



**City of Sebastopol**  
*Incorporated 1902*  
Planning Department  
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Sebastopol, CA 95472

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**APPROVED MINUTES**

TREE/DESIGN REVIEW BOARD  
CITY OF SEBASTOPOL  
MINUTES OF November 28, 2023  
3:30 P.M.

The notice of the meeting was posted on November 23, 2023.

**DESIGN REVIEW BOARD:**

**1. CALL TO ORDER:** Chair Langberg called the meeting to order at 3:30 P.M. and read a procedural statement.

**2. ROLL CALL:**

|                 |  |
|-----------------|--|
| <b>Present:</b> | Lars Langberg, Chair<br>Cary Bush, Board Member<br>Lynn Deedler, Board Member<br>Christine Level, Board Member |
| <b>Absent:</b>  | Melissa Hanley, Vice Chair<br>Marshall Balfe, Alternate Board Member   |
| <b>Staff:</b>   | Kari Svanstrom, Planning Director  |

**3. APPROVAL OF MINUTES:**

**May 23, 2023**

Board Member Level moved to approve the minutes as presented.

Board Member Bush seconded the motion.

AYES: Chair Langberg and Board Members Bush, Deedler, and Level  
NOES: None  
ABSTAIN: None  
ABSENT: Vice Chair Hanley, Board Member Alternate Balfe

**4. PLANNING DEPARTMENT UPDATE ON MATTERS OF GENERAL INTEREST:**

Director Svanstrom reported that:

- The objective design standards will go to the City Council on December 5<sup>th</sup>.
- A Level of Service report will be transmitted to the DRB after it goes to the City Council in December.

- The Planning Commission Work Plan, which includes a couple of items that involve the DRB, such as the SB 9 regulations will go to the City Council in December. The City has received the revised draft of the SB 9 book from the consultant, and staff will write the ordinance for the municipal code that would go along with that. Most likely a joint meeting of the Planning Commission and DRB will review that at the second meeting in January.
- The Woodmark project is well under construction and close to completing the grading work. Two foundations of the four buildings have been poured. Once the fire line is in on the west driveway that drive will become the main entry and exit for construction. The project is looking at bringing in prefabricated wall units, which would help with the construction timing and reduce noise onsite. Construction completion is expected at the end of 2024.
- The Elderberry Commons is converting to permanent supportive housing and the building permit for that is close to issuance.
- The Habitat for Humanity Townhomes is also almost ready for their building permit to be issued.
- The City Council has selected and approved a new City Manager, Don Swartz, who is currently the assistant City manager of Rohnert Park. Mr. Swartz will start January 2, 2024.
- The City is accepting applications for commission and board vacancies. There are two vacant seats on the Planning Commission, three on the Design Review Board, and openings on the Climate Action Committee.
- The City just issued a Request for Proposals for the Caltrans Sustainable Transportation Grant work and expects to receive proposals in January 2024. The next step is to work on the scope and do the same RFP for the Priority Development Area Grant the City received from ABAG, which is looking at the commercial corridors in the City and where it might make sense to allow residential without a use permit.

The Board asked questions of Director Svanstrom.

**5. COMMENTS FROM THE PUBLIC REGARDING ITEMS NOT ON THE AGENDA:** None.

**6. STATEMENTS OF CONFLICTS OF INTEREST:** None.

**7. REGULAR AGENDA:**

- A. TREE REMOVAL: 6700 Sebastopol Avenue** – The applicant is applying to the Tree Board for the removal of a Bunya Bunya tree on the corner of Highway 12 and Morris Street.

Director Svanstrom reported that the required notice was not on the tree so this item could not be discussed at this meeting and would return to the DRB for Board deliberation after it had been properly noticed, however, there would be opportunity at this hearing for the DRB to ask for any additional information from the applicant or staff and for public comments to be made.

Director Svanstrom presented the staff report and was available for questions.

Chair Langberg asked for Board questions of staff.

**Cary Bush, Board Member**

The staff report noted a 35-inch DBH, but the arborist report says it is 59-inches.

**Becky Duckles, Arborist**

It is 59-inches.

**Christine Level, Board Member**

The report discussed the hazards of the tree. How many people have been seriously injured or killed by this tree during its hundred-year lifespan?

**Becky Duckles, Arborist**

One thing I didn't mention in the arborist report was that this tree also had a mild infestation of tree borers. (Showing a tree frond.) These are all over the ground around the tree and they're very sharp and pointy, and I cannot say that I know of any particular person that has been injured by them but these fall frequently and they're heavy and dangerous. Caltrans changed their plans to put a sidewalk by the trees and put the sidewalk elsewhere because of the fear of the large fronds, so in the past there has been very little activity around this tree, but with the increased activity planned by the expansion of Seismic Brewing and a patio being put there, these fronds could injure children who would be welcomed there. It is sad to discuss removing the tree, because it is iconic and a main feature of the town's entry, but to ensure safety they would have to cut off most of the fronds because it's hard to predict which ones will break off. In my opinion the hazards outweigh the benefits of that tree.

The applicant gave a presentation and was available for questions.

Chair Langberg asked for Board questions of the applicant.

**Christine Level, Board Member**

Right now there is a kind of trellis structure with a solid surface on it over the patio. It seems like the fronds could land on that and then be cleared off later. It brings to mind mitigating factors.

**Becky Duckles, Arborist**

If you'd like we can pursue with the property owners what exact improvements they plan to do and what structural amenities they're going to put there to protect people from being hit by falling debris, maybe a solid structure, but the cones can weigh up to 15 pounds and have to be removed. The tree has been maintained in the past, I believe privately, but we could see if they could propose anything suitable to protect people.

**Christine Level, Board Member**

Has anyone investigated the average size of cones for this tree? Up to 15 pounds for any tree?

**Becky Duckles, Arborist**

Cones have been removed from this tree. They are heavy and pointy, but I didn't touch or lift them.

**Lynn Deedler, Board Member**

Do you call the branch you brought with you a frond?

**Becky Duckles, Arborist**

I'm not sure of the nomenclature of the particular parts of that tree. It has anywhere from 6- to 15-foot long lateral branches that have these fronds all over the branches. I've tried to look up more information on this tree and there is not a lot of literature about it, but I've talked to homeowners associations and landscape maintenance companies that have to deal

with them and they are considered to be part of normal maintenance and has to be done regularly.

**Christine Level, Board Member**

Where else are these trees located around here?

**Becky Duckles, Arborist**

There are some in Santa Rosa for which I could find the address for you, and I could look into other locations for you if you wanted to find others.

**Cary Bush, Board Member**

Is this tree on City property or private property, or is it within an easement?

**Kari Svanstrom, Planning Director**

It is on The Barlow's private property and they currently maintain it.

**Cary Bush, Board Member**

So it would be the property owner's responsibility for its maintenance and not that of the City of Sebastopol?

**Kari Svanstrom, Planning Director**

Correct. Public Works has confirmed that the City does not maintain this.

**Lars Langberg, Chair**

We're looking at this as a tree removal permit because of an upcoming project that is to expand the building on the site?

**Kari Svanstrom, Planning Director**

From reading the application it does look like that's a possibility, and a question staff has for the Board is do you want to see that at the same time and be able to weigh the two together? We have not received any applications from The Barlow for any expansion at this time, but they are planning to have lots of open space for kids playing around the building.

**Becky Duckles, Arborist**

Decades ago there was a situation where somebody was doing a lot split on the north end of town and wanted to put an in-law unit on this lot and so he applied to remove the tree, and then he got divorced and didn't do the lot split, but he had already removed the tree. So we could wait until closer to the time when they actually have a definitive plan and that would give them time to look into whether or not there are some mitigation measures structurally they could do to maintain it.

**Christine Level, Board Member**

We've already set precedent for that, and actually I was the one who did that. We had this occurrence, and so then we had the lot that is now developed, which is the famous lot on the corner of Murphy that took so long to develop and they are finishing up now. But there was a big tree in the middle of that lot and we said they had to have the permit and it was showing that it was really going to go forward, so we have set precedent for that with the Tree Board.

**Lars Langberg, Chair**

I think to Board Member Level's earlier point, if they added more outdoor space it feels like it wouldn't be on that side of the property. There is already a covered outdoor space, and then there is a lot of planting, and there's a tree, so it is hard to imaging more development

of that area right on the main highway, but if it is going to happen I think we should know that to be able to weigh in on this.

**Christine Level, Board Member**

Right, because there is also a substantial wall, so if you were to add onto the patio you'd have to demolish this wall.

**Lars Langberg, Chair**

Right, there is all sorts of stuff out there. So is that something that you could ask the applicant to be part of the moving forward?

**Kari Svanstrom, Planning Director**

Yes, absolutely. Board Member Level is correct, and this was a little grey because it was talking about the risks of the fronds, but because they're expanding a patio we would ask for the design review and the tree removal to be done in conjunction, and for any project like that you're correct, we do condition it on the building permit being issued or authorization by the Planning Department, because it's so close to the building permit being issued that they're just coordinating the projects. If the Board wants it continued until such time as there is a design review coming to you as well, that is something we can take into account and work with the applicant to get, and then we wouldn't bring this back until that time.

**Lynn Deedler, Board Member**

So you're talking about increasing the patio area and putting concrete down toward the tree?

**Kari Svanstrom, Planning Director**

The Planning Department has not seen any plans for expansion of the patio.

**Lynn Deedler, Board Member**

The application says making a large play area. What does large mean?

**Kari Svanstrom, Planning Director**

We don't know, because we don't have the plans yet. This was submitted on the basis of the fronds and the risk, but as I'm noting, it does make sense to get the design of the patio so you can look at both of those and potential risks and mitigations.

**Lynn Deedler, Board Member**

The second part of this is maybe a dozen years ago this building, the design and the landscaping, were all approved by the Design Review Board. Can this Design Review Board change the prior plan?

**Kari Svanstrom, Planning Director**

Yes. In terms of design review, people make changes and modifications to projects that have been approved all the time. A board cannot condition and hold something in place permanently that would limit a future board's direction, but if someone wants to come with an amendment or a design change that requires design review, then yes, you as a board have the ability to do that. In fact, there have been a number of changes at The Barlow that have come before this board.

**Becky Duckles, Arborist**

To go along with Board Member Deedler's point, at that point when they do have a more concrete design we can actually look at what the footing would be and any grading and

whether that might affect the shallow roots, so that would be looked at too in terms of if we were doing our best to keep this tree and what issues there might be in regard to branches and the trunk as well as the roots.

**Cary Bush, Board Member**

When The Barlow's its landscape improvements were approved under the condition that the City Arborist, yourself, would be there to oversee the construction impacts to this tree at that time. Was that carried out?

**Becky Duckles, Arborist**

That has actually happened already. When Seismic Brewing built that section of the building they called me out and I looked at the excavation that had been done by hand, and they hadn't encountered any roots.

**Lynn Deedler, Board Member**

I look at the palm trees that are adjacent to the subject tree and wonder how much better it would be if that large palm tree were removed. It is overrunning and outgrowing the Valley Oak that's right next to it, and the oak is leaning hard on the house but has no branches going in toward The Barlow building. Can this board make a recommendation that that palm be taken out because it simply feels quite out of place?

**Becky Duckles, Arborist**

The oak tree has a major structural weakness; the trunk is splitting and you can see daylight through the crack, so I don't think that oak is going to be there very long. I can't remember if they've already had approval to remove that tree or not.

**Kari Svanstrom, Planning Director**

I think they may have because of the hazardous condition of that tree. Yes, we're getting confirmation from the applicant. But in response to the question, I would ask the Board to refrain from making deliberations or recommendations at this time. If you as a board member want to talk to staff individually about anything, you're always welcome to do that.

Chair Langberg asked for further questions of staff or the arborist. Seeing none, he opened public comment.

**Chip Sandborn, Sandborn Tree Service**

I wanted the arborist mainly to address the issue of the cones, because I feel that's the biggest threat from the tree. Branches break and fall down and I don't feel they are particularly life threatening, but the cones definitely are, and we've pruned that tree at least a couple of times, usually after the cones start to fall, and they are quite impressive when they fall. The first time it happened the covered patio got hit pretty hard, so they went back and replaced the corrugated roof and put a big hog wire guard over the top of it, and the next time it happened it bent the hog wire guard really well. If one of those cones hit somebody, there is going to be blood.

**Jennifer, Applicant and The Barlow Property Manager**

We submitted this application because the tenant that is moving into that building has preliminary plans where the patio would expand further toward Highway 12 and even closer to the tree. It's already a danger where it is now; the pods are what are really dangerous. I think the tree is really dangerous just even where it is now for somebody on the sidewalk. We get it routinely pruned, if one is missed there is such a liability there. The odds are probably not that great, but the risk is there. Safety is a super important. This is a really

cool tree and I don't want to see it taken down, but I do not like the idea of having such a big risk on the property, especially if we're expanding out closer to the tree.

**Lynn Deedler, Board Member**

What kind of expansion is being anticipated at that area?

**Jennifer, The Barlow Property Manager**

It would expand the patio to create a larger seating area for guests, and a children's play area. I haven't seen the finalized plans, so I don't have dimensions or detail regarding the size.

**Lynn Deedler, Board Member**

Why would you expand in that direction when Morris Street is a lot quieter? That is a very noisy place to eat.

**Jennifer, The Barlow Property Manager**

I understand the tenant coming in has grand ideas for the space and it makes sense to expand the way they're expanding. Even if you go toward Morris Street they would still be encroaching closer to the tree, so any closer than it already is is still going to be an increased risk.

**Christine Level, Board Member**

Who is the tenant that will be moving in?

**Jennifer, The Barlow Property Manager**

It's not an existing business. The tenant is Roadhouse LLC. It's scheduled to be a burger/beer/wine fast family casual restaurant. It's a brand new restaurant.

**Christine Level, speaking as a member of the public**

I'm concerned about the historical aspect of this tree. It was most likely associated with Luther Burbank. He was a renowned horticulturist, and people came from all over the world to see Burbank's gardens and it basically put Sebastopol on the map. The tree is 100-years-old; it is an ancient species that can live to be 1,000. The tree harkens back to the days of the mega-fauna and mega-flora; that's why it's so large and so long-lived, and it is also an endangered species. The average lifespan of a startup restaurant in its first five years is 20%, but this tree is here, it's been here, it's a gateway to Sebastopol, and it has historic precedence. Yes, there would need to be mitigation, but it needs to be seriously considered. In my opinion, there should be a parklet there and a placard that describes the tree's historic significance, because 100 years from now the tree will most likely still be standing there, but The Barlow, given the commercial real estate debt bomb that is happening, not likely, and I think we should give some consideration to what is left of our history in this city.

Chair Langberg asked for further questions of the applicant. Seeing none, he closed public comment.

Board Member Bush moved to continue the public hearing for 6700 Sebastopol Avenue to such time as the design can be reviewed in conjunction with the tree removal.

Board Member Level seconded the motion.

AYES: Chair Langberg, and Board Members Bush, Deedler, and Level  
NOES: None  
ABSTAIN: None  
ABSENT: Vice Chair Hanley, Alternate Board Member Balf

- B. TREE REMOVAL: 7182 & 7160 HEALDSBURG AVENUE** – The applicant is applying to the Tree Board for the removal of two (2) protected Coast Live Oak trees. One is located on 7182 Healdsburg Avenue and the other between the property line of 7182 and 7160 Healdsburg Avenue.

Director Svanstrom presented the staff report and was available for questions.

City Arborist Becky Duckles provided a presentation.

Chair Langberg asked for Board questions of staff.

**Lars Langberg, Chair**

The arborist referred to Tree 1 as having maybe already been approved for removal. Is that accurate?

**Kari Svanstrom, Planning Director**

That is not the case as far as we're aware.

**Becky Duckles, Arborist**

Because only one tree was discussed in Chip Sandborn's report, and that was the property line tree, I was mistakenly assuming that the tree in the back had been approved because it was causing some damage to the retaining wall, but I would definitely approve the removal of that tree. I have looked at it twice with the owners and it is really causing damage to their retaining wall that I don't think can be mitigated, although I'm not a structural engineer.

**Lars Langberg, Chair**

That tree itself is in good shape; it's the wall that's not?

**Becky Duckles, Arborist**

Yes, it's beautiful, but it's growing out toward the street to grow toward the light and it's growing from the trees behind from competition, and it's putting a lot of pressure on the wall. Unfortunately, we've intruded on its space and it doesn't have a very good chance of surviving what we need to do to it to keep it from further damaging the wall or possibly falling. A heavy load from rainfall behind the wall could be exacerbated by the roots and soil saturation and even amplify the possibility that the wall could fail because it is cracked.

**Christine Level, Board Member**

I want to be clear. Aside from the wall, is the tree healthy and thriving?

**Becky Duckles, Arborist**

Yes.

**Cary Bush, Board Member**

When was the last time you saw the subject tree?



**Becky Duckles, Arborist**

A week ago.

The applicant gave a presentation and was available for questions.

**Christine Level, Board Member**

That's part of the wall system back there along that whole area that was built by Chinese immigrants 100 years ago when there was a railroad back there.

**Lars Langberg, Chair**

So the wall was there before the tree.

Chair Langberg asked for Board questions of the applicant. Seeing none, he opened public comment.

**Caroline Upland** (phonetic)

I live next door I can testify to the health of those trees, which I saw about ten minutes ago. The trees are thriving. I have grave concerns about any more work on the trees. Regarding the two trees that are at risk, I have concerns about if they were even pruned how they would be, because more was taken from the tree than should have been. Secondly, I talked to the property owner, who is my landlord, in the last week and he is very hesitant about Tree 2, given the damage that was done to my current tree. The property owners at 7182 Healdsburg have two people come out twice a year to blow off their roof, which is adequate. If it's a question of saving these trees versus getting a roof blown off, I'll go and blow off their roof myself. These trees are so vital. In terms of causing litter from acorns and leaves, they are not causing litter from acorns because we have an incredibly abundant squirrel population. These are Live Oaks; the amount of foliage is not that much. I vehemently oppose this. I beg you please to not to take down these trees. We have a right in the City of Sebastopol to the protections that trees provide, such as shade and noise pollution mitigation. Living on Healdsburg Avenue is so noisy, but those trees provide such a buffer to noise and give a sense of privacy. Lastly, if you took out Tree 2, I would lose what little protection I still have left from the western sun and it would do huge amounts of damage to my property. As a person living with multiple disabilities, heat exposure would mean I could not have full access to my premises, which is promised to me by the State of California in the renter's code, so please don't take these trees down.

Chair Langberg asked for further public comment. Seeing none, he closed public comment.

The Board discussed the application as follows:

**Cary Bush, Board Member**

I went to the site today. Tree 1, the one sitting between the retaining wall the structure, it's amazing to see that tree actually survived as much as it has, but I didn't find it to be in the best health. I saw a lot of browning and it looked thin; I didn't know if it was time of season. I also had a second opinion, and we looked at it and it didn't look very healthy. I didn't see it thriving. Another thing is where is it going to go? Unless you make severe structural improvements to something I don't know how that tree would actually consistently thrive, and I don't see it thriving. If Tree 2 is basically a maintenance hazard, that's just too bad. I found that tree to be in great shape and it looks beautiful. There are actually far more undesirables on that property than that tree. Tree 2 is without a doubt an asset to western heat mitigation and to provide shade; it's got a great overstory canopy and great structure. To me, Tree 2 looked great, and Tree 1 is a good candidate for removal.

**Lynn Deedler, Board Member**

I think that group of trees creates a beautiful surrounding around that plain office building, and it is one of the finer looking scenes that we can see going up Healdsburg Avenue as far as a comfortable Sebastopol feel to it and I would like to see both trees preserved.

**Christine Level, Board Member**

I'm going to address the retaining wall issue, and once again, as I so often feel lately, I feel like I'm living in some kind of a clown world. That retaining wall is ancient, and if our thinking is that we're going to remove the tree because of the wall, then we should also remove the house, because the house is also causing the wall to fail and you can see it cracking and leaning over. What needs to happen is the wall needs to be replaced, and judging from the history we hear now I'm going to say definitely not reinforced and no footing. If we're going to justify removing the tree because of the wall, then we should also remove the house using that logic. I was unable to get onto the property to get a closer look at the tree, but it did appear to be severely pruned; I was shocked to see the pruning on some of these trees back there. The other tree is perfectly healthy. I looked at that retaining wall and it is a concrete block retaining wall with cold joints and in perfectly fine condition, not cracked.

**Kari Svanstrom, Planning Director**

To clarify, that's Tree 2?

**Christine Level, Board Member**

This is Tree 2. I examined both the walls. Tree 2 wall is in fine condition; it's a concrete block wall and has a cold joint. There is cold joint separation, as would probably happen, but that's not a crack and that's not a failure. Tree 1 retaining wall is a joke. I don't know why anybody would even consider removing a tree because of that wall, but the people should be putting a new retaining wall in because it's going, and it's going at the house too. I do not support the removal of either one of these trees.

**Lars Langberg, Chair**

Board Member Level, as to your expertise, the fix to that wall would be such a huge project they might as well build a new wall?

**Christine Level, Board Member**

That wall needs to be replaced, there's no question about it; the entire line needs to be replaced. It's failing as much at the house as it is at the tree, and I'd be much more concerned about that, because if that wall fails at the house, then what? Nobody is saying anything about that, and it's amazing to me.

**Lars Langberg, Chair**

I don't have much to add. I was out there and I also feel Tree 2 has no business being removed; it is a fine tree in a good spot. Tree 1, I don't know the health of it so well, but I could see damage to the wall, but it doesn't seem to me that the solution is to remove a nice tree, unless the pruning that was done or the way it has been handled is so bad if we leave it it will fail soon anyway; that is my only concern.

**Christine Level, Board Member**

First of all, the condition of that wall, there is no proof by looking at that wall that that tree is causing it. It's an antique wall going over, and they all do and they all will. I understand the feeling about the pruning, but I say give it a chance to thrive again.

**Lynn Deedler, Board Member**

I have no doubt from my experience that that severe pruning isn't going to cause any permanent damage to those oak trees; they will recover and keep on growing.

**Cary Bush, Board Member**

I respectfully disagree with that comment, but again, having seen the tree, it didn't look to be thriving. I can't imagine it thriving any further; it has nowhere to go. If we're here to review whether the tree is removed or remains, I don't have much hope for it to remain in its current condition. Now, if we're having a look at a new presentation that shows its mitigation values, that's something to reconsider. There is nowhere for this tree to expand. It has pushed out a wall and it's pushing beyond its boundaries, and it's not going to get any smaller, so what's going to assure anyone here that that tree will then further create a greater asset to not only a property owner and/or its condition for the tree itself? So you can't just whack it back and then say it's going to respond wonderfully to any type of pruning job; that's not how it works. Trees are a living structure and have lots of values that create its own microcosm that supports its own growth, so I'm going to hold my opinion that Tree 1 is a good candidate for removal, because it really doesn't have much in the way of a long-term value. Tree 2 is a wonderful tree with great long-term value to grow further, to create a greater opportunity for its surrounding conditions. Tree 1 has poor existing conditions for it to go any further.

**Christine Level, Board Member**

I would argue against that tree pushing out the wall; I would say that wall pushed itself out. The way those walls are constructed is they just pour a wall against the dirt; there's not even a footing. We've heard from the public that there is some value to that tree, so I wouldn't say no value.

**Cary Bush, Board Member**

Trees have value; it's just what is its long-term value? I'm just curious, where is it going to go? What's going to give? The wall? The tree? How are you going to mitigate its long-term continuance in its current growth condition?

**Christine Level, Board Member**

Long-term value meaning what exactly? Everything has its life and its age span, so at what point do you terminate its life? At the point that you decide that it's getting old so it has no more long-term value? Do you decide it's definitely ill and it's going to die, so you euthanize it? It's kind of a grey area that I believe you speak of. And this is just an interesting conversation of philosophy.

**Lars Langberg, Chair**

Is there any way to determine when you say long-term value, how long? Is that five years, or 50 years?

**Cary Bush, Board Member**

It's certainly depends on its conditions. If you give it the space to grow it's going to want to go, and if it's got no target then it can go as far as it wants to go, but the target is great here. We have a structure; we possibly have retaining walls that are supporting structure. I'm not here to create a solution to this problem, I'm here to look at the problem, and that's what I think the Board has been tasked to do: is it going to stay or go? As a long-term planner I'm looking at it that it can't go any further, so it's a good candidate for removal. I love that Live Oak, but I don't find it to be in the best shape and it doesn't look good as of today from what I've seen. If it had better conditions for it to adapt to to provide greater nutrients, soil uptake, water, and create all the values that come with birds and mitigating

water and watershed and solar orientation, all that, but this tree doesn't have much more to give in my professional opinion.

Chair Langberg reopened public comment.

**Caroline Upland** (phonetic)

We hear the owl at night, because I'm right next to this property. A possible mitigation you guys could consider is next to Tree 1 there is a huge bottlebrush tree, and if you carefully pruned that bottlebrush it would indeed give similar sun to it. On the map there's a bottlebrush right here, and it's very small. Pruning that would give it a little bit more eastern sunlight, and that could help refurbish it. There is the rest of the yard for those tree roots to grow into as well, and it's a large yard. I would again like to put in another plug for the wildlife. We have skunks, possums, and raccoons coming through partly because we have so much vegetation there, and as Board Member Deedler said, this is a beautiful enclave of oak trees surrounding that whole area and there is an ecosystem in place there.

Chair Langberg closed public comment.

The Board discussed the application as follows:

**Christine Level, Board Member**

One more time on clarification, Tree 1 I understand is not in any imminent danger of falling over or causing any type of damage in that way?

**Lars Langberg, Chair**

That's what we heard from our arborist.

**Kari Svanstrom, Planning Director**

I can confirm if there is imminent danger it goes through a different process, which is an emergency tree removal. If it's something that can wait for the Board, then it's assessed at this time. In terms of tree protection, when we have construction impacts and things like that our Tree Ordinance has a period of three years that the tree needs to live after construction to be considered not impacted by construction, so in terms of timing and for how long, that is considered an amount time at which point the tree isn't considered an emergency and isn't considered imminent in this kind of regard as well.

**Becky Duckles, Arborist**

I wanted to revise my earlier comment about the trees. They're not in the same condition, and Board Member Bush is right that Tree 1 is a lot more compromised and it's not as vigorous. Tree 2 is the spectacular specimen, but I also appreciate hearing more detail about the retaining wall and the structure and the interaction between that tree and the wall, and it's a separate issue from the tree health.

**Cary Bush, Board Member**

It has been stated that no one can predict when a tree will fail. I'd love to keep the tree and all the trees, but my point is where does it go? If we say keep the tree is it going to continue to go down the failure road? Or maybe it just thrives and it pushes the wall out and I'm wrong? Or does it show significant signs of decline and we wait for those signs to then say there is nowhere for this tree to go any further? That's the question the Board needs to answer: What are we trying to say, that we're going to predict its failure now or we're just going to predict it later? In my opinion I think it will fail a little later.

**Kari Svanstrom, Planning Director**

That's why I'm noting that our Tree Ordinance does have three years longevity of a tree in terms of this type of evaluation that you may be making. Chair Langberg, it sounds like it might be easier to do this in two motions.

**Christine Level, Board Member**

I understand Board Member Bush to say that if it looks like the lifespan of the tree is at least another three years...

**Kari Svanstrom, Planning Director**

You could use that as a basis of evaluation, because that is actually in our code in terms of when you're doing construction and you're supposed to be preserving a tree, that it needs to remain viable for three years after you finish construction in terms of evaluating construction impacts. If the Board is looking for guidance, you could take that as a general time frame in addressing the question of how much longer could it live? Is that a come back later kind of a thing, or is it a let's just go ahead and talk about it now?

**Lars Langberg, Chair**

That seems like a very different circumstance though.

**Kari Svanstrom, Planning Director**

It is very different, yes. Our Emergency Ordinance is it's a 60-day time frame. If it's going to imminently fail you're not going to have time for the Board to evaluate it and staff does that.

**Lars Langberg, Chair**

That's totally fine, but this construction and tree happened much more than three years ago, so I don't think we can use that as any kind of timeline.

**Christine Level, Board Member**

What exactly specifically are the issues with this tree?

**Cary Bush, Board Member**

Based on my evaluation today with another arborist, Tree 1 is in decline; it's in fair value at best.

**Christine Level, Board Member**

What does that mean exactly?

**Cary Bush, Board Member**

It's going to decline. It doesn't look very vigorous and robust like Tree 2 and/or some of the surrounding trees that actually look pretty good, and they have been significantly pruned but you can tell by the color of canopy how much they pushed per year; there is a lot of inter-branching and that sort of thing.

**Christine Level, Board Member**

What is inter-branching?

**Cary Bush, Board Member**

Generally thinning. You'll see a lot of the interior branches start to fall out, and you just witness more deadwood in the tree than you see it pushing. And again, if you really stand back and look at Tree 2 from even the parking lot, the face of it looks brown.

**Christine Level, Board Member**

So a tree goes through a phase where it starts to push out less?

**Cary Bush, Board Member**

Yes, it can definitely push out less, but it can show even further significant signs of decline, which is, again, more interior growth that is failing and whatnot.

**Christine Level, Board Member**

What is the time period that you would expect a tree to go through this sort of decline?

**Cary Bush, Board Member**

That’s hard to answer. It could take years. It depends on its conditions. If it’s not going to get the nutrient water uptake it be can significantly quick.

**Christine Level, Board Member**

What is significantly quick?

**Becky Duckles, Arborist**

I want to clarify, sometimes the interior twigs die and you see a lot of deadwood in the inside of the canopy, and sometimes that’s because the outer canopy is so dense and so healthy that it actually shades out the interior, so the tree sacrifices some of those larger and smaller branches and foliage, but in this case there is more decline in Tree 1. Also, a lot of this is dependent on the climate, so what we’ve been having in terms of rainfall, no rainfall, affects the trees, and usually the effect from things like drought are reflected in the tree’s health and vigor over the next two years. I like to say up to five years after construction is when they are going to show significant decline from construction, but in this case I think it’s fair to say that Tree 1 is declining and it doesn’t have a lot opportunity to expand its root zone, although the roots uphill in tension are twice as strong as the roots downhill in compression. Back to what you were saying earlier of the benefits of trees, obviously Tree 2 provides huge benefits to the residents, and I don't know how much percentage less Tree 1 provides, but it is definitely in worse condition.

Board Member Bush moved to deny a Tree Removal Permit and retain Tree 2.

Board Member Deedler seconded the motion.

- AYES: Chair Langberg, and Board Members Bush, Deedler, and Level
- NOES: None
- ABSTAIN: None
- ABSENT: Vice Chair Hanley, Alternate Board Member Balf

Board Member Level moved to deny a Tree Removal Permit and retain Tree 1.

Board Member Deedler seconded the motion.

- AYES: Chair Langberg, and Board Members Deedler and Level
- NOES: Board Member Bush
- ABSTAIN: None
- ABSENT: Vice Chair Hanley, Alternate Board Member Balf

**8. SUBCOMMITTEE UPDATES:**

None.

9. **ADJOURNMENT:** Chair Langberg adjourned the meeting at 5:17 p.m. The next regularly scheduled Tree/Design Review Board meeting will be held on Tuesday, January 23, 2024 at 3:30 P.M.