



City of Sebastopol Design Review Board/Tree Board Staff Report

Meeting Date: October 22nd, 2024
Agenda Item: 7A
To: Design Review & Tree Board
From: John Jay, Associate Planner
Subject: Tree Removal
Recommendation: Denial
Applicant/Owner: Michael Price
File Number: 2024-042
Address: 306 Pitt Avenue
CEQA Status: Exempt
General Plan: High Density Residential (HDR)
Zoning: Multifamily Residential (R7)

Introduction:

The project applicant is seeking approval from the Tree Board for the removal of one (1) Douglas Fir tree at 306 Pitt Avenue. The tree is approximately 90-100 feet tall, and its diameter exceeds 20 inches. Per Sebastopol Municipal Code section 8.12.060 protected native trees measuring more than 10" in diameter breast height (DBH) in multifamily and commercial zones require the review and approval of the Design Review Board.

Project Description:

The applicant has applied for a tree removal permit for a Douglas Fir tree due to concerns that it could fall over due to its lean. The Douglas Fir is approximately 90-100 feet tall, stands less than two feet from the intersection of Pitt Avenue and Strout Street, and leans over the intersection at approximately 10 degrees.

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:

As of writing this report, the Planning Department has received one public comment regarding the removal of this tree (attached).

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 September 5th, 2024, attached. In summary, the report stated that the closest home to the Douglas Fir tree was located about 70 feet away and overhead utility lines run along streets adjacent to the tree. The Arborist noted that it did not appear that the tree would fall through the lines if it were to fail. Also, the velvet-top fungus mentioned in the application that was found near the base of the tree, was discovered to be detached from any part of the tree and located near the home's foundation. No other fruiting bodies were found and there was no evidence of an advanced infection. Ben Anderson reviewed photos from Google Street View dating back to 2008 and saw no indication that the tree's lean has increased over time.

The Arborist recommended standard pruning techniques including a 10-15 height reduction and branch reduction in the direction of the lean to lower the center of the gravity and bring it closer to the tree's base.

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 Comment

EXHIBIT A
TREE REMOVAL PERMIT
2024-042
306 Pitt Avenue
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 the while velvet-top fungus could be a concern for tree stability there was not sufficient evidence of an advanced infection and so it appears to be unlikely to become a significant hazard to life or property within the next two years.
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 the tree stability can be mitigated though standard pruning measures including a 10-15 height reduction and branch trimming in the direction of the lean to lower the center of gravity and bring it closer to the tree's base.
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 Arborist stated that this finding does not apply.
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 the site and on adjacent properties.



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: 306 Pitt Ave Assessor's Parcel No(s): 004-252-007-000

Present Use of Property: Primary residence Zoning/General Plan Designation: Single family home/residential

APPLICANT INFORMATION

Property Owner Name: Michael Price

Mailing Address: 306 Pitt Ave Phone: 480-329-0465

City/State/ZIP: Sebastopol, CA 95472 Email: mbprice@gmail.com

Signature: *Michael Price* Date: 8/22/2024

Authorized Agent/Applicant Name:

Mailing Address: Phone:

City/State/ZIP: Email:

Signature: Date:

Contact Name (If different from above): Phone/Email:

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

We would like to remove a large Douglas fir tree in our front yard. It has a significant lean and we are concerned that it could fall over. If it did so, it could hit a neighbor's house and/or damage power lines and other utility lines. Additionally, a certified arborist located velvet topped fungus near the base of the tree, which he said could indicate that the roots are in peril.

We plan to hire a professional tree removal company to take the tree down, then replace it with either a fruit tree, a Japanese maple, or both, somewhere on the property.

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			
Square Feet of Building/Structures <i>(if multiple structures include all separately)</i>	1787		
Floor Area Ratio (F.A.R)	_____ FAR	_____ FAR	_____ FAR
Lot Coverage	_____ % of lot	_____ % of lot	_____ % of lot
	_____ sq. ft.	_____ sq. ft.	_____ sq. ft.
Parking			
Building Height			
Number of Stories	2		
Building Setbacks – Primary			
Front			
Secondary Front Yard (corner lots)			
Side – Interior			
Rear			
Building Setbacks – Accessory			
Front			
Secondary Front Yard (corner lots)			
Side – Interior			
Rear			
Special Setbacks (if applicable)			
Other (_____)			
Number of Residential Units	_____ Dwelling Unit(s)	_____ Dwelling Unit(s)	_____ Dwelling Unit(s)
Residential Density	1 unit per _____ sq. ft.	1 unit per _____ sq. ft.	1 unit per _____ sq. ft.
Useable Open Space	_____ 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:

A general plan

A specific plan

An ordinance affecting building permits or grading permits

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: Michael Price Date: 8/22/2024

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: Michael Price Date: 8/22/2024

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

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:

I will inform our neighbors that we plan to have the tree taken down

Website Required for Major Projects

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

Dear planning commission,

We would like to remove a large Douglas fir tree in our front yard. It has a significant lean and we are concerned that it could fall over. If it did so, it could hit a neighbor's house and/or damage power lines and other utility lines. Additionally, a certified arborist located velvet topped fungus near the base of the tree, which he said could indicate that the roots are in peril.

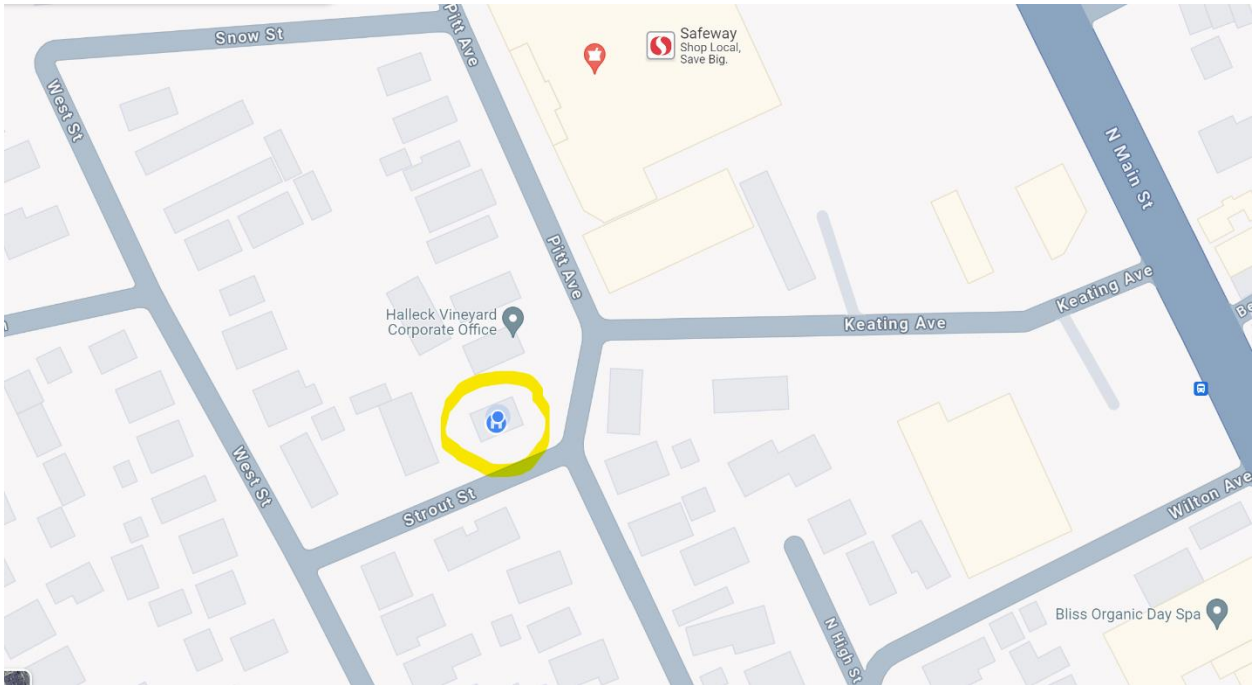
We plan to hire a professional tree removal company to take the tree down, then replace it with either a fruit tree, a Japanese maple, or both, somewhere on the property.

Sincerely,

Michael Price & Rebecca Novick

306 Pitt Ave

Sebastopol, CA 95472





Client: City of Sebastopol Planning Department
Project Location: 306 Pitt Ave, Sebastopol, CA
Inspection Date: September 4, 2024
Arborist: Ben Anderson



URBAN FORESTRY ASSOCIATES, INC.

Assignment

Nzuzi Mahungu asked me to perform a site visit to inspect a Douglas fir (*Pseudotsuga menziesii*) on the subject property as part of a tree removal permit application to help determine whether the removal would be consistent with the municipal code. I met with the applicant, Michael Price, on-site.

Observations

The subject property is an improved single-residential lot situated on the corner of Pitt Avenue and Strout Street. The tree in question stands less than two feet back from the sidewalk at the corner of the intersection and leans noticeably over the intersection itself (approximately 10 degrees). The canopy exhibits normal color and density, and the tree is approximately 90-100 feet tall. The closest home in the direction of the tree's lean is 245 Pitt Ave, located about 70 feet away. Overhead utility lines run along the streets adjacent to the tree, though it does not appear that the tree would fall through the bare distribution lines if it were to fail.

The application raised concerns about a fruiting body from velvet-top fungus (*Phaeolus schweinitzii*) found near the tree's base. However, the mushroom was detached from any part of the tree and was located near the home's foundation. I did not find any other fruiting bodies during my inspection.

I reviewed historical photography of the tree, dating back to 2008, using Google Street View from multiple angles. I compared these photos with my observations and found no evidence that the tree's lean has increased over that time (Figure 1). The tree has large, healthy buttress roots, and I am unaware of any history of tree failures in the neighborhood. According to Zillow.com, the home was built in 1905, and the sidewalk was updated before the 2008 Google photos to comply with ADA requirements. However, I observed no signs of root disturbance since then.

Discussion

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

1. Single-Family and Duplex Residential. On properties which house a single-family or duplex residential use, no person shall allow or cause the removal of a tree that has a minimum diameter at breast height (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.

The subject tree's diameter far exceeds 20 inches and requires a standard tree removal permit.

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.

Velvet-top fungus can be a concern for tree stability, but I did not see sufficient evidence of an advanced infection in the subject tree and so it appears to be unlikely to become a significant hazard to life or property within the next two years. The tree should be regularly monitored for additional

mushrooms and reevaluated if more appear.

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.

If tree stability is a concern, the likelihood of failure could be mitigated through standard pruning techniques, including an approximately 10–15-foot height reduction and branch reduction in the direction of the lean to lower the center of gravity and bring it closer to the tree's base.

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.

Does not apply.

4. A situation exists or is proposed in which structures or improvements, including, but not limited to, building additions, second units, swimming pools, and solar energy systems, such as solar panels, cannot be reasonably designed or altered to avoid the need for tree removal.

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 subject tree cannot be removed without a removal permit as it is greater than 20 inches in diameter. The application did not provide information showing that any trees satisfy the findings necessary to grant a removal permit, and I found no such evidence during my inspection. Trunk leans are common in mature trees and are typically only on concern when they show signs of recent movement or are more severe than the subject tree. Tree removal based only on a 10-degree lean is inconsistent with the municipal code's "Purpose" or "Findings" sections (Appendix A).

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.



Benjamin Anderson, Urban Forester
ISA Board Certified Master Arborist & TRAQ
RCA #686, WE #10160B
ben@urbanforestryassociates.com



Figure 1. Left: Photo from my inspection attempting to recreate the perspective of the oldest Google Photo (right). The lean appears to be consistent.

Appendix A. Purpose and Findings

8.12.020

Purpose.

The trees of Sebastopol are valued community assets. The purpose of this chapter is to establish regulations for the installation, maintenance, preservation, and selected removal of trees within the City. In establishing these procedures and standards, it is the City's intent to encourage the preservation of trees. The provisions of this chapter shall apply to all property within the City of Sebastopol, public or private, and to any person, firm, or corporation, except that public and private utilities are exempt from the requirements of this chapter.

8.12.030

Findings.

A. It is recognized that the preservation of trees is important for the following reasons:

1. To encourage and assure the continuance of quality development;
2. To protect and conserve the attractiveness and aesthetic and scenic beauty of the City;
3. To protect the environment of the City;
4. To aid in the reduction of air pollution by protecting the known capacity of trees to produce oxygen and ingest carbon dioxide;
5. To help reduce potential damage from wind;
6. To provide shade;
7. To act as a noise buffer; and
8. To assist in the absorption of rainwater into the ground, thereby protecting against potential damages from soil erosion and flooding, as well as reducing the cost of handling stormwater by artificial means.

B. In order to promote the health, safety, and general welfare of the citizens of the City, while recognizing individual rights to develop, maintain, and enjoy private property to the fullest possible extent, it is necessary to enact regulations preserving trees on both private and City-owned property within the City of Sebastopol.

From: Karen
Sent: Sunday, October 6, 2024 12:29 PM
To: John Jay
Subject: Tree Removal Permit Request Comment

We are unable to attend the public meeting for the Tree Removal Permit Request at 306 Pitt Avenue in Sebastopol so I am submitting my comments in writing.

We are in support for the owner's request to remove the tree. Below, here are our reasons:

1. We live around the corner from this tree. Myself and many neighbors have been concerned for our safety due to the tree's significant lean. It has created "neighborhood anxiety." We even personally sent over an arborist to determine if the tree was safe. Many of us in the neighborhood have also called PG & E because of our concern the tree poses to our safety. When the wind blows, and given the proximity of power lines, it is even more concerning.
2. Due to the poor quality of our sidewalks, we are often forced to walk in the middle of the road(Strout). The tree in question sheds needles and creates a slipping hazard for the neighborhood, particularly when wet. There is literally nowhere safe to walk on that street and this fact is significantly exacerbated by shedding needles.
3. Our arborist informed us that the tree would need to be removed in a couple of years. It is our understanding that the owner's were told the same thing. We feel it is an unfair burden on the homeowner to delay what will be a significant cost and basically force them to pay more money in a couple of years. For what purpose does forcing them to delay serve? It serves absolutely no benefit to this neighborhood and poses great risks to all of us.

Since the City does not provide any financial support, this is unfair to the homeowner and an overreach of government.

4. By forcing the homeowner's to delay removal you are putting the community at risk. From the time it "must be" removed to having it actually removed can be months, given how scarce the resources are to find professional tree removers. We own a gigantic cedar tree and know better than most how long the process can be(and expensive and lengthy- waiting for a permit, etc). It can take months. Meanwhile our neighborhood is at risk of branches breaking, potentially destroying other property or worse, someone's life. There is also always the concern of power lines and fire danger.

For these reasons we urge you to reconsider your denial of the permit. You are jeopardizing the safety of our neighborhood and placing an unfair burden on the homeowner. While no one wants to see trees knocked down for no reason, there are ample reasons to support the removal of this dangerous tree.

Thank you

Karen McClure
Vaughan Whalen