City of Sebastopol
Design Review Board/Tree Board Staff Report

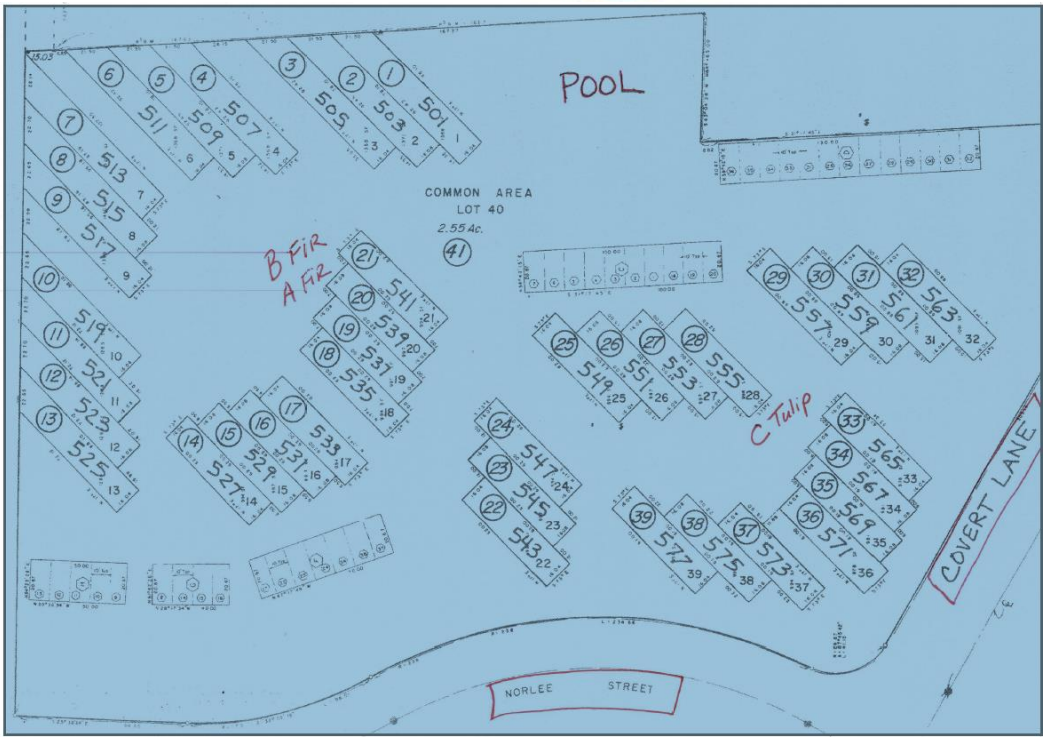
Meeting Date:	July 23, 2024
Agenda Item:	7a
To:	Tree Board
From:	John Jay, Associate Planner
Subject:	Tree Removal Permit
Recommendation:	Denial
Applicant/Owner:	Covert Lane Owners' Association c/o Cindy Littrel Property Mgmt.
File Number:	2024-026
Address:	555 Norlee Street
CEQA Status:	Categorical Exemption: Section 15304 Class 4
General Plan:	High Density Residential (HDR)
Zoning:	Planned Community (PC)

Introduction:

The project applicant is seeking approval from the Tree Board for the removal of two (2) protected trees (Douglas Fir) and one tulip tree at 555 Norlee Street and Covert Lane also referred to as the Village Green.

Project Description:

The application proposes removal of the following trees: two (2) Douglas Fir and one (1) Tulip tree. Trees proposed for removal are located in the areas as shown in the site photos submitted by the applicant and included as attachments in the report. The applicant is seeking approval to remove the Douglas Fir which is about 31" in diameter and is roughly 30 feet tall and is leaning towards unit #537. The second Douglas Fir measures 17" in dbh and it's noted within the applicant's arborist report that it is suffering from a red ring fungus. The tulip tree has surface roots visible on the lawn and have lifted an adjacent sidewalk.



Environmental Review:
The proposed tree removal 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.

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:
Notice of a tree removal permit application has been posted on the subject parcel on the trees, and in at least two public places within 300 feet of the affected trees, by the applicant, at least 10 calendar days prior to the date of the Sebastopol Tree Board meeting. The Planning Department has received multiple phone calls from a resident within the community stating their displeasure with the request to remove these trees.

City Departmental Comment:
The proposal was routed out to the various City Departments and no comments were provided.

Analysis:
Ben Anderson, an ISA Certified Arborist serving as the City Arborist, reviewed the application, conducted a site visit, and prepared an Arborist's Report dated July 2, 2024, attached. In summary of the report states: The property is well forested with many mature trees and the most common species are Douglas fir, Tulip, and coast redwoods.

- **Tulip Poplar**

The tulip poplar displays a full canopy with good color and has a trunk diameter of 16 inches. Surface roots from the tree are visible in the lawn and appear to have lifted the adjacent sidewalk, which was ground down to mitigate the tripping hazard. The trunk is within a few feet of the sidewalk and a privacy fence.

- **Larger Douglas Fir**

The larger of the two firs requested for removal closest to the adjacent building has a trunk diameter of 30.5 inches and a full canopy with good color. The Merlin report accurately describes the co-dominant union at about 30-40 feet above grade. One of the stems is larger in diameter than the other. The report also notes that "if you remove trees on the edge of a stand, the remaining trees will be exposed to wind and other elements that they have not previously been exposed to. This may destabilize the remaining trees."

- **Smaller Douglas Fir**

The smaller fir is near the middle of the stand. The red ring rot fruiting body (Porodaedalea pini) mentioned in the Merlin report was removed, but I found some remnants from the conk after reviewing the Merlin photography. The tree has a low live-crown ratio due to its central location in the stand. I sounded the tree with a mallet, and it consistently returned a solid thud associated with sound wood (as opposed to a hollow drum-like resonance).

Red ring rot is a common fungal decay organism in Douglas fir trees. It rots the middle of the trunk but is not known to kill living tissue or decay sapwood. The fungus's fruiting body only indicates its presence in the tree, not the extent of the decay. Trees with only a few conks are typically very stable. It does not affect tree health. In my experience, codominant unions are among the most common major structural defects in conifers. The codominant union in the large

tree is not new and shows no signs of partial failure or recent movement. The likelihood of failure is commonly mitigated by subordinating one of the leaders, overall size reduction pruning, installing a cable support system, or a combination of these approaches.

Finally, the report recommends that the Tulip tree does not meet the requirements for the need of a tree removal permit per the tree ordinance section 8.12 as it is not native and doesn't measure more than 20" in dbh. Furthermore, the two other fir trees do not meet any of the findings required for removal. Both fir trees can be mitigated through standard tree work.

Recommendation:
Staff recommends that the Board review the staff report, hear from the applicant, public, deliberate and deny the removal of the trees based on the facts and findings and analysis set forth in this staff report.

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 direct staff to produce recommended findings of approval.

Attachments:
Exhibit A: Findings of Denial
Application Documents
City Arborist Report
Public Comments

EXHIBIT A
TREE REMOVAL PERMIT
2024-026
555 Norlee Street
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 years and recommends denial in that the City Arborist found that all trees appeared healthy and stable.

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 and recommends denial in that the City Arborist noted that they observed no cracks in the foundations adjacent to the subject trees and have no reason to believe they will cause harm in the future. Also, no evident trip hazards were displayed in the photos attached to the application.

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 and recommends denial 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. The Arborist stated that the fir trees did not appear to require any more maintenance than standard tree work.

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 as this finding does not apply to this permit application.

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 and recommends denial in that the City Arborist has stated in their report that there are many other trees of similar stature on adjacent properties.

Arborist Report
Douglas Fir Behind Unit #537

Prepared for:

Covert Lane HomeOwners Association

Prepared by:

Merlin Schlumberger
Merlin Arborist Group

ISA Board Certified Master Arborist WE-7670B
ISA Tree Risk Assessment Qualified (TRAQ)
ASCA Registered Consulting Arborist RCA# 687
707-888-7927
www.merlinarboristgroup.com

Table of Contents

Summary

On September 1st, 2023 I met with Ms. Cindy Littrell at the "Village Green" property located at the corner of Covert Lane and Norlee Street in Sebastopol.
The largest concerns for safety are the Douglas fir (*Pseudotsuga menziesii*) and redwood trees (*Sequioa sempervirens*) as they are the largest and could cause damage in the event of tree failure. Many Douglas fir are stressed and planted so densely that they are lacking sunlight. **co-dominant stems**, red ring rot and stem canker are the primary concerns that I found in Douglas fir trees but I did not inspect every single tree.

I identified three trees that had structural defects and could cause damage to property if they were to fail. These were the most concerning trees that were not already scheduled for removal.

Introduction

Background

Ms. Cindy Littrell, of Cindy Littrell Property Management, contacted us on August 14th 2023. She needed an arborist consultation for help with a community-wide tree evaluation and management plan.

Assignment

My assignment was to:

1: Walk the property with Ms. Littrell and give her an overview of existing tree issues.

2: Describe selected trees with structural concerns.

3: Submit a written report documenting my findings.

Limits of the Assignment

Our investigation was limited to the information provided by Cindy Littrell, by my research, and by the conditions during the onsite inspection. This report is not a forestry report, an erosion report, an aesthetic evaluation, or a tree risk assessment. Tree issues may have been undetected.

Purpose and Use of the Report

The purpose and use of this report is to provide the property manager with a list of potential tree risks. This is to aid in the community-wide tree evaluation and management plan. This is an incomplete list as we did not evaluate all trees.

Observations

Cindy Littrell showed me the property and I surveyed the Douglas Fir behind unit #537 and nearby Douglas fir as well

as the Douglas Fir behind unit #505 (Appendix A, Map 2).

The Douglas fir behind unit #537 has a DBH of 31" and has co-dominant stems at about 30 feet (Appendix B, Photo 1). The larger stem is leaning towards a building and could cause significant damage.

The nearby 17" DBH Douglas fir has **red ring rot** (*Porodaedalea pini)* (Appendix B, Photo 2). It is tall enough to hit structures but is likely to get caught in other trees.

Behind unit #505 is a 17" DBH co-dominant Douglas fir with **included bark** (Appendix B, Photo 3). If it fails it is likely to hit the fence and the Sebastopol Hardware yard.

Several Douglas fir trees had stem **canker**. Co-dominant trees, red ring rot and stem canker are the primary concerns that I found in Douglas fir trees but I did not inspect every single tree.

Discussion

The largest concerns for safety are the Douglas fir and redwood trees as they are the largest and could cause damage in the event of tree failure. Many Douglas fir are stressed and planted so densely that they are lacking sunlight.

The trees I was most concerned about that were not already planned for removal are the large Douglas fir tree behind unit #537 and nearby Douglas fir with red ring rot. These trees have structural defects and could impact property or people if they were to fail. The larger co-dominant Douglas fir behind unit #537 is likely to hit a building and could cause significant damage. The co-dominant Douglas fir behind unit #505 has a weak attachment and could hit property if it were to fail.

If you remove trees on the edge of a stand, the remaining trees will be exposed to wind and other elements that they have not previously been exposed to. This may destabilize the remaining trees.

Glossary

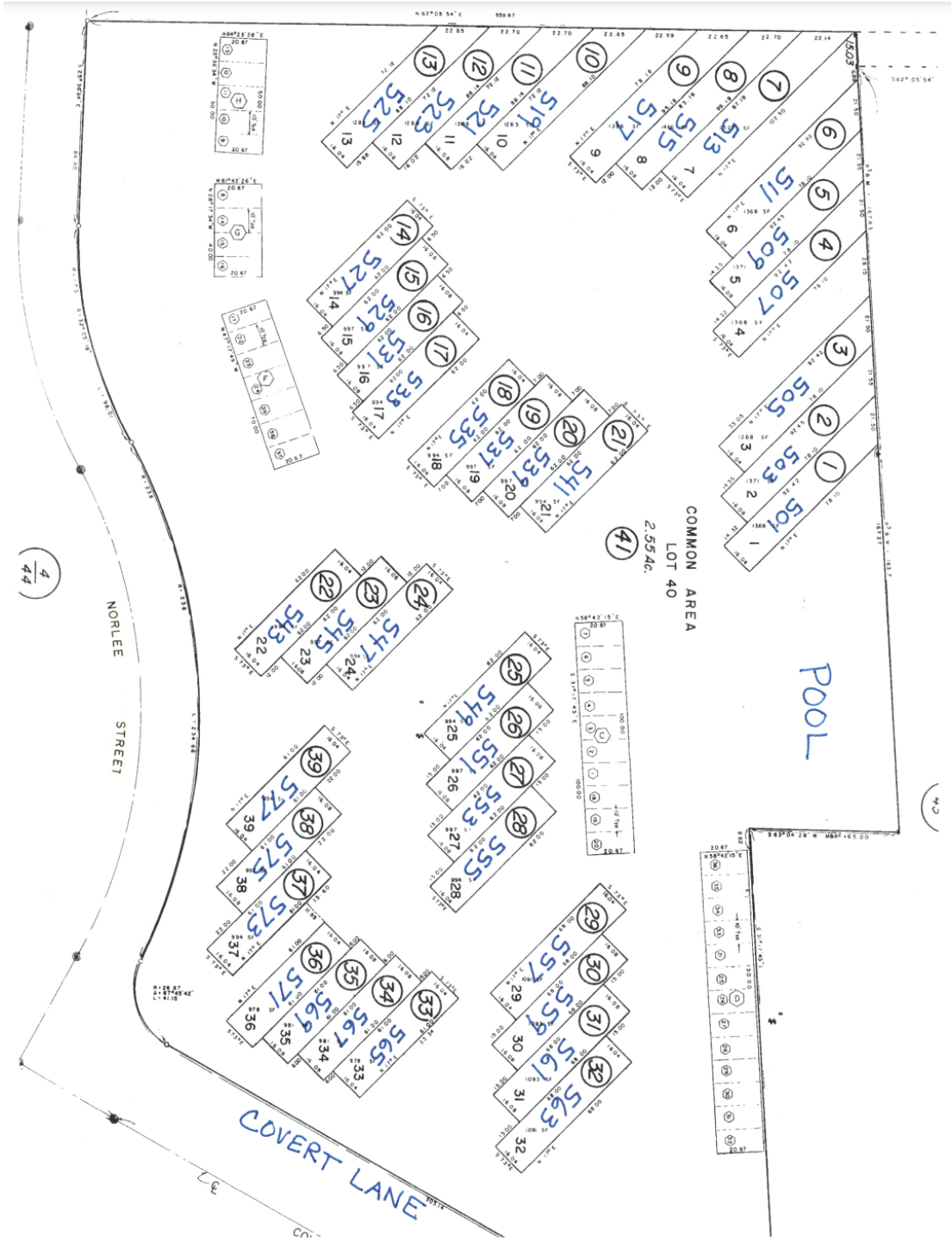
canker: localized disease area on stems, roots, and branches. often shrunken and discolored.

co-dominant stem: forked branches nearly the same size in diameter, arising from a common junction and lacking normal branch union.

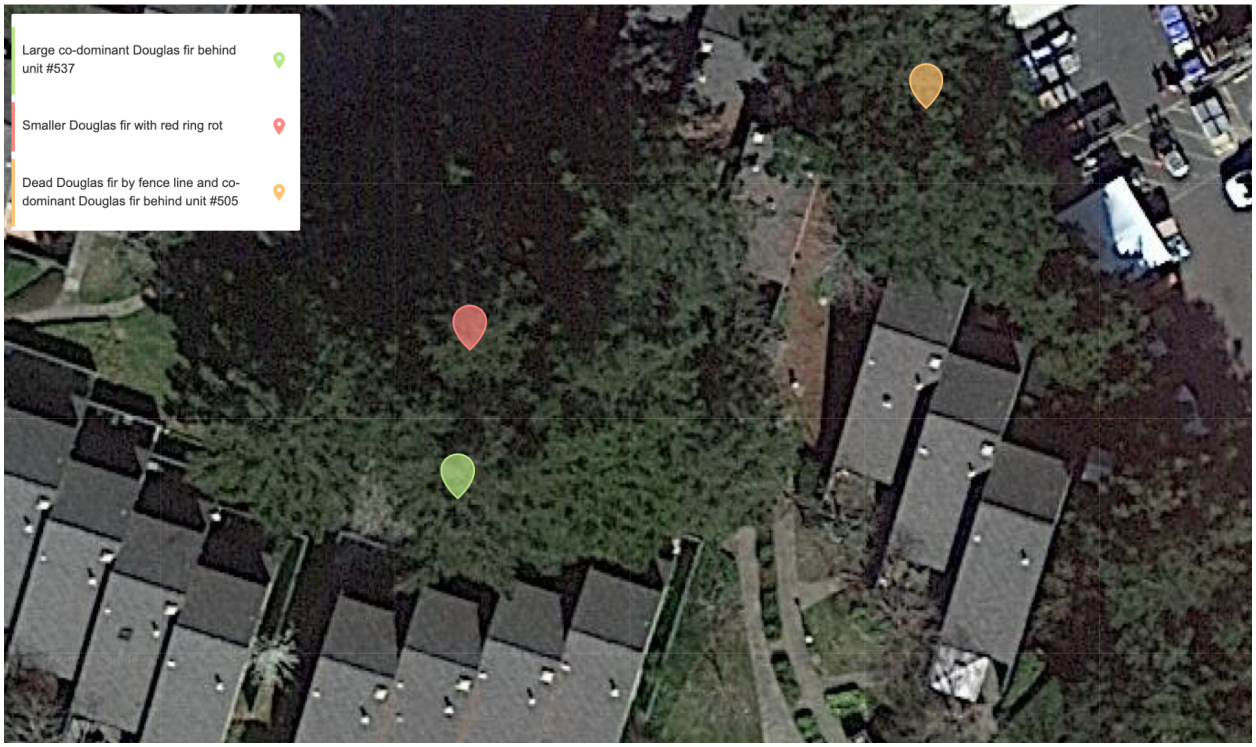
included bark: bark that becomes embedded in a crotch (union) between branch and trunk or between co-dominant stems. Lacks axillary wood and causes a weak structure.

red ring rot: red ring rot is caused by a white rot fungus called *Porodaedalea pini.* It can infect a large number of coniferous trees and some hardwood trees, including Douglas firs, incense cedars, true cedars, pines, firs, spruces, maples and birches. It infects the heartwood of trees and usually occurs in the lower trunk of the tree.

Appendix A – Map



Map 1: Address Map of Covert Lane Owners Association



Map 2: Locations of the three trees with structural concerns

Appendix B – Photos

Photo 1: Co-dominant Douglas fir behind unit #537

Photo 2: 17” Douglas fir with red ring rot

Photo 3: 17” DBH co-dominant Douglas fir behind unit #505 with included bark


POOL
COMMON AREA
LOT 40
2.55 Ac.
41
COVERT LANE
NORLEE STREET
501
503
505
507
509
511
513
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City of Sebastopol


City of Sebastopol

CINDY LITTRELL
PROPERTY MANAGEMENT
707.321.5834 cindylittrell@ymail.com
P.O. Box 373 Cotati, CA 94931
cindylittrellpropertymanagement.com

City of Sebastopol
Attn: Tree Board

June 27, 2024

RE: Request to remove three trees from Covert Lane Owners' Association

Dear Tree Board,

The Board of Directors for Covert Lane Owners' Association, located at the corner of Covert Lane and Norlee Street, hereby requests a permit for the removal of three trees.

1) There's a large Douglas Fir with a codominant leader that has been deemed unsafe and the Board of Directors fears that it could fall and damage nearby structures. The tree is located behind 537 Norlee St.

2) There's a smaller Douglas Fir with red ring rot and the Board would like to remove it since it's diseased and to prevent infection spread.

3) There's a large Tulip tree in front of 555 Norlee St. that has outgrown its space. This tree has caused extensive sidewalk damage and has broken the water line of 555 as well as nearby irrigation lines. The sidewalks were ground down to allow for a disabled resident to use their wheelchair but the extensive root system is again lifting the sidewalks preventing safe passage. The Board would like to remove the tree and do stump grinding and root removal prior to repairing the sidewalks for ADA.

Thank you so much for your consideration. Please do not hesitate to contact me with any questions.

Sincerely,

Cindy Littrell, CCAM
Manager for Covert Lane Owners' Association
cindylittrell@ymail.com
707-321-5834


City of Sebastopol

City of Sebastopol

TREE REMOVAL PERMIT
Application and Checklist

The submittal information shall be provided to the Planning Department. All submittal information shall be presented along with the related fees, and any additional information required by the Planning Department before the application can be accepted as complete.

Planning File #: _____
Date Filed: _____
Total Fee Paid:$ _____
Received by: _____
Date Application Deemed Complete: _____

PROJECT INFORMATION

ADDRESS: @ COVERT LN and NORLEE St

ASSESSOR'S PARCEL #: 004-620-041

Applicant's Information

Name: COVERT LANE OWNERS' ASSOC. c/o Cindy Littrell Prop. Mgmt.
Address: P.O. Box 373
City, State, Zip: COTATI CA 94931
Phone #: 707 321 5834
Fax #: N/A
Email: cindylittrell@ymail.com
Signature: Cindy Littrell

Date: 6-17-2024

Owner's Information

Name: SAME
Address: _____
City, State, Zip: _____
Phone #: _____
Fax #: _____
Email: _____
Signature: Cindy Littrell

I certify that this application is being made with my consent

Date: 6-17-2024

Location Key	Species of Tree	Diameter at 4 ½ feet	Heritage Tree?	Area where tree is to be removed from?	Reason for Removal	Proposed Replacement
A	FIR	30½"	[ ] Yes [ ] No	BEHIND 537		CITY TREE FUND
B	FIR	15"	[ ] Yes [ ] No	BEHIND 537	RING ROT	City TREE FUND
C	Tulip	18"	[ ] Yes [ ] No	FRONT 555	PROPERTY DAMAGE	City TREE FUND
D			[ ] Yes [ ] No			
E			[ ] Yes [ ] No			
F	EXAMPLES LISTED BELOW:		[ ] Yes [ ] No			
Sample	(Q. lobata) Valley Oak	22.5"	[xx] Yes [ ] No	Back Yard near existing house	Large areas of decay in main trunk	4-15 Gallon live oaks, 2 here and 2 in the front yard
Sample	(S. semiperv.)	Multi trunks	[ ] Yes	Front Yard	Root-sprouted;	2-15 gallon

	Coast Redwood	5" – 9" diameter	[xx] No		weak; poor specimen/form.	redwoods @ rear property line

The submittal information shall be provided to the Planning Department. All submittal information shall be presented along with the Planning Application form, related fees, and any additional information required by the Planning Department before the application can be accepted as complete.

Upon receipt of this information the Planning Department has 30 days in which to determine if the application is complete. Once the application has been deemed complete, the project can be scheduled before the Tree Board. The Tree Board meets on the 1st and 3rd Wednesday of each month at Sebastopol City Hall, 7120 Bodega Avenue, Sebastopol, at 4:00 p.m.

The applicant and/or his representative must be present for any meetings. Failure to do so may result in the application being continued.

Size Limit: Plans should not be larger than 30" x 42" trimmed. All plans shall be folded into a 9" x 11" size. **Unfolded plans will not be accepted.**

Scale: The scale used on submittal plans shall generally be at a 1/8" = 1'0" for the architectural plans, 1" = 20' for site engineering plans. Include a north arrow, the scale and a bar scale on all plans.

[✓] 1. **Application Form:** .....(1)
Completed and signed by applicant and property owner.

[✓] 2. **Fee:** As defined on the fee schedule listed on the Master Planning Application. Checks should be made payable to the City of Sebastopol.

[✓] 3. **Location Map:** .....(1)
Indicate the subject parcel(s) and adjacent streets on an 8 1/2" x 11" map.

[✓] 4. **Written Statement**.....(1)
Written Statement providing a description of tree(s) proposed to be removed.

[✓] 5. **Site Plans**:.....(1 set)
Clearly show the location of the tree(s) proposed to be removed on the property.

[✓] 6. **Site Photographs:** ..... (1 set)
Clearly show the views of and from the project, including neighboring development. Include a key map indicating where the pictures were taken from and in what direction they were taken. Label the pictures accordingly. It is often desirable to provide the City with a series of overlapping photographs of the surrounding neighborhood that show a panoramic view. Polaroids or digital photos on a CD are acceptable.

INDEMNIFICATION AGREEMENT

"As part of this application, applicant agrees to defend, indemnify, release and hold harmless the City, its agents, officers, attorneys, employees, boards and commissions from any claim, action or proceeding brought against any of the foregoing individuals or entities, the purpose of which is to attack, set aside, void or annul the approval of this application or the adoption of the environmental document which accompanies it or otherwise arises out of or in connection with the City's action on this application. This indemnification shall include, but not be limited to, damages, costs, expenses, attorney fees or expert witness fees that may be asserted by any person or entity, including the applicant, arising out of or in connection with the City's action on this application, whether or not there is concurrent passive or active negligence on the part of the City.
If, for any reason any portion of this indemnification agreement is held to be void or unenforceable by a court of competent jurisdiction, the remainder of the agreement shall remain in full force and effect."

Applicant's Signature Cindy Luttrell **Date Signed** 6-17-2024 **Planning File No.**_____

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

NOTICE OF MAILING:

Effective immediately, email addresses or facsimiles will be used for sending out of staff reports and agendas to applicants, their representatives, property owners, and others to be notified if an email address or facsimile number is available.

Please sign and acknowledge you have been notified of the Notice of Mailing for applications and have provided an email address or fax number.

Cindy Littrell
Signature

Cindy Littrell
Printed Name

Public Notification of Tree Removal

Trees proposed for removal shall be marked by THE APPLICANT with a form prescribed by the City (attached). Notice of a Tree Removal Permit application shall be posted on the subject parcel on affected tree(s), and in at least two public places within 300 feet of the affected trees, at least ten (10) calendar days prior to the date of the Sebastopol Tree Board meeting at which the application will be considered.

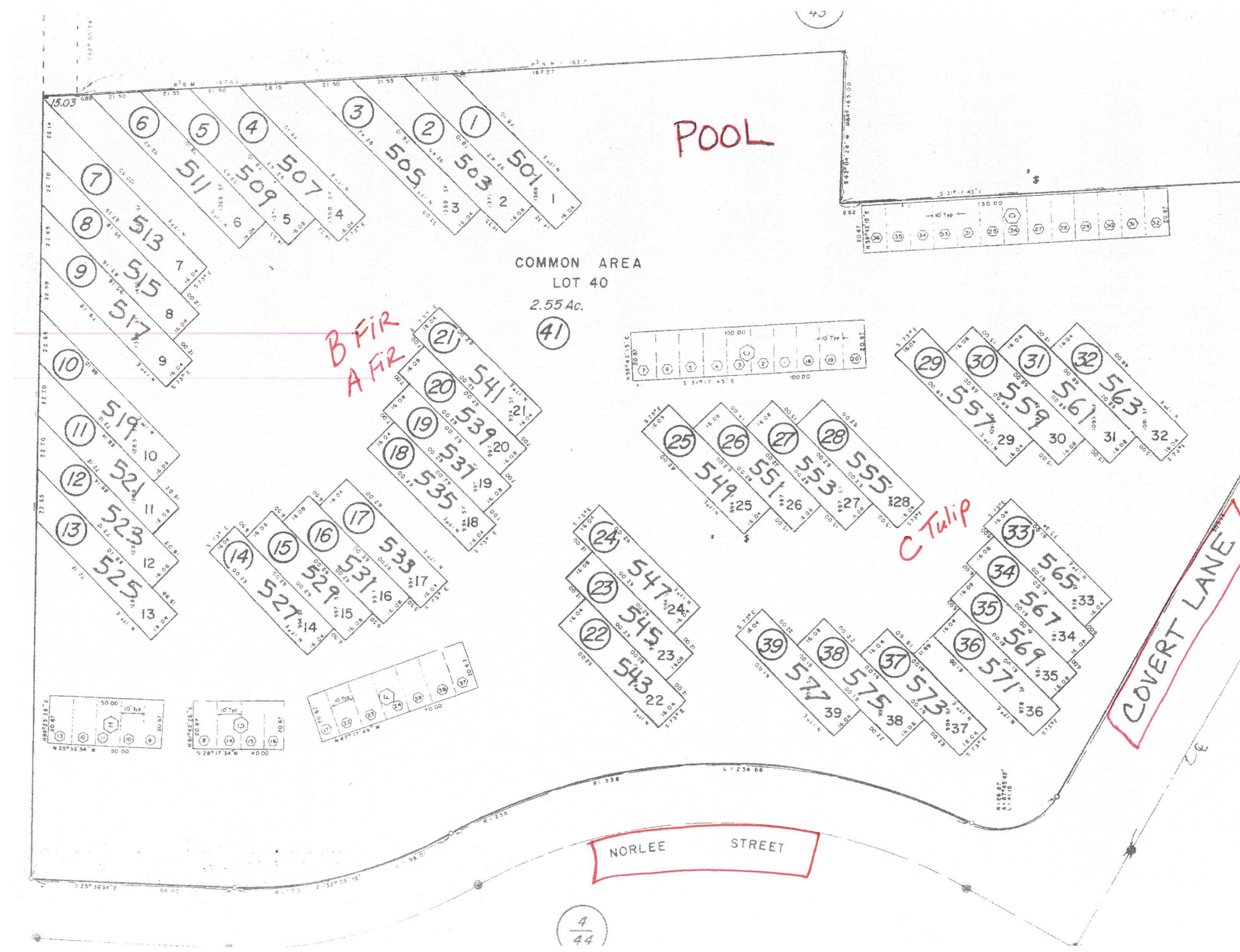
THIS IS TO CERTIFY THAT I, THE APPLICANT, AM RESPONSIBLE FOR POSTING THE TREE(S) PROPOSED FOR REMOVAL WITH THE ATTACHED FORM WITHIN 5 DAYS OF FILING THIS TREE REMOVAL APPLICATION. FAILURE TO POST THE PROPOSED TREE(S), AS REQUIRED, MAY RESULT IN THE APPLICATION BEING CONTINUED OR DENIED.

If you need help in posting the proposed tree(s), please contact the Planning Department at 707-823-6167

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

Cindy Littrell
Signature

Cindy Littrell
Printed Name


POOL
COMMON AREA
LOT 40
2.55 Ac.
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B FIR
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C Tulip
COVERT LANE
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Client: City of Sebastopol Planning Department
Project Location: 555 Norlee St, Sebastopol, CA
Inspection Date: June 28, 2024
Arborist: Ben Anderson

URBAN FORESTRY ASSOCIATES, INC.

Assignment

Nzuzi Mahungu asked me to perform a site visit to inspect two Douglas fir trees (*Pseudotsuga menziesii*) and a tulip poplar (*Liriodendron tulipifera*) on the subject property, which is a large parcel with many attached townhomes/condos. This was for a tree removal permit application to help determine whether their removals would be consistent with the municipal code. I was provided with an arborist report from Merlin Arborist Group dated September 1, 2023.

Observations

The property is well-forested with many mature trees. The most common species are Douglas fir, tulip poplar, and coast redwood (*Sequoia sempervirens*), but there is a good amount of diversity. The Merlin report recommends three fir removals, but the application asks for two fir removals and a tulip poplar, which is not mentioned in the Merlin report. Sidewalks are lifted and broken throughout the property, but tripping hazards are mitigated through grinding and filling.

Tulip Poplar
The tulip poplar displays a full canopy with good color and has a trunk diameter of 16 inches. Surface roots from the tree are visible in the lawn and appear to have lifted the adjacent sidewalk, which was ground down to mitigate the tripping hazard. The trunk is within a few feet of the sidewalk and a privacy fence.

Larger Douglas Fir
The larger of the two firs requested for removal closest to the adjacent building has a trunk diameter of 30.5 inches and a full canopy with good color. The Merlin report accurately describes the co-dominant union[1] at about 30-40 feet above grade. One of the stems is larger in diameter than the other. The report also notes that “if you remove trees on the edge of a stand, the remaining trees will be exposed to wind and other elements that they have not previously been exposed to. This may destabilize the remaining trees.”

Smaller Douglas Fir
The smaller fir is near the middle of the stand. The red ring rot fruiting body (*Porodaedalea pini*) mentioned in the Merlin report was removed, but I found some remnants from the conk after reviewing the Merlin photography. The tree has a low live-crown ratio[2] due to its central location in the stand. I sounded[3] the tree with a mallet, and it consistently returned a solid thud associated with sound wood (as opposed to a hollow drum-like resonance).

Discussion

Red ring rot is a common fungal decay organism in Douglas fir trees. It rots the middle of the trunk but is not known to kill living tissue or decay sapwood. The fungus's fruiting body only indicates its presence in the tree, not the extent of the decay. Trees with only a few conks are typically very stable. It does not affect tree health.

[1] Codominant stem – forked branches nearly the same size in diameter, arising from a common junction and lacking a normal branch union.
[2] Live crown ratio (LCR) – the ratio of crown length to total tree height.
[3] Sounding – the process of striking a tree with a mallet o other appropriate tool and listening for tones that indicate dead bark, a thin layer of wood outside a cavity, or cracks in wood.

In my experience, codominant unions are among the most common major structural defects in conifers. The codominant union in the large tree is not new and shows no signs of partial failure or recent movement. The likelihood of failure is commonly mitigated by subordinating one of the leaders, overall size reduction pruning, installing a cable support system, or a combination of these approaches.

Tulip poplar commonly forms large surface roots that damage sidewalks and driveways. As the species is common throughout the community, so too is the damage caused by the roots of the trees. The subject poplar is not causing damage any worse than the other poplars and is otherwise healthy.

From the Sebastopol Municipal Code 8.12.060: “Tree removal permit—When a Tree Removal Permit is Required.”

> 2. Multifamily Residential, Commercial, or Industrial. On properties which are currently utilized for multifamily residential, commercial, or industrial uses, no person shall allow or cause the removal of a protected native tree (minimum 10 inches d.b.h.), or any other tree which has a minimum d.b.h. of 20 inches or more if the tree has a single trunk, or which has at least one trunk with a minimum d.b.h. of 20 inches if the tree has two or more trunks without first obtaining a TRP, unless otherwise exempted herein.

From the Sebastopol Municipal Code 8.12.060 D “Tree removal permit – Tree Removal Criteria,” at least one of the following conditions must be satisfied to approve a tree removal permit:

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 years.

The trees are all healthy. The red ring rot in the smaller fir does not appear to have advanced to the point of destabilizing the tree. The codominant trunks in the larger fir are a structural defect, but this can be mitigated through standard tree work.

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.

See discussion in 1 above.

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.

I was not provided with such documentation. They do not appear to require any more maintenance than the typical residential trees apart from periodic sidewalk grinding and eventual replacement.

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.

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.

There are many other trees of similar stature on this and adjacent properties.

Conclusions

The tulip poplar is not a native tree; its trunk is less than 20 inches, so it does not require a tree removal permit. The two fir trees are native, and their trunks are over 10 inches, so they require a permit. The small fir does not meet the code's criteria for granting a permit. The larger fir has a structural defect, but it is unlikely to fail under normal weather conditions within the next two years, and it could be significantly mitigated through standard tree work. Tree removal based only on a correctable structural defect is inconsistent with the municipal code's “Purpose” or “Findings” sections. I do not see that the municipal code supports the fir

removals.

SCOPE OF WORK AND LIMITATIONS

Urban Forestry Associates has no personal or monetary interest in the outcome of this investigation. All observations regarding trees in this report were made by UFA independently, based on our education and experience. All determinations of the health condition, structural condition, or hazard potential of a tree or trees at issue are based on our best professional judgment. The health and hazard assessments in this report are limited by the visual nature of the assessment. Arborists cannot detect every condition that could lead to a tree's structural failure. Since trees are living organisms, conditions are often hidden within the tree and below ground. Arborists cannot guarantee that a tree will be healthy or safe under all circumstances or for a specific period of time. Likewise, remedial treatments cannot be guaranteed. Trees can be managed, but they cannot be controlled. To live near trees is to accept some degree of risk, and the only way to eliminate all risks associated with trees is to eliminate all trees.

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