



City of Sebastopol Design Review Board/Tree Board Staff Report

Meeting Date: June 25th, 2024
Agenda Item: 7D
To: Tree Board
From: John Jay, Associate Planner
Subject: Tree Removal Permit
Recommendation: Denial
Applicant/Owner: David Dietz
File Number: 2024-014
Address: 540 Ellis Court
CEQA Status: Exempt
General Plan: Office Commercial (CO)
Zoning: Office Commercial (CO)

Introduction:

This is an application from property owner David Dietz for the removal of (1) one Coast Live Oak tree from 540 Ellis Court. The Coast Live Oak tree is located at the side of the property facing Healdsburg Avenue, and the tree's diameter breast height is 23".

Project Description:

The applicant has applied for this tree removal permit due to concerns that the tree has been leaning over adjacent utility wires. The applicant noted that the amount of lean on the tree has increased yearly, and they are worried a fall would damage the overhead utilities. The applicant's accompanying Arborist report notes that several branches are leaning on phone and cable lines. The application mentions that the request for removal is because pruning all the branches of concern would entail removing major tree limbs and put the Coast Live Oak at risk of future branch decay.

Environmental Review:

The proposed project has been determined to be exempt from further environmental review under Section 15304 - Minor Alterations to Land. Class 4 consists of minor public or private alterations in the condition of land, water, and/or vegetation which do not involve removal of healthy, mature, scenic trees except for forestry and agricultural purposes.

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:

Ben Anderson, an ISA Certified Arborist serving as the City Arborist, conducted an evaluation, and prepared an Arborist Report dated April 17th, 2024, and is attached to this report. The Arborist noted that the ground was soft likely from heavy gopher activity, but that they saw no evidence of recent movement in the root plate, and the tree's canopy displayed good color and density. The Arborist recommended a natural pruning system that would reduce the canopy's reach over the road and bring the center of gravity closer to the tree's base. The Arborist stated that the tree should be pruned within the next three months to mitigate the likelihood of failure.

Since the notice of the denial recommendation to the applicant was made, the applicant has provided information on how they feel the tree should be removed for the reason stated in the document and attached to this staff report.

Recommendation:

Staff recommends that the Tree Board hear from the applicant and the public, and then deliberate the removal of the tree. However, based on the findings attached to the report, Staff is not recommending the removal of the proposed Coastal Live Oak Tree.

Should the Board not agree with this decision of Staff, then its 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 this tree.

Attachments:

Exhibit A – Findings for denial
Application Materials

Arborist Report
Supplemental information for reasonable removal

**EXHIBIT A
TREE REMOVAL PERMIT
540 Ellis Court
Removal of Protected Tree**

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 as the report indicates no sign of the tree being structurally unsound and with proper pruning practices the tree will become more stable, as noted in the arborist report.
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 saw no evidence the tree was in the process of failing, and it was set up well to be pruned to mitigate the likelihood of whole tree failure.
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 as the applicant has not provided any documentation that would allow for staff to make this finding.
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 as this finding does not apply to this application.



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 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: _____ Assessor's Parcel No(s): _____

Present Use of Property: _____ Zoning/General Plan Designation: _____

APPLICANT INFORMATION

Property Owner Name: _____

Mailing Address: _____ Phone: _____

City/State/ZIP: _____ Email: _____

Signature: *David Dietz* Date: *4/2/24*

Authorized Agent/Applicant Name: _____

Mailing Address: _____ Phone: _____

City/State/ZIP: _____ Email: _____

Signature: *David Dietz* Date: *4/2/24*

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

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

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>			
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			
Building Setbacks – Primary			
<i>Front</i>			
<i>Secondary Front Yard (corner lots)</i>			
<i>Side – Interior</i>			
<i>Rear</i>			
Building Setbacks – Accessory			
<i>Front</i>			
<i>Secondary Front Yard (corner lots)</i>			
<i>Side – Interior</i>			
<i>Rear</i>			
Special Setbacks (if applicable)			
<i>Other (_____)</i>			
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: David Dietz Date: 4/2/24

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: David Dietz Date: 4/2/24

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:

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

Dietz Tree Removal Project

WRITTEN STATEMENT

My wife and I are requesting City approval to remove a coast live oak from our property. The tree has been leaning over the utility wires and Healdsburg Avenue for many years. The amount of lean has increased each year. We worry that it will fall and take out the overhead utilities and land in Healdsburg Avenue. This poses a significant public safety risk. Additionally, it could take out our 8" retaining wall and a portion of our neighbor's retaining wall.

The tree's diameter breast height is 23" based upon the measurement by a professional arborist that we hired. Her letter is attached.

Attached to our application are six photographic exhibits:

- Dietz.tree_aerial-1.pdf – provides an aerial view of the tree and its relationship to Healdsburg Avenue and its intersection with Florence Avenue.
- Dietz.tree_east – provides a view from our western property line looking east.
- Dietz.tree_east_close - provides a close-up that illustrates the proximity of the overhead utility cables to the tree's branches.
- Dietz.tree_north – provides a view from the sidewalk on the southern side of Healdsburg Avenue looking north.
- Dietz.tree_south – provides a view down our eastern property line along the side of our house.
- Dietz.tree_west – provides a view from the sidewalk on the northern side of Healdsburg Avenue at its intersection with Ellis Court.

The tree removal would be undertaken by a commercial tree removal company. We will retain this contractor once our City permit is in hand. Based upon the location of the tree and limited access along the side of our house, we anticipate that the tree contractor will perform most of their work from Healdsburg Avenue. If this is correct the contractor will need to obtain encroachment permits from the City and Caltrans.

We are proposing to pay a mitigation fee to the City to offset the impact of removal of this tree. Our parcel is too small to accommodate an oak tree or similarly sized native species.



Dietz Tree - west view



Dietz Tree - south view

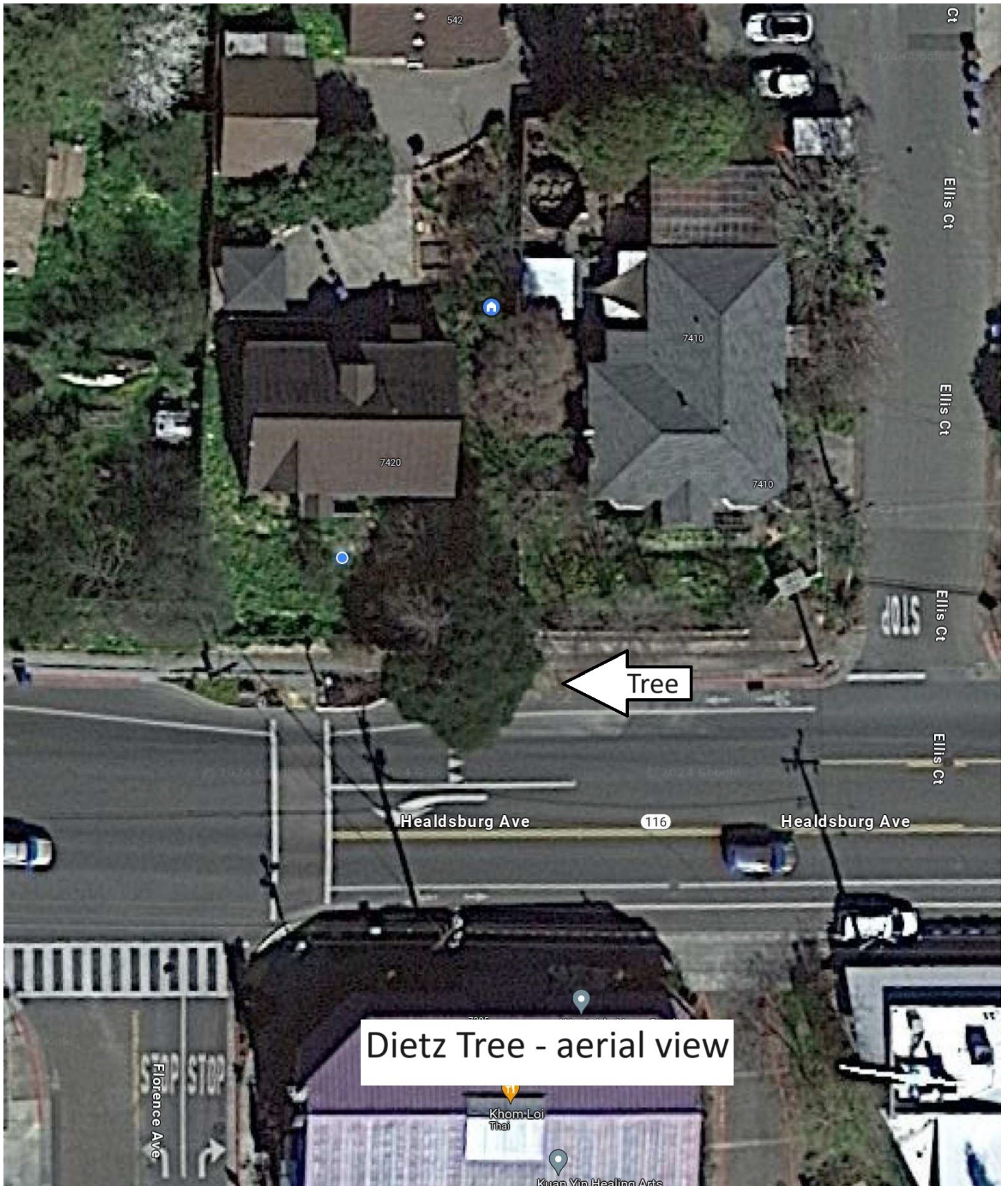


Dietz Tree - north view

Property
Line



Dietz Tree - east view



Dietz Tree - aerial view



Imagery ©2024 Airbus, Map data ©2024 20 ft

Client: City of Sebastopol, Planning Department
Project Location: 540 Ellis Ct, Sebastopol, CA
Inspection Date: April 17, 2024
Arborist: Ben Anderson



URBAN FORESTRY ASSOCIATES, INC.

Assignment

Nzuzi Mahungu, a planning technician with the city of Sebastopol, asked me to review the tree removal application for the subject property.

Observations

I met with the applicant at the subject site to review the tree's condition. I visually inspected the tree from the subject property and from the road. I reviewed the Google Street photography dating back several years to observe changes to the tree over time. The ground around the tree was soft, likely from heavy gopher activity. Still, I saw no evidence of recent movement in the root plate, and the canopy displayed good color and density.

Discussion & Conclusions

The code for tree removal permits lists criteria for tree removal, including the following: "The tree poses a likely foreseeable threat to life or property which cannot be reasonably mitigated through pruning, root barriers, or other management methods." I saw no evidence the tree was in the process of failing, and it was set up well to be pruned to mitigate the likelihood of whole tree failure. Pruning, when done well, can be very impactful on tree stability.

I recommend pruning the tree using a natural pruning system¹. The objective is to reduce the canopy's reach over the road and bring the center of gravity closer to the tree's base. This can be done using reduction cuts up to about four inches in diameter and smaller to shorten branches and reduce end weight. All interior foliage should be retained.

I recommend having this work performed within the next three months.

I recommend having the tree inspected again in two years to monitor the lean and see how it responds to the pruning.

I recommend denying the tree removal permit, as pruning is a good option to mitigate the likelihood of failure. This was aligned with the applicant's plans at the end of our meeting.

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

¹ The natural system is most commonly used for trees and generally conserves the characteristic growth pattern and adaptations of the plant. However, the natural system allows for pruning to develop preferred structure and branch architecture, and to avoid conflict with infrastructure, lines of sight, vistas, etc. The natural system can be applied to either trees in a woodland setting or those in an open-planted landscape. Indeed, trees adapt in unique ways to their surroundings; for example, trees of the same species assume different forms depending on site factors, including terrain, and the presence of other trees or other nearby landscape features.

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

Dietz Tree Removal Project

SUPPLEMENTAL MATERIAL RE: AT&T

June 6, 2024

Today we were surprised to find a tree-cutting crew pruning the oak tree that is the subject of our application. AT&T had contracted with this company to remove the limbs that were resting on their utility lines. A representative from AT&T had told us a few months ago that they did not conduct this type of preventative maintenance.

The image immediately below gives you a sense for the volume of material removed from the tree. The subsequent photo shows the large cut made to the main tree branch over Highway 116. Additionally, one can see the deformation to the utility line caused by the branch. This confirmed our suspicion that our tree was resting on the utility line. We would ask the City to arrange with its arborist to comment on whether this pruning would change his recommendation.



Dietz Tree Removal Project

APPEAL

May 23, 2024

Our original application to remove the oak tree on our property was made solely to address the risk and potential consequences of the tree falling onto Highway 116. Now that we have bids from tree companies, we are also concerned with the ongoing costs to regularly prune the tree as recommended by the City's arborist. This document will address both issues.

RISK

The Risk Severity Matrix shown below is commonly used to guide decision-making in a wide range of circumstances. These include public policy documents, such as general plans, and narrowly focused documents, such as occupational safety plans for warehouses. A similar table may be in the City's General Plan. Generally, if a situation would rank as high or extreme risk a policy or action would be implemented to reduce the risk. A ranking of moderate would be addressed by a policy or action if the cost was not high. Situations with low rankings would typically not be addressed.

Risk Severity Matrix

Likelihood						
Almost Certain 5	Moderate	High	Extreme	Extreme	Extreme	
Likely 4	Moderate	Moderate	High	Extreme	Extreme	
Possible 3	Low	Moderate	Moderate	High	Extreme	
Unlikely 2	Low	Low	Moderate	High	High	
Rare 1	Low	Low	Low	Moderate	Moderate	
	1	2	3	4	5	
	Insignificant	Minor	Moderate	Major	Critical	
	Consequence					

We should first assess the likelihood of the tree falling in the future. We plan to remain in this house for the next 20 years, so that is our time horizon. The City's arborist and the tree companies' arborists all indicated that our oak tree is healthy. The City's arborist and one from a tree company mentioned the soft soil. However, no sign of root uplift is present. One of the tree company arborists speculated that the tree may be currently supported by the utility lines touching one of the major branches. All of the arborists stated that their assessment was based solely upon a visual inspection and was not a guarantee. Both the City's arborists and one of the tree company arborists indicated that selective pruning would help shift the balance of the tree away from Highway 116. If we are not granted permission to remove the tree, we will pursue the pruning. Based upon the available information and assuming that the pruning is undertaken, we rank the likelihood of the tree falling as unlikely.

An aerial photo of the tree and its environs is contained in our application. One can see that the tree's canopy currently extends partway over the westbound travel lane of Highway 116. Were the tree to fall it could directly injure or kill occupants in westbound vehicles and pedestrians on the adjacent sidewalk. It could also indirectly injure or kill occupants in eastbound vehicles when drivers swerve to avoid the tree and oncoming cars. These are the most severe potential impacts. However, there are also major secondary impacts that would or could occur.

Impacts to utilities is an additional potential impact. Should the tree fall, it would certainly damage the telephone and fiber optic cables that pass immediately under one major limb. If falling affected the utility poles connected to the cables that pass under the tree, it could also impact the power lines attached to those poles.

The tree lies about 5 feet from an 8-foot retaining wall adjacent to Highway 116. I call this wall a retaining wall, but it is really little more than erosion protection. It consists of flagstones connected by stucco. It is not anchored in the soil. It is about 90 years old. Similar walls used to exist in the three adjacent houses located west of our property along Highway 116. All have failed and been replaced. The house immediately east of our property had a similar wall that failed last year. Should the tree fall, it would almost certainly take out a section of our retaining wall. It could also take out the adjacent section of our neighbor's wall. This could increase the harm to those on Highway 116 and complicate clean-up. Also, as is discussed in the section on cost, replacing this wall would be a life-changing event for my wife and me.

Based upon the likely and potential impacts described above, we would rank the consequences of the oak tree falling as high. This means that some policy or action needs to be undertaken to mitigate the severity of the potential impact. Because this scenario assumes that the tree would be pruned, we have not been able to identify any mitigation measure other than to remove the tree.

COST

Eight years ago, we commissioned a structural engineer to evaluate our wall and suggest a means of providing a real retaining wall that would meet codes. His back-of-the-envelope estimate of the cost to install a retaining wall was \$75,000 - \$100,000. These costs did not include costs associated with the need to redirect traffic on Highway 116 during construction. He suggested that we would also need to have a civil engineer survey our property and design a drainage system to route stormwater away from the wall. The verbal estimate we received for that was another \$75,000. Adding in the effects of inflation and the need to manage traffic on Highway 116, replacing this wall is likely in the \$200,00 - \$300,00 range. Should the wall fail, this cost would be beyond our means. We would be forced to sell the house in an as-is condition. This would be a life-changing event. We do not believe that the City's tree ordinance was intended to put homeowners at this level of risk in order to preserve a single tree.

At the recommendation of the City's arborist, we obtained bids from Sonoma-Marin Arborists, Inc. and Sandborn Tree Service, Inc. to either prune or remove the tree. The low bid to prune the tree was \$6,777, to remove it was \$8,140. In both cases the cost of traffic control was higher than the cost for the tree work.

The City's arborist recommended that we have the tree pruned within three months and inspected two years later. One of the tree company arborists indicated that he anticipated that the tree would need

another pruning in as little as two years, but that four to five years was more likely. The cost to prune our tree represents almost 1.5 months net income for my wife and me. That is bearable as a one-time cost, but it will be tough as a recurring cost. We believe that this recurring maintenance cost qualifies as “onerous” and provides grounds to grant the application to remove the tree.

CONCLUSION

We believe that this report provides sufficient evidence to support the conclusion that retention of the oak tree represents an unacceptable risk to public safety. It is also an unacceptable financial risk to my wife and me. Additionally, the ongoing cost of maintenance pruning represents an onerous financial burden to us. We ask that the City grant our application to remove the tree.

Prepared by David and Gail Dietz