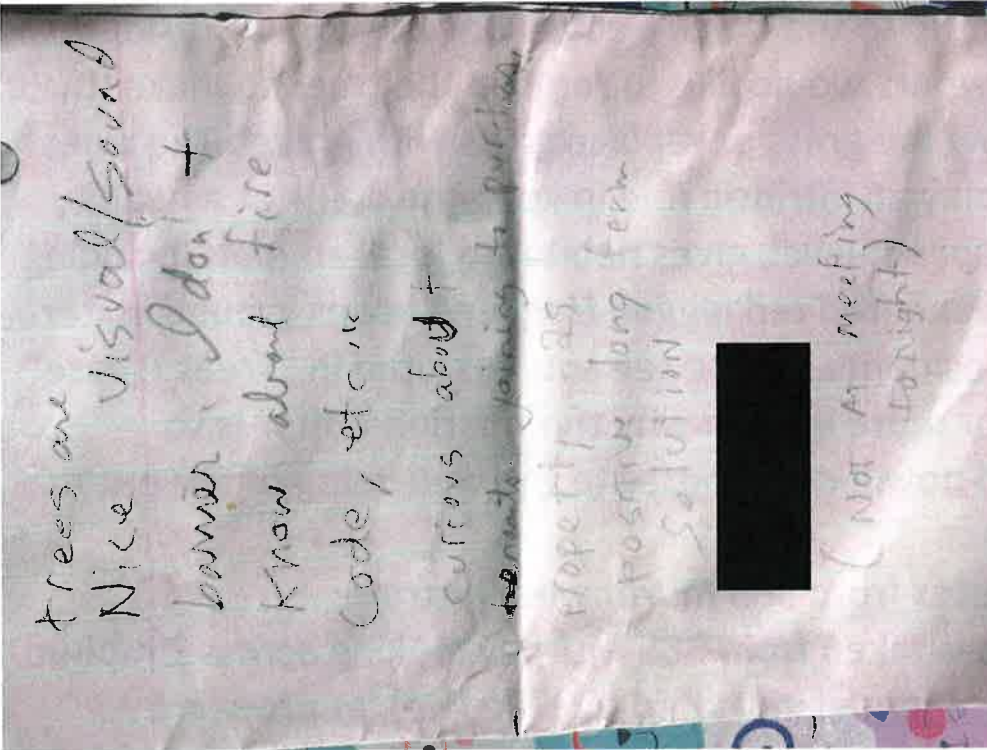
Hello,

My name is [REDACTED] and I've lived here for about six years. I'm extremely opposed to the cutting of the trees. They shield us, especially those of us on the second floor, from many of the sights and sounds of our neighbors on the other side of the creek. The Bately Court cut-de-sac can be a very busy place, with many barking dogs, drunken parties and shouting, children playing, and very loud motorcycles. The trees help deflect some of this noise, and provide a very important visual barrier when in leaf. Nobody lives living this close together, and I'm sure that no one who lives here (or on the other side of the creek) would want these trees removed, because they give a sense of privacy and security. You can't build a fence two stories tall! These trees are also important for helping to shade the creek (a local environmental regulation), and give homes to animals that all of us would prefer not to disturb.

Replacing these tall trees with small fruit trees will do nothing for those of us on the second floor. We'll be completely exposed. The existing trees are tall enough to provide some screening from the Bately Court houses.

I don't understand the rationale for removing the trees. The fire marshal has already signed off on our current situation, and the undergrowth has been cleared and some low branches cut back. These living trees are not a fire hazard. If there is extra maintenance that is required, I'd like to know more about that. I don't think it should be the responsibility of the tenants to handle this maintenance, or to pay for it. But if this is the reason for removing the trees, perhaps we can all work something out, such as providing some simple labor once in a while. I'd rather do that than lose the trees.

If these trees are removed, many of us, including myself, will find our quality of life greatly diminished. If this is being read by the owners, please consider us and remember that this is our home. I understand that it is a business for you, but if your business is providing homes for people, I'm sure you want to provide the best homes you can. These trees are a big part of making this place a home for all of us. Please don't take them down.



Photos of the property

When reading research on healthy and unhealthy riparian zones you will find that two of the many reasons it is important to keep a riparian buffer is that when residential or agricultural properties develop all the way to a creek's edge is that there is a great deal of toxic run off that can enter the creek and that without the foliage surrounding the creek people treat it as more of a ditch or gutter and it becomes a dumping ground and erosive. Here on the property of 385 Murphy you can see the difference between how clean the side of the creek with the trees is, versus across the creek where all riparian buffer has been removed. At these properties where there are no trees or brush to protect the creek the community dumps trash and unwanted items, the ground is eroding and crumbling into the street, the parking lots and their oils are directly above and draining into Zimpher creek. For a healthy water way and to avoid flooding issues and land erosion the land next to the creek should have brush and trees. Mowed grass next to the creek is also considered a unhealthy and destroyed riparian zone. It will have the same effects on erosion, pollution, and flooding as any other form of property

development up to the creek's edge. One concern of residents is that the owners would like to remove the trees to make it easier to mow the grass or replace grass with gravel. The trees and shrubs play an intrinsic role in keep the creek at a healthy tempature, speed, level, gives habitat to local animals including the local endangered red legged frog, and keeps ground water cleaner for residents. Please see sources sited in "Trees Please" document for more info on why the riparian buffer is so valuable and how it contributes to the well being of the entire community.

Here are photos from 385 murphy to illustrate:

Below photo is taken from 385 Murphy looking across Zimpher Creek (Creek channel indicated by blue line), at property developed all the way to the edge of the creek (This property's fence is indicated by red line). Circled in yellow is a huge accumulation of trash being dumped.



Also taken from 385 looking across creek, you will see discarded used house hold items and trash at Zimpher Creek's edge because the that land has been robbed of a protective barrier these things are at a sheer edge of the bank of the creek. We highly reccomend the tree board consider walking the property to see how difference from a side of a creek that was allowed to be developed with all trees and brush removed, to a side that has not developed all the way to the creek's edge.



Photos of Quail Hill Apartments 385 Murphy Avenue from 2016 found on google. These photos indicate that in 2016 the Riparian area on 385 murphy was much denser and treed that it is currently so removing the remaining trees would be taking all that is left of this creek habitat on this stretch of property. The owners leaving the trees that currently are standing was very appreciated by the residents and we would like them to remain if they are healthy.

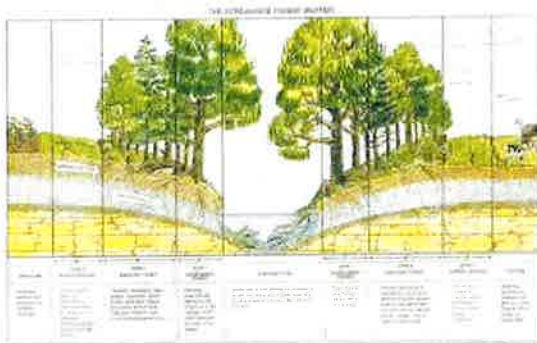
Web examples of healthy riparian zones and unhealthy riparian zones



Unhealthy buffer



Healthy, diverse buffer



Unhealthy to Healthy



Letter with proposals and reports from tenants sent to owners of 385 Murphy Ave

The letter has been attached as a PDF, if you have any issue opening it please let us know and we can send in an alternative format.

After sending the letter, the tenants never heard back from the owners. The only response being that about two weeks after sending the letter to the owners, notices were posted on the property that permits were being sought for the removal of the trees. However, these notices were posted only in one far corner of the yard and many tenants did not see them or know they were there, and they were completely inaccessible to be seen by any tenants with physical handicaps that would make it hard to tread on uneven ground. More recently, about 1 or 2 weeks ago, notices of application for permits were posted again, this time there were many posted notices posted on the property and they were in many plain site clearly accessible locations, which is very much appreciated.

Ultimately we, the community and the tenants of 385 Murphy Ave, understand that we do not own this property and that the owners have rights we do not share and that the decision is up to them and the Tree Board. We appreciate that the owners have done so much to keep this property so beautiful, it fosters a wonderful community. Thank you, the Tree Board for taking time to look over the efforts people here have put into communicating about how the proposed removal of the trees would affect them and the community, and for taking all of this, including the scientific evidence about the effects of a healthy or unhealthy riparian zone has on the larger environmental picture, into consideration when making your decision about issuing the tree removal permits. Please do look over the letter/report sent from tenants to owners, it much more clearly lays out the benefits of keeping the trees, includes sited sources, and it also includes the alternative solutions tenants proposed as a way to work with the owners. It would be most valuable in representing the side of the tenants to the Tree Board. Thank you!

Sincerely,
Tenants of 385 Murphy Ave

5. Continued
September 26, 2019

Tree Meeting

Y explained how she got the information about the tree removal from X who spoke to the owner directly.

She explained that she called the fire marshal to see what had to be removed for fire safety. The fire marshal said that there was only one tree that needs to be removed since it is dead on the north part of the yard. The marshal also asked for the high grass to be cut for safety and debris to be removed. So the other 24 trees marked are not being removed for fire hazard, but we don't know what the landlords reason is.

If we remove the other trees it could contribute to erosion, could heat the river, decrease the privacy, increase the noise, etc. Everyone agreed.

One resident, J, said that the trees look like they are top heavy and haven't been trimmed in years and wonders if the only solution to cut them down. She explained that X is waiting for a bid for an arborist to prune the trees. This is a separate effort potentially than the landlord cutting them down.

Y said there are over 25 trees marked and she agrees that they need to be pruned and cleaned up. The person who did the bid may have a license; X is waiting to hear about that.

J explained that the city has an opinion about trees because she cut one that was dead in the past and the city made her plant other trees as a result.

It was suggested to count the number total of trees and what kind. They are not oak trees. But the estimate is over 50% of the trees are marked.

One resident, A, is an environmentalist. He explained that in Australia they don't cut the trees they just clear the trees 10 meters and then the next 10 meters they have to clean the trees up to 7 feet. So if they clear the brush it should prevent fire. His opinion is we need to have the trees cleaned rather than cut down.

Another resident, Z, said some of the trees are old but that so many had been cut two or three years before and there was a lot of debris left behind, and that the debris needed to be cleared.

Y said the fire marshal said only the tall grass and debris needs to be removed and one tree. Then encouraged the group to think about proposals for the remaining 24 plus trees if we would like them to remain.

Z says that before the trees were cut last time there were so many more birds and animals. The group that was here then agrees

Y read an opinion from the box (which had been left out for people to contribute ideas into) which was for the tenants to purchase the property as a long term solution. Y said even though that is not a viable option that the owner is aware that cutting down the trees is not a popular option because he told X to hold off on putting the note on the mailboxes until he was gone.

Another resident, W, has found some names of people to contact that are part of Sebastopol to come up with a cheaper arborist quote.

The best case scenario is that the landscaper comes in to clean up the trees. The arborist who has a bid in would come every 2 weeks. If the owner accepts the bid he would come in every 2 weeks.

One resident, F, said we should talk to the owner in a friendly way

One resident, D, said that they moved here specifically for the trees, the gardens and the view, not for the apartment itself. Everyone at the meeting agreed, this was one of their main reasons for living here. Some residents listed the other reasons they chose to live here

Everyone agreed they do not want to buy the building.

Y said lets come up with a proposal. Do we have connections to arborists that would be more affordable for trimming to save the owners more money?

One resident, S, said talk to the people who do the trail.

Another resident, F, immediately texted a person they know who has a landscaping service

Y said she could draft a letter that would say thanks for doing fire safety, we as tenants agree that we should follow the fire marshal's suggestions, but as for the remaining trees we greatly value them. Then we can outreach to find a cheaper bid. Everyone agreed

Y read a letter from Resident G who opposed the tree cutting based on noise and privacy and shading the creek and gives homes to the animals. He said it shouldn't be the responsibility of tenants to do anything or pay for the maintenance. The group agrees to include the letter to the landlord.

A said he could do it for no money and he has experience doing it.

Y said they could vote to see if tenants would be willing to do \$3 per month or \$36 per year for tree maintenance.

One resident, M, brought up the recent rent increase as something that could be brought up rather than the residents adding more money.

A said he moved here for the garden space and then last week they said they couldn't do any gardening. The owner told X to tell them "no" even though A was told he could have a spot when he moved in.

One resident asked who communicating with the owner and how does the owner feel

It was explained that the son who is the new owner runs things more as a business.

Y asked if anyone was interested in helping look around for cheaper quotes or researching if there may be fines if the owner goes through with cutting the trees. City council has been contacted and they are looking for the right person to talk to. F said he could talk to the councilman directly (the apple shoe guy).

F will talk to the councilman to tell him that the trees are marked to see if there are any ordinances to find out if there are any protections.

We should find out when it is planned to cut them down as well.

Y said that she will write the proposal and it will include "we the tenants" and include the thoughts discussed here, the petition and the notes.

The owners are listening because they suggested they could plant some orange trees and even though it's not what we want, at least he is interested in willing to hear us as tenants and there is already a potentially active compromise.

Can do a rough copy, will get the info from the councilman, and will point out that 4 tenants have offered to volunteer with yard work, some have experience and each can offer 1-2 hours per week. Approximately 4-8 hours of free labor per week. V,F,A, and M have volunteered. Y offer to help on less regular basis

Resident C asks If the rent just went up why should we do any more labor?

It's the option of the volunteers if they want to do that, but they don't have to.

The offer might be a gesture that we as tenants care a lot. It's a nice means of potentially helping with money concerns

F said he got a response and someone to come look to see about another bid.

Y said that next time they think about making changes that they may be more reluctant to make changes and shes happy everyone could be here to talk.

It was clarified that the letter makes it known that we are not the enemy that we are all on the same page.

F said that we are not in the red zone for PG&E, so that is not a reason for cutting. PG&E put out a flyer that he might be able to find.

Actions Items:

1. Find out when they are planning to cut trees down

2. Find out if the bid is for cutting the trees down or bi-weekly maintenance or both
3. Elizabeth to draft a proposal and send in with the petition, supporting documentation to owner
4. Jorge will update Elizabeth with the alternative bid
5. Jorge will talk to the councilman to tell him that the trees are marked to see if there are any ordinances to find out if there are any protections

F to look for PG&E flyer stating the neighborhood is not in the re

5. Continued Part B

Dear Owners of 385 Murphy,

First of all, thank you for all your efforts that keep this property so beautiful and how you have taken care of the natural landscape. The outdoor space is really unique to an apartment setting and most of us chose to live here largely due to this factor. We also appreciate that you are planning to plant some new trees after the scheduled removal of the current trees, and notified us about that plan, thank you. However, as the petition shows over twenty of the tenants here would like the trees and natural space along the creek to remain.

That, said we know that the owners are in charge of that decision, so - ***This letter's purpose is to show how keeping the trees that are scheduled for removal could benefit the owners as much as it does the tenants***

Research revealed how keeping most of the trees and natural area, is the most cost efficient and safer (less liability for owners) of the possible options.

We understand you are busy and that this is your business, so the following document has been written with a respect for that in mind. We also respectfully acknowledge that choice is for the owners to make, so we hope this research is helpful and beneficial to your decision making and will show how keeping the trees might be most beneficial for all parties.

Thank you for reading and your consideration.

This letter includes 3 parts:

1. What we are asking - The tenant's questions and requests
2. Reasons for keeping the trees - A list of benefits, financial and otherwise, to owners and property. Research and summations of why leaving more trees standing may be of benefit to the owners of this property.
3. What we are offering - What the tenants have agreed to do to help support the owners and keep the trees around the creek area

The decision is in your hands and we are only proposing ideas and giving customer feedback.

Thank you.

1. WHAT WE ARE ASKING

- We want to understand what the bottom line is. Ultimately, what can we offer to you that would make cutting down as few trees as possible a viable option?
- We ask that you read this letter and give thorough consideration as to whether the research we gathered and the proposals we have made could also benefit you. We hope you will find it to be the most beneficial option for all parties.

- Our specific request is to leave standing all trees that are not a danger with some trimming. Or if that is not possible, at least half the trees that have been currently marked for removal, for at least one year.

2. REASONS FOR KEEPING THE TREES

A.) Fiscal value of a property, and rental value of the units within it, is anywhere from 1 - 8 % higher if that property has a view of a nature filled setting, 5-30% higher if tenants have access to that nature setting:

- Apartment properties with a view of a natural setting inside a city can be priced from 1- 8 % more than their counterparts sans view. If tenants have access to that setting it can increase by 5-30% * [see “sources cited”]. This also translates in re-sale of the property.
- While rent control may cap how much rent can be raised each year, a valuable property insures that owners can continue to fetch the highest sum possible.
- The tenants that signed the petition agree that the tree filled yard was one of their top 3 reasons for choosing Quail hill apartments over other similarly priced options. The view of the lush natural creekside setting is what makes them happy here and it they also appreciate that it creates the sense of privacy and serenity. This view has extra value because of that privacy, and this was most unanimous reason tenants signed the petition- They value the privacy created by the trees and the sound barrier they create between the neighbors across the stream. Tenants value the trees so much because what we see out our window *is* a part of our daily lives.
- *The value renters have for a view does translate as financially valuable to the owners as well.*

B.) This property as it is currently, may qualify for financial compensation, Conservation Easement, and/or tax breaks because of its stream and the riparian (tree covered habitat) area:

- Zimpher creek, which runs along this property, is so valuable to the government that Sonoma Water Agency gave a grant of \$75,000 for the restoration of it, in 2017. ***
- The natural habitat along the creek with its trees and shrubs may qualify you to place a *Conservation Easement* on the property and receive financial compensation for the land as well as some *tax benefits*, if you allow the native plants and riparian area to remain.
- *A tenant proposal regarding connecting owners to potential funding:* We could help by doing research to find out what financial benefits you would be eligible for with this property and to connect you to the resources that would put those benefits in place.

C.) Removal of trees along a creek causes erosion and makes flooding more likely:

- The roots of the trees are a huge part of what’s keeping that ground together. Keeping a larger number of the trees along it will keep this property from suffering erosion and flooding in rainy season.

- Home Owner Creek Guide states: Avoid cutting down trees along the creek, because tree roots stabilize the bank itself. For the same reason, avoid removing native vegetation along the bank. Stabilize banks by planting trees, shrubs and flowers that are native. In times of flooding, vegetated creek banks may help protect your property from eroding and flooding by slowing the flow of runoff into the creek, decreasing the abrasiveness of the quickly-flowing water. Vegetation also helps check upstream runoff by keeping the amount of runoff from overflowing creek banks and onto private property.
- The most recommended and cheapest way for property owners to prevent erosion and flooding on their creekside properties is to allow trees and native plants to grow.
- Plant materials, like branches and sticks, slows down the creek water, the water just lays them down and the energy is dissipated instead of tearing the banks all apart

HOW TREES HELP REDUCE FLOODING AND EROSION :

- Providing roots that bind soil in place. Plant leaves also lessen the impact of falling rain drops, helping keep soil particles in place.
- Slowing the velocity of runoff and lessening it by soaking it up

D.) **Animal habitat means cost effective pest control and less complaining tenants:**

- Insect control: The habitat by the creek houses insectivores such as bats, toads, and certain species of birds and mammals that may eliminate the need to purchase costly insecticides for the yard or the need to fumigate apartments for bugs.
- Animal control: The small mammal predators and the birds of prey (hawks, kites, and owls) that live here all eat mice, rats, cockroaches, mosquito larvae, and termites! They also prey upon each other, keeping their populations in check.
- Weed and debris control: The trees house many native animals who are helping manage vegetation growth (herbivores) while others are cleaning and recycling organic matter (decomposers), making for a cleaner healthier landscape on this property.
- **Keeping the habitat by the creek natural and letting the trees remain, benefits the owners because it means less tenant complaints about pest problems and that means less money and time spent trying to control them.**
- Getting rid of the trees may result in rise in pest populations which could require fumigation. While fumigation prices vary based on square footage, generally costing from \$1 to \$3 per square foot. For example, a 2,000 square foot building could cost between \$2,000 to \$6,000 to fumigate.
- Animal Habitat loss has been cited by tenants who signed the petition as one of the top three reasons for wanting to protect the stream area.
- Leaving the habit intact **DRASTICALLY** reduces likelihood of infestations. Because these animals keep each other's populations as well as bug and plant populations in check.

- The Trees and natural habitat near the creek feeds these native species so they do not interact with humans. Last time there was a large amount of tree cutting in the back area there was an increase in tenants reporting animals coming onto their porches and issues with bug problems.

E.) A more manicured yard space will always cost more to maintain, than one with a more natural aesthetic like the one we currently have:

- In a natural setting you do not have to replace flowers when they wilt, use blowers regularly, level the ground, water often if at all, or deal with mole holes. These qualities are accepted as part of a natural setting. However in a manicured outdoor setting these qualities are seen as blemishes and can give a shabby appearance. Therefore, the more natural setting translates to less care and costs for owners.
- The trees you have now may cost up keep but they are free to you otherwise. All trees need upkeep. If you purchase trees to grow here and they die, that is a loss. These trees here now are already succeeding in this environment.
- Native plants, which are growing here now, are generally less timely and costly to maintain since they are well suited to local moisture and soil conditions.
- Furthermore, keeping (and planting) pest-resistant native vegetation and attracting insectivores such as bats, toads, and certain species of birds and mammals may eliminate the need to purchase costly insecticides for the yard.
- Americans spend approximately \$30 billion each year maintaining lawns, or manicured yards. With individuals devoting an average of 65 hours per year to mowing.
- Debris maintenance and mowing may be unavoidable, but the yard as it is only needs to be safe. It naturally looks pleasing to the eye, meaning less care and costs for owners. If more care were needed, the yard slopes towards the creek and it would not be an ideal place to use pesticides if needed because it would cause run off into Zimpher, the protected creek.
- A tenant proposal regarding yard work: Four tenants have stepped up to volunteer *once a week for 1 hour, each* to help with yard work and clearing debris. We are proposing - *four hours a week of free/volunteer based yard care* - If this sounds like it could be a helpful option than please let us know the specifics of what you would like done so we can verify the volunteers ability to do those tasks and to put you in touch with the volunteers.

3. WHAT WE ARE OFFERING:

- Four hours a week of yard work, the specifics of which can be determined by the owners and volunteers. Four tenants have signed up and agreed to do yard care (helping with yard work and clearing debris) for one hour a week. Most of us can only imagine the amount of money and work that goes into keeping up the grounds on this property and we acknowledge tree upkeep is not easy. So, if the owners choose to cut down only necessary trees we would like to offer our help in caring for the yard space. We are proposing - at least 2 and up to 4 hours a week of free/volunteer based yard care- If this sounds like it could be a helpful option than

please let us know the specifics of what you would like done so we can verify the volunteers ability to do those tasks and to put you in touch with the volunteers.

- Assistance with accessing Financial compensation, tax breaks, and other funding that may be available to you. As mentioned the natural habitat along the creek with its trees and shrubs may qualify you to place a Conservation Easement on the property and receive financial compensation for the land as well as some tax benefits, if you allowed to remain. We would do the research to help you find out what financial benefits you would be eligible for and help with any paperwork to apply. A tenant volunteer assistant would offer to connect you to these resources.
- We can help find/hire an arborist who would help determine what trees are a danger and what trees are not.
- Tree removal is expensive so if more of the trees are determined not to be a threat it will actually save money for owners.
- Let us know if there is something else that we can offer to make this a more appealing choice

Sources cited:

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- <https://homeguides.sfgate.com/costs-fumigating-woodlandstewards.osu.edu>
- <https://www.terminix.com/pest-control/raccoons/diet>
- <https://www.nerdwallet.com/mortgages/how-much-does-a-view-affect-a-homes-value/>
- http://www.sonomawest.com/sonoma_west_times_and_news/news/water-agency-grant-to-laguna-foundation-for-zimpher-creek-restoration/article
- <https://homeguide.com/costs/landscaping-costs>
- <https://www.apartmenttherapy.com/how-much-is-a-v-156527>
- https://www.fema.gov/pdf/about/regions/regionx/Engineering_With_Nature_Web.pdf

6. From:
Sent: Tuesday, February 04, 2020 10:57 AM
To: Alan Montes <Amontes@cityofsebastopol.org>
Subject: Zimpher Creek TREES at 385 Murphy Ave

Hello,

I'm writing as a resident of the Quail Hill Apartments at 385 Murphy Avenue, on the bank of Zimpher Creek. My apartment overlooks the creek. I would like my comments to remain anonymous.

I don't want any trees to be cut down here, or as few as possible to allow compliance with fire-prevention restrictions. If the trees are removed as the owners desire, our quality of life here will be seriously impacted. The trees provide privacy and sound reduction when they are in leaf. This is really important to me because there are dwellings immediately on the other side of the creek where many people live, and a lot of noise comes from that side. I'm sure everyone would prefer to see and hear each other less, not more.

The trees also shade and cool the banks of the creek, which is very important for the other plants and animals that make their home in and around the creek. The hotter the creek gets, the more its water will tend to evaporate, of course, and the more its ecosystem is harmed.

In short, I strongly oppose this tree removal plan and am asking you to please stop it. Thank you for your help.

Best regards,

385 Murphy Ave.

8.12.060(E)(2) Tree Removal Permit – Replacement Trees

Replacement trees shall be selected from the following list of approved replacement trees based on the recommendation of the Planning staff or City Arborist, and with the approval of the Tree Board, or City Arborist, as applicable. If the applicant would like to install replacement trees which are not included in this list, such a request may be considered by the Tree Board, or City Arborist, as applicable.

Common Name	Scientific Name
Amur maple	<i>Acer ginnala</i>
Big leaf maple	<i>Acer macrophyllum</i>
Black oak	<i>Quercus kelloggii</i>
California bay	<i>Umbellularia californica</i>
Chinese elm	<i>Ulmus parvifolia</i>
Chinese pistache	<i>Pistacia chinensis</i>
Coast live oak	<i>Quercus agrifolia</i>
Crape myrtle	<i>Lagerstroemia indica</i>
Gravenstein apple	<i>Malus Gravenstein</i>
Interior live oak	<i>Quercus wislizenii</i>
Japanese maple	<i>Acer palmatum</i>
Madrone	<i>Arbutus menziesii</i>
Oregon ash	<i>Fraxinus latifolia</i>
Port Orford cedar	<i>Chamaecyparis lawsoniana</i>
Red alder	<i>Alnus oregona</i>
Red oak	<i>Quercus rubra</i>
Trident maple	<i>Acer buergerianum</i>
Western redbud	<i>Cercis occidentalis</i>
Western red cedar	<i>Thuja plicata</i>
Valley oak	<i>Quercus lobata</i>