



## City of Sebastopol Design Review Board/Tree Board Staff Report

Meeting Date: November 28, 2023  
Agenda Item: 7B  
To: Design Review/Tree Board  
From: John Jay, Associate Planner

Subject: Tree removal permit  
Recommendation: Denial  
Applicant/Owner: Sandborn Tree Services/Tim Moore  
File Number: 2023-068  
Address: 7182/7160 Healdsburg Ave  
CEQA Status: Exempt  
General Plan: Central Core (CC)  
Zoning: Downtown Core (CD)

### **Introduction:**

This is an application from Sandborn Tree Services on behalf of Tim Moore for the removal of two heritage Oak trees. The first tree is located on the north side of the property at 7182 Healdsburg and measures 18.5" at diameter breast height. The second tree is a property line tree along 7160 Healdsburg and 7182 Healdsburg Ave and measures 21.8" at diameter breast height.

### **Project Description:**

The applicant has applied for this tree removal permit for reasons that are listed within the arborist report, attached to this application. The report makes mention that both of the trees are in fair to good condition with no diseases or pests apparent. However, the tree located along the north side of 7182 Healdsburg Ave is adjacent to a concrete retaining wall and starting to show cracks along this wall. The other tree being requested for removal also has no signs of decay, disease, and is in good to fair condition. The application mentions that the request for removal is the continuous costs of cleaning the roofs, gutters, sidewalks, and awnings.

### **Environmental Review:**

The proposed project has been determined to be exempt from further environmental review under Section 15304 – Minor Alterations to Land which includes minor alterations to existing topographical features, such as the removal of a tree.

**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.**
- 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.**
- 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.**
- 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.**
- 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.**

**Public Comment:**

As of writing this report, the Planning Department has not received any public comments regarding the removal of these two trees.

**City Departmental Comment:**

The Planning Department routed this application to the various city departments and no comments have been provided as part of this report

**Analysis:**

Becky Duckles, an ISA Certified Arborist serving as the City Arborist, conducted an evaluation, and prepared an Arborist's Report dated November 20, 2023, attached. This report focuses on Tree #2, a 21.8" coast live oak (*Quercus agrifolia*). It is growing on the property line between 7160 & 7182 Healdsburg Ave. As discussed in Sandborn Tree Service's report submitted with the application to remove it, it is healthy with good structure and no pest or disease problems. It has dense, evergreen foliage and provides shade to the residence at 7160. It is not inherently hazardous and is not damaging any paving or infrastructure. Both property owners wish to remove it because of the leaf litter and acorns it drops, explaining that it is an onerous maintenance burden to clean up the leaves and debris from this tree. In an effort to preserve Sebastopol's 'tree resource', the City adopted a tree ordinance in 1992 to protect its native trees from unneeded removal. In the past the Planning Dept, and City Council and City Arborist have denied requests to remove native oak trees because of leaf litter. It has been considered a normal and routine maintenance performed as needed by owners to preserve this resource and

the benefits these trees provide, such as exchanging carbon dioxide and oxygen, providing shade, etc. It is my recommendation that there is insufficient reason to justify the removal of this healthy, attractive tree.

**Recommendation:**

Staff recommends that the Board hear from the applicant, public, and deliberate for the removal of the two oak trees. However, based on the findings attached to this report staff is not recommending the removal of the two proposed trees.

Should the board not agree with the decision of staff, then it's recommended the board provide direction to staff on how the findings can be met and hold another public meeting on a date certain to discuss the approval for removing these trees.

**Attachments:**

Exhibit A – Findings for denial  
Applications materials  
Arborist report

**EXHIBIT A**  
**TREE REMOVAL PERMIT**  
**7182 and 7160 Healdsburg Ave**  
**Removal of Protected Trees**

**Recommended Findings of Denial**

1. That the application is categorically exempt from the requirements of the California Environmental Quality Act, pursuant to Section 15304, Class 4 which includes minor alterations to existing topographical features, such as the removal of a tree.
2. 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 year in that the City Arborist found that there is no sign of significant disease or structural damage to warrant the removal of these two trees.
3. The tree poses a likely foreseeable threat to life or property which cannot be reasonably mitigated through pruning, root barriers, or other management methods in that the City Arborist noted that there is no foreseeable threat to life or property by either of these trees.
4. 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 in that the applicant has not provided any proof or documentation to claim onerous reoccurring maintenance issues other than what is provided in the applicant's arborist report.
5. 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 in that there is no structural improvements or additions as part of the proposed removal or request of the applicant.
6. 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 in that the City Arborist has stated in their report that the two oak trees are in good to fair condition with no reports of disease, pests or decay.



**City of Sebastopol**

Planning Department  
7120 Bodega Avenue  
Sebastopol, CA 95472  
(707) 823-6167

**MASTER PLANNING  
APPLICATION FORM**

**APPLICATION TYPE**

- |  |   |   |
|--|---|---|
| <input type="checkbox"/> Administrative Permit Review    | <input type="checkbox"/> Lot Line Adjustment/Merger | <input type="checkbox"/> Temporary Use Permit           |
| <input type="checkbox"/> Alcohol Use Permit/ABC Transfer | <input type="checkbox"/> Preapplication Conference  | <input checked="" type="checkbox"/> Tree Removal Permit |
| <input type="checkbox"/> Conditional Use Permit          | <input type="checkbox"/> Preliminary Review         | <input type="checkbox"/> Variance                       |
| <input type="checkbox"/> Design Review                   | <input type="checkbox"/> Sign Permit                | <input type="checkbox"/> Other _____                    |

This application includes the checklist(s) or supplement form(s) for the type of permit requested:  Yes  No

**REVIEW/HEARING BODIES**

- Staff/Admin  Design Review/Tree Board  Planning Commission  City Council  Other \_\_\_\_\_

**APPLICATION FOR**

Street Address: 7182 Healdsburg Avenue + 7160 Assessor's Parcel No(s): 004-312-019

Present Use of Property: Commercial 7182 + 7160 Residential Zoning/General Plan Designation: CD

**APPLICANT INFORMATION**

Property Owner Name: Tim Moore

Mailing Address: 7182 Healdsburg Ave Phone: 707-827-3060

City/State/ZIP: Sebastopol CA 95472 Email: tim.moore@edwardjones.com

Signature: [Signature] Date: 10/20/23

Authorized Agent/Applicant Name: Sandborn Tree Service, Inc.

Mailing Address: 119 Morris Street Phone: 707-823-9144

City/State/ZIP: Sebastopol, Ca 95472 Email: SERVICE@SANDBORNTREE.COM

Signature: M.J. Soeb Date: 10/26/23

Contact Name (If different from above): Chip Sandborn Phone/Email: (707) 484-7958

**PROJECT DESCRIPTION AND PERMITS REQUESTED (ATTACH ADDITIONAL PAGES IF NECESSARY)**

Tree removal permit is requested for the removal of (1) nuisance Coast Live Oak located on a commercial property at 7182 Healdsburg Avenue, and (1) Coast live oak at 7160 and 7182 Property line. Both property owners in agreement. See (2) arborist reports and a permission form from 7160.

As advised by Suzie, on 10/26/23 one application is submitted for this.

**CITY USE ONLY**

Fill out upon receipt:	Action:	Action Date:
Application Date: _____	Staff/Admin: _____	Date: _____
Planning File #: _____	Planning Director: _____	Date: _____
Received By: _____	Design Review/Tree Board: _____	Date: _____
Fee(s): \$ _____	Planning Commission: _____	Date: _____
Completeness Date: _____	City Council: _____	Date: _____

**SITE DATA TABLE**

If an item is not applicable to your project, please indicate "Not Applicable" or "N/A" in the appropriate box; do not leave cells blank.

SITE DATA TABLE	REQUIRED / ZONING STANDARD	EXISTING	PROPOSED
Zoning	N/A		
Use	N/A		
Lot Size	0.31		
Square Feet of Building/Structures <i>(if multiple structures include all separately)</i>	n/a		
Floor Area Ratio (F.A.R)	n / a FAR	_____ FAR	_____ FAR
Lot Coverage	n/a _____ % of lot	_____ % of lot	_____ % of lot
	n/a _____ sq. ft.	_____ sq. ft.	_____ sq. ft.
Parking	yes		
Building Height	n/a		
Number of Stories	n/a		
<b>Building Setbacks – Primary</b>			
Front	n/a		
Secondary Front Yard (corner lots)	n/a		
Side – Interior	n/a		
Rear	n/a		
<b>Building Setbacks – Accessory</b>			
Front	n/a		
Secondary Front Yard (corner lots)	n/a		
Side – Interior	n/a		
Rear	n/a		
<b>Special Setbacks (if applicable)</b>			
Other (_____)	n/a		
Number of Residential Units	n/a Dwelling Unit(s)	_____ Dwelling Unit(s)	_____ Dwelling Unit(s)
Residential Density	1 unit per n/a sq. ft.	1 unit per _____ sq. ft.	1 unit per _____ sq. ft.
Useable Open Space	n/a sq. ft.	_____ sq. ft.	_____ sq. ft.
Grading	Grading should be minimized to the extent feasible to reflect existing topography and protect significant site features, including trees.	N/A	Total: _____ cu. yds. Cut: _____ cu. yds. Fill: _____ cu. yds. Off-Haul: _____ cu. yds
Impervious Surface Area	N/A	_____ % of lot	_____ % of lot
		_____ sq. ft.	_____ sq. ft.
Pervious Surface Area	N/A	_____ % of lot	_____ % of lot
		_____ sq. ft.	_____ sq. ft.

**CONDITIONS OF APPLICATION**

1. All Materials submitted in conjunction with this form shall be considered a part of this application.
2. This application will not be considered filed and processing may not be initiated until the Planning Department determines that the submittal is complete with all necessary information and is "accepted as complete." The City will notify the applicant of all application deficiencies no later than 30 days following application submittal.
3. The property owner authorizes the listed authorized agent(s)/contact(s) to appear before the City Council, Planning Commission, Design Review/Tree Board and Planning Director and to file applications, plans, and other information on the owner's behalf.
4. The Owner shall inform the Planning Department in writing of any changes.
5. **INDEMNIFICATION AGREEMENT:** As part of this application, applicant agrees to defend, indemnify, release and hold harmless the City, its agents, officers, attorneys, employees, boards, committees 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.

**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.

6. **REPRODUCTION AND CIRCULATION OF PLANS:** I hereby authorize the Planning Department to reproduce plans and exhibits as necessary for the processing of this application. I understand that this may include circulating copies of the reduced plans for public inspection. Multiple signatures are required when plans are prepared by multiple professionals.
7. **NOTICE OF MAILING:** Email addresses will be used for sending out staff reports and agendas to applicants, their representatives, property owners, and others to be notified.
8. **DEPOSIT ACCOUNT INFORMATION:** Rather than flat fees, some applications require a 'Deposit'. The initial deposit amount is based on typical processing costs. However, each application is different and will experience different costs. The City staff and City consultant time, in addition to other permit processing costs, (i.e., legal advertisements and copying costs are charged against the application deposit). If charges exceed the initial deposit, the applicant will receive billing from the City's Finance department. If at the end of the application process, charges are less than the deposit, the City Finance department will refund the remaining monies. Deposit accounts will be held open for up to 90 days after action or withdrawal for the City to complete any miscellaneous clean up items and to account for all project related costs.
9. **NOTICE OF ORDINANCE/PLAN MODIFICATIONS:** Pursuant to Government Code Section 65945(a), please indicate, by checking the boxes below, if you would like to receive a notice from the City of any proposal to adopt or amend any of the following plans or ordinances if the City determines that the proposal is reasonably related to your request for a development permit:

- |   |   |
|---|---|
| <input type="checkbox"/> A general plan   | <input type="checkbox"/> A specific plan    |
| <input type="checkbox"/> An ordinance affecting building permits or grading permits | <input type="checkbox"/> A zoning ordinance |

**Certification**

*I, the undersigned owner of the subject property, have read this application for a development permit and agree with all of the above and certify that the information, drawings and specifications herewith submitted are true and correct to the best of my knowledge and belief and are submitted under penalty of perjury. I hereby grant members of the Planning Commission, Design Review Board and City Staff admittance to the subject property as necessary for processing of the project application.*

Property Owner's Signature: \_\_\_\_\_

Date: 10/20/23

*I, the undersigned applicant, have read this application for a development permit and agree with all of the above and certify that the information, drawings and specifications herewith submitted are true and correct to the best of my knowledge and belief and are submitted under penalty of perjury.*

Applicant's Signature: M. J. Sandlb

Date: 10/26/23

**NOTE:** It is the responsibility of the applicant and their representatives to be aware of and abide by City laws and policies. City staff, Boards, Commissions, and the City Council will review applications as required by law; however, the applicant has responsibility for determining and following applicable regulations.

## Neighbor Notification

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In the interest of being a good neighbor, it is highly recommended that you contact those homes or businesses directly adjacent to, or within the area of your project. Please inform them of the proposed project, including construction activity and possible impacts such as noise, traffic interruptions, dust, larger structures, tree removals, etc.

Many projects in Sebastopol are remodel projects which when initiated bring concern to neighboring property owners, residents, and businesses. Construction activities can be disruptive, and additions or new buildings can affect privacy, sunlight, or landscaping. Some of these concerns can be alleviated by neighbor-to-neighbor contacts early in the design and construction process.

It is a "good neighbor policy" to inform your neighbors so that they understand your project. This will enable you to begin your construction with the understanding of your neighbors and will help promote good neighborhood relationships.

Many times, development projects can have an adverse effect on the tranquility of neighborhoods and tarnish relationships along the way. If you should have questions about who to contact or need property owner information in your immediate vicinity, please contact the Building and Safety Department for information at (707) 823-8597, or the Planning Department at (707) 823-6167.

I have informed site neighbors of my proposed project:  Yes  No

If yes, or if you will inform neighbors in the future, please describe outreach efforts:

Sandborn Tree Service, Inc. will post the required notice signs on the tree and in two other places as required by the City.

## Website Required for Major Projects

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Applicants for major development projects (which involves proposed development of **10,000 square feet of new floor area or greater, or 15 or more dwelling units/lots**), are required to create a project website in conjunction with submittal of an application for Planning approval (including but not limited to Subdivisions, Use Permits, Rezoning, and Design Review). Required information may be provided on an existing applicant web site.

The website address shall be provided as part of the application. The website shall be maintained and updated, as needed until final discretionary approvals are obtained for the project.

Such website shall include, at a minimum, the following information:

- ✓ Project description
- ✓ Contact information for the applicant, including address, phone number, and email address
- ✓ Map showing project location
- ✓ Photographs of project site
- ✓ Project plans and drawings



To Whom It May Concern:

I, Andy Hulse, give permission to  
Last and First Name of Property Owner or Authorized Representative

Sandborn Tree Service, Inc. and Tim Moore to  
Contractor's Name

access my property at 7160 Healdsburg Ave. Sebastopol, in order  
Property Address

to perform tree work, bring necessary equipment, and clean up any

debris cahulse@sonic.net

Signed [Signature]  
Signature of Property Owner or Authorized Representative

Date 9/25/23

Phone 707 799 0204

Please promptly send this completed form to our office by email, fax, or mail.  
We appreciate your cooperation.

Office Phone: (707) 823-9144  
Mail: 119 Morris St., Sebastopol, CA 95472  
Email: [service@sandborntree.com](mailto:service@sandborntree.com)  
Website: [www.sandborntree.com](http://www.sandborntree.com)

*Sandborn Tree Service, Inc. is licensed and insured. Proof of insurance will be issued upon request.  
All tree work is done according to ANSI A300 standards. ISA Certified Arborist on staff; WE-0177A.*

City of Sebastopol  
Department of Planning  
October 11th, 2023



**SANDBORN**  
Tree Service Inc.  
Since 1975

**R** Removal of Coast Live Oak (*Quercus agrifolia*) located at 7182 Healdsburg Avenue,  
**E** which is a commercial site.

Dear Planner,

The subject tree is rooted on the north property line of 7182 Healdsburg Avenue, a commercial site, adjacent to the concrete retaining wall on it's north side. The subject tree is 35 feet tall, has a diameter 4.5 feet above ground of 18.5 inches, and a spread of foliage of 25 feet±. It has fair vigor and structure. No insects, pests or diseases are apparent.

Of concern is the maintenance costs of litter removal from the rear of the property each year as well as growth induced cracks in the retaining wall. Both factors are undue burdens of maintenance on the owner of a rental property. I recommend this tree be removed to abate the nuisance it presents and so that the property damage it has caused can be repaired.

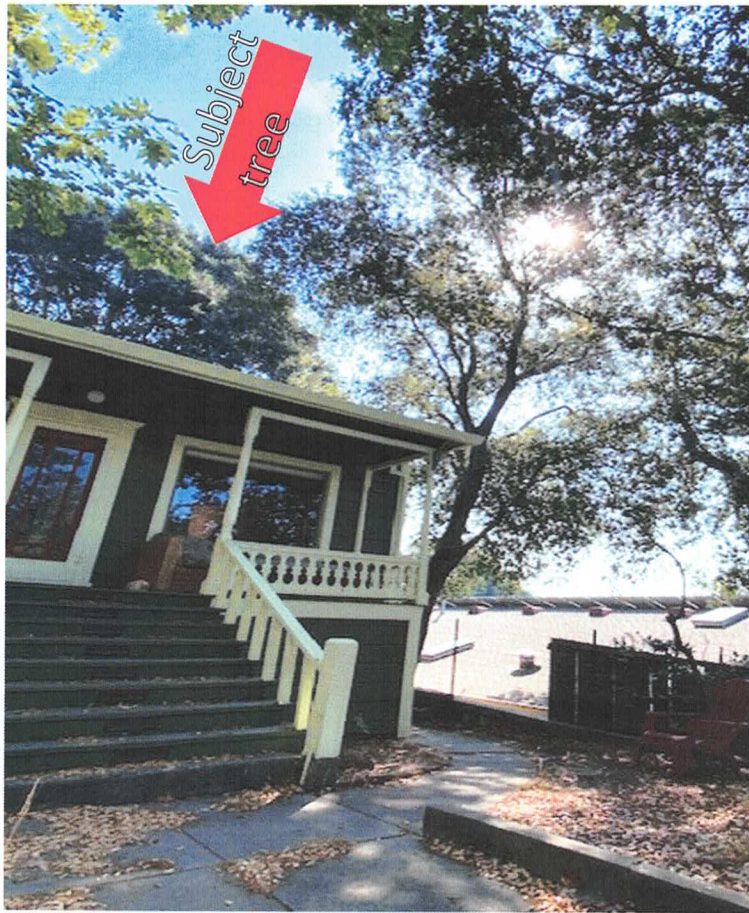
Mitigation should be \$150.00 donation to the City Tree Fund in lieu of planting additional trees on the property.

Regards,

A handwritten signature in black ink that reads "Chip Sandborn". The signature is written in a cursive, flowing style.

Chip Sandborn  
ISA WE-0177A

7182 Healdsburg Avenue  
Photos taken by Chip Sandborn 10/20/2023



City of Sebastopol  
Department of Planning  
October 11th, 2023



**SANDBORN**  
Tree Service Inc.  
Since 1975

**R** Removal of Coast Live Oak (*Quercus agrifolia*) located at 7160 Healdsburg Avenue  
**E**

Dear Planner,

The center of the subject tree is rooted 28 inches of the southwest house corner, on the property line between 7182 and 7160. As such it is a shared tree owned by both property owners as tenants in common. It has a diameter of 4.5 feet above grade of 21.8 inches, a spread of foliage of 40 feet± and a height of 40 feet. It's vitality is good as witnessed by it's abundant crop of dark green leaves and lack of any dieback. Structure is fair to good due to a lack of alarming conditions such as uprooting root plate, weak attachments, poorly tapered branches, splits, cracks, cavities, fruiting bodies or the like. There are no insects or pests or diseases apparent. The tree has decent form, shape and appearance.

Of concern for both owners is the amount of leaf litter the tree produces, creating unnecessary maintenance chores and expenses. Roofs, gutters, awnings, sidewalks and paved areas must be kept free of leaf and branch litter to avoid fostering conditions that accelerate the decay of improvements, create tripping hazards, cause plumbing problems and the like. Both properties are burdened with these maintenance issues.

In conclusion, I recommend this tree be removed in order to abate the hazard it presents to both properties.

Mitigation should be \$150.00 donation, \$75 from each owner, to the City Tree Fund in lieu of planting additional trees on the property.

Regards,

Chip Sandborn  
ISA WE-0177A



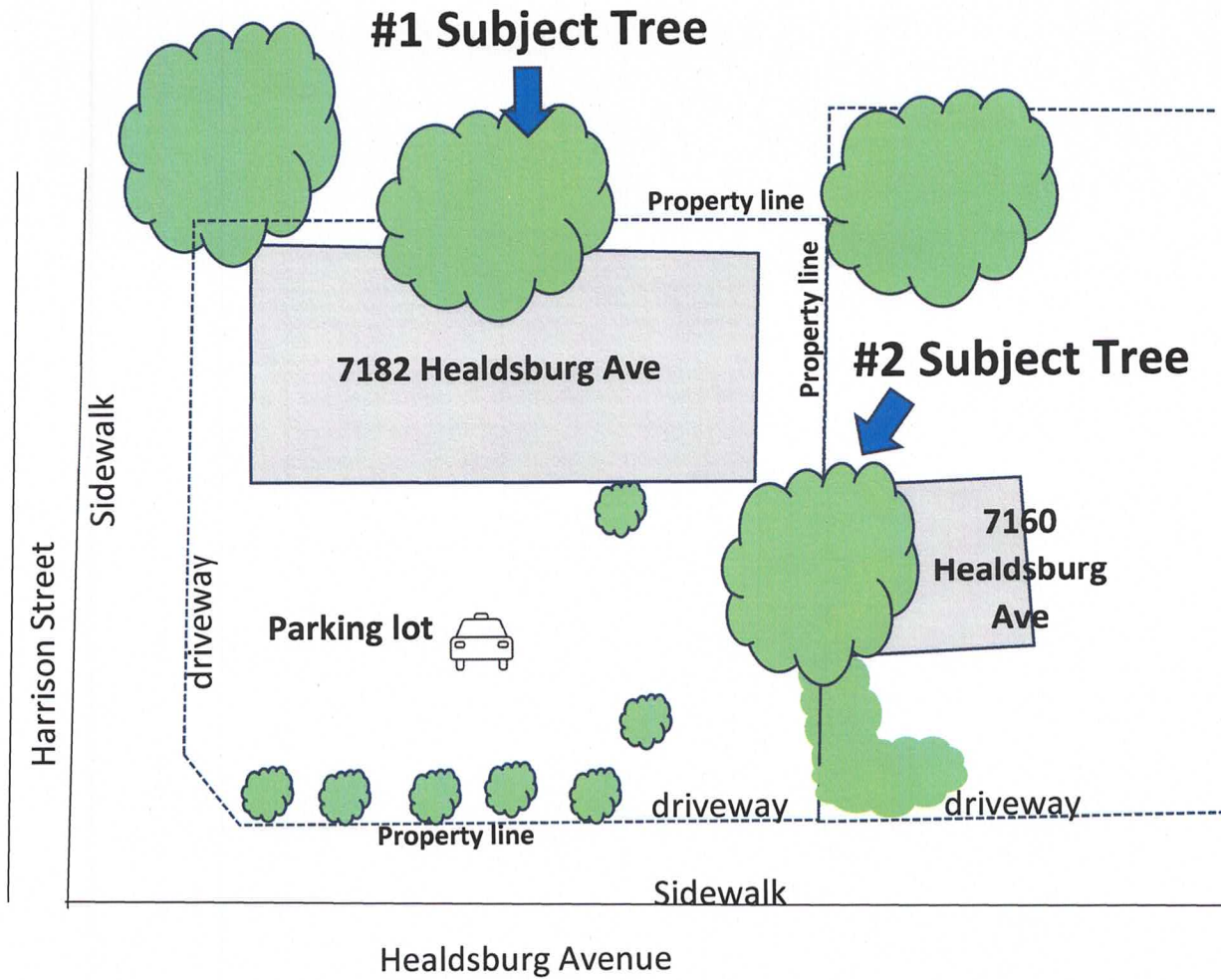
# Site Map

(not to scale)



**SANDBORN**  
Tree Service Inc.  
Since 1975

## 7182 and 7160 Healdsburg Ave, Sebastopol



## John Jay

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**From:** Becky Duckles <bduckles@icloud.com>  
**Sent:** Monday, November 20, 2023 5:42 PM  
**To:** John Jay; Nzuzi Mahungu; Kari Svanstrom  
**Subject:** 7160 Healdsburg Ave

I have visited this site and evaluated both trees . This report focuses on Tree #2, a 21.8" coast live oak (*Quercus agrifolia*). It is growing on the property line between 7160 & 7182 Healdsburg Ave. As discussed in Sandborn Tree Service's report submitted with the application to remove it, that it is healthy with good structure and no pest or disease problems. It has dense, evergreen foliage and provides shade to the residence at 7160. It is not inherently hazardous and is not damaging any paving or infrastructure.

Both property owners wish to remove it because of the leaf litter and acorns it drops, explaining that is it an onerous maintenance burden to clean up the leaves and debris from this tree. In an effort to preserve Sebastopol's 'tree resource', the City adopted a tree ordinance in 1992 to protect its native trees from unneeded removal. In the past the Planning Dept, and City Council and City Arborist have denied requests to remove native oak trees because of leaf litter. It has been considered a normal and routine maintenance performed as needed by owners to preserve this resource and the benefits these trees provide, such as exchanging carbon dioxide and oxygen, providing shade, etc. It is my recommendation that there is insufficient reason to justify the removal of this healthy, attractive tree.

Respectfully submitted,

*Becky Duckles*

Becky Duckles  
City of Sebastopol Consulting Arborist