



## City of Sebastopol Planning Department

August 24, 2022

Caleb Roope  
Pacific West Communities  
439 East State Street, #100  
Eagle, ID 83616

### Re: Tree Removal Permit Application – 2021-010, Woodmark Apartments

Dear Mr. Roope:

You submitted a Tree Removal Permit application (as part of Application 2021-010), requesting approval to remove eleven protected trees located at 7716 and 7760 Bodega Avenue, Sebastopol, California: The trees on the project site are described in an arborist report entitled *Tree Preservation and Mitigation Report, 7716 and 7760 Bodega Avenue, Sebastopol, CA*, dated June 4, 2022. The locations of the trees is shown on Exhibit A. The list of heritage trees requiring a Tree Removal Permit are identified below.

On August 17, 2022, we received a preliminary proposed Phasing Plan with two phases. The table below incorporates notation of which phase which shows a delineation the

Tree No.	Tree Specie	Diameter at DBH	Reason for Removal	Project Phase
16	Coast Live Oak ( <i>Quercus agrifolia</i> )	26"	Conflict with new development	2
17	Coast Live Oak ( <i>Quercus agrifolia</i> )	30.5"	Conflict with new development	2
19	Coast Live Oak ( <i>Quercus agrifolia</i> )	19"+	Conflict with new development	2
20	Coast Live Oak ( <i>Quercus agrifolia</i> )	29"	Conflict with new development	2
27	Oregon White Oak ( <i>Quercus garryana</i> )	38"	Conflict with new development	2
33	Black Oak ( <i>Quercus kelloggii</i> )	20.5"	Conflict with new development	2
34	Coast Live Oak ( <i>Quercus agrifolia</i> )	53"	Conflict with new development	2

Tree No.	Tree Specie	Diameter at DBH	Reason for Removal	Project Phase
50	Coast Live Oak ( <i>Quercus agrifolia</i> )	31"	Conflict with new development	1
51	Douglas Fir ( <i>Pseudotsuga menziesii</i> )	56"	Conflict with new development	1
72	Douglas Fir ( <i>Pseudotsuga menziesii</i> )	50"	Conflict with new development	1
73	Coast Live Oak ( <i>Quercus agrifolia</i> )	22.5"	Conflict with new development	1

For multi-trunk trees, the diameter includes the total of all trunks.

Subsection 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.*

The trees listed above meet Criterion 4, in accordance with each Phase, and this approval is in accordance with the findings and subject to the conditions contained in this letter.

As discussed in project discussion, however, the Criterion can only be met if / when the Phase is implemented. For instance, the Trees listed in Phase 2 (Trees 16, 17, 19, 20, 27, 33, and 34) do not meet the City's Tree Ordinance criteria for removal during the implementation of Phase 1 of the project, as the construction of the Phase 1 improvements as documented on the August 17, 2022 phasing plan can be implemented and constructed while avoiding the need for removal of these trees. Therefore, a Condition of Approval has been included that restricts removal of trees permitted by this Approval to be in accordance with implementation of each phase.

While the City do not currently have an objective standard or requirement for what constitutes implementation of a phase, generally the City considers this to be when the associated development permits (building, grading, etc.) have been deemed complete or pending issuance. Retention of those trees until such time as the phase is implemented will also help to stabilize the soils in the site, as noted by the Applicant.

This approval is not effective until the Appeal Period has officially expired. Anyone dissatisfied with this decision has the right to file an appeal within 7 calendar days of the decision. This requires the submittal of a completed City Appeal Form, written statement, and payment of the applicable fee delivered to the Planning Department at 7120 Bodega Avenue, Sebastopol, California no later than 5:00 P.M. on August 31<sup>st</sup>, 2022.

Please feel free to contact me if you have any questions at 707-823-6167, or via email at [ksvanstrom@cityofsebastopol.org](mailto:ksvanstrom@cityofsebastopol.org).

Sincerely,



Kari Svanstrom  
Planning Director

cc:

Building and Safety Department  
Public Works Department  
City Engineer  
City Manager/Assistant City Manager

**TREE REMOVAL PERMIT: 2021-010**  
**Pacific West Development**  
**7716 and 7760 Bodega Avenue**

**FINDINGS FOR APPROVAL**

1. That the trees proposed for removal are part of a project that is exempt from the requirements of the California Environmental Quality Act, pursuant to Government Code Section 65913.4(c)(2).
2. The following trees have been determined to be in conflict with the proposed buildings and improvements approved as part of the 2010-010 SB35/Density Bonus approval:
  - a. *Trees 50, 51, 72, 73 are within proximity of the proposed buildings of Phase 1.*
  - b. *Trees 16, 17, 19, 20, 27, 33, and 34 are within proximity of the proposed buildings and improvements of Phase 2.*

The abovementioned trees therefore meet the City's Tree Ordinance, SMC 8.12..60, Criterion D, in that the trees are in locations that are in conflict with proposed structures or improvements, including, but not limited to, building additions, second units, swimming pools, and solar energy systems, such as solar panels, and cannot be reasonably designed or altered to avoid the need for tree removal.

3. Trees 1, 9, 10, 11, 12, 13, 15, 18, 21, 22, 23, 25, 26, 28, 29, 30, 31, 32, 35, 36, 37, 38, 39, 40, 41, 42, 43, 60, 61, 62, 63, 64, 65, 66, 67, 70, 71, and 74 are exempt from a tree permit as they meet one of the following exemptions:
  - a. Smaller than 20" in DBH: Trees 1, 66, 67, 74, 76; Trees 9-13, 15, 18, 21-23, 25,26, 28-32, 60-67, 70, 71,74
  - b. Listed as an exotic species in accordance with SMC 8.12: 35-43 (Monterey pines)

**CONDITIONS OF APPROVAL**

1. This Tree Removal Permit is valid for a period of three (3) years.
2. This permit is applicable to only the eleven heritage trees identified in Exhibit A. Other trees outside of the Tree Protection Zones can removed without a permit during project grading or construction.
3. Prior to the issuance of a grading permit and the removal of any of the heritage tree proposed for removal, all the tree protection measures identified in approved Tree Protection Plan shall be installed and verified in writing by the Project Arborist.
4. If project construction is phased, heritage tree removals shall be undertaken only on a phase-by-phase basis. If the Phasing Plan submitted as supplemental information on August 17, 2022 phasing plan, the tree removals allowed per phase are as follows:
  - a. *Trees 50, 51, 72, 73 are approve for removal within Phase 1. These trees may be removed once this permit is finalized.*

- b. *Trees 16, 17, 19, 20, 27, 33, and 34 are within proximity of the proposed buildings and improvements of Phase 2. These trees may not be removed until development permits for Phase 2 have been submitted and deemed complete by City staff.*

If the Phasing Plan is revised, the trees associated with each phase shall be submitted to the City for review and approval of which trees may be removed with each Phase.

5. An Encroachment Permit shall be required if any public right-of-way is required for tree removal. Please contact the Engineering Department prior to removal if work will be performed, or materials placed, in the public right-of-way. The phone number for the Engineering Department is (707) 823-2151.
6. Tree removals shall only take place during the following hours: Monday to Friday, from 7:00 A.M. to 8:00 P.M., and Saturday and Sunday, from 8:00 A.M. to 5:00 P.M. Additionally, no tree shall be removed on any of the following holidays: New Year's Day, Memorial Day, Independence Day, Labor Day, Veterans Day, Christmas Day, and Thanksgiving Day.
7. The applicant shall plant two (2) onsite replacement trees which shall be selected from the list in SMC 8.12.060.E.2. Replacement trees shall be planted prior to final occupancy of the Phase. A site plan indicating the replacement trees, and/or receipts of the trees shall be submitted to the Planning Department upon tree replacement approval and selection. Alternatively, the applicant may opt to allow the City to retain the tree replacement deposit of \$75.00 per tree, for a total of \$150.00, which will be transferred into the City's Tree Fund.
8. Any replacement trees that will reach a height greater than 20 feet at maturity shall not be planted within 20 feet (measured horizontally) of overhead utility lines.
9. Trees not listed as permitted for removal or exempt from removal under the City's Tree Ordinance (8.12) and with construction within the drip line of the tree are subject to a Tree Protection Plan that shall be submitted to the City Planning Department for review and approval prior to issuance of a building permit.

## EXHIBIT A TREE LOCATION MAP



Heritage Tree Removal Permit tree locations