

RESOLUTION NUMBER: 6589-2024

CITY OF SEBASTOPOL

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF SEBASTOPOL DENYING THE APPEAL
AND UPHOLDING THE DENIAL OF REMOVING THE BUNYA BUNYA TREE
AT 6700 SEBASTOPOL AVE (FILE 2023-055)

WHEREAS, the applicant, Justin Allamano, submitted an application for a Tree Removal permit on September 14, 2023; and

WHEREAS, the City of Sebastopol Planning Department processed the application in accordance with the Sebastopol Municipal Code (SMC), Section 8.12 and, on November 28, 2023, held a duly noticed public meeting. The Board heard a staff report and a presentation from the applicant, received a presentation from the City Arborist, and took public comment, but due to a noticing error, the board did not take an action on the request and then rescheduled the meeting to a future date; and

WHEREAS, at the November 28 meeting the City Arborist changed her recommendation from removal of the tree to keeping the tree with mitigation measures, including adding safety netting related to the fronds and cones; and

WHEREAS, the City of Sebastopol Planning Department held the continued meeting on January 27, 2024, where the Board directed staff to return with findings for denial of the Tree Removal Permit as they did not agree with staff's initial recommendation to approve removal, but supported the City Arborist's changed recommendation to preserve the tree with mitigation; and,

WHEREAS, the Design Review and Tree Board held the third meeting on February 27th, 2024, where they approved the findings for denial; and,

WHEREAS, the City Council supports the denial of the appeal and the related Tree Removal Permit, based on the following findings:

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 not diseased or structurally unsound and, as a result, is not likely to become a significant hazard to life or property within the next two year in that the City Arborist found that there is no sign of significant disease or structural damage to warrant the removal of this tree.*
3. *The tree does not pose a likely foreseeable threat to life or property in that the City Arborist noted that with proper mitigation and tree pruning the tree would not be a threat to life or property. Additionally, the tree is a beloved community asset and a highly significant piece of Sebastopol history. Its removal would be detrimental to the entry of Sebastopol's downtown core.*
4. *The property owner cannot demonstrate that there are unreasonably onerous recurring maintenance issues, which are deemed necessary for safety or protection of property. The*

property owner is responsible for providing documentation to support such a claim in that the applicant has not provided any proof or documentation to claim onerous reoccurring maintenance issues other than occasional pruning of dead limbs.

- 5. *No 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.*
- 6. *The tree has not matured to such an extent that it is determined to be out of scale with adjacent structures and utilities, or with other landscape features in that the tree was in place before this building and the Barlow were constructed. The removal of this tree would severely degrade the landscape presence of this gateway corner of Sebastopol.*

NOW, THEREFORE, BE IT RESOLVED that the City of Sebastopol City Council hereby denies the Appeal and Upholds the Denial for the removal of one Bunya Bunya Tree (2023-055), subject to the Findings in this Resolution.

The above and foregoing Resolution was duly passed, approved, and adopted at a meeting by the City Council on the 21st day of May 2024 by the following vote:

VOTE:

Ayes: Councilmembers Hinton, Maurer, McLewis, Vice Mayor Zollman and Mayor Rich
 Noes: None
 Absent: None
 Abstain: None

APPROVED: 

 Mayor Diana Gardner Rich

ATTEST: 

 Mary Gourley, Assistant City Manager/City Clerk, MMC

APPROVED AS TO FORM: 

 Larry McLaughlin, City Attorney