



City of Sebastopol Design Review Board/Tree Board Staff Report

Meeting Date: January 23, 2024
Agenda Item: 7A
To: Tree Board
From: John Jay, Associate Planner
Subject: Tree Removal Permit
Recommendation: Approval with Conditions

Applicant/Owner: Justin Allamano
File Number: 2023-055
Address: 6700 Sebastopol Avenue
CEQA Status: Categorical Exemption: Section 15304: Class 4
General Plan: Light Industrial (LI)
Zoning: Commercial Industrial (CM)

Introduction:

The project applicant is seeking approval from the Tree Board for the removal of a protected Bunya Bunya “monkey puzzle” (*araucaria araucana*) tree at 6700 Sebastopol Avenue on the corner of Hwy-12 and Morris Street.

Project Description:

The application proposes removal of the following trees: one (1) Bunya-Bunya “monkey puzzle” (*araucaria araucana*) tree. The tree proposed for removal is located in the areas as shown in the site photos submitted by the applicant and included as attachments in the report. The tree is 35” dbh, approximately 75-85’ tall, and has branches that range from 6-15’ long horizontally with hard spiky fronds.



Figure 1 – Photo of Bunya Bunya tree



Figure 2 – Photo of Street (Corner of Hwy 12 and Morris Street)

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 600 feet of the affected trees, by the applicant, at least 10 calendar days prior to the date of the Sebastopol Tree Board meeting. Comments received as of this staff report are included in the attachments.

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:

Becky Duckles, an ISA Certified Arborist serving as the City Arborist, conducted an evaluation and prepared an Arborist's Report dated November 20, 2023 (attached). In summary, the report states: That while the monkey puzzle tree appeared to be in good health, the live crown ratio is low which resulted in a top-heavy tree that is more likely to snap or drop fronds. The fronds (which can weigh up to 15 lbs.) can cause serious injury to pedestrians or property damage. Many dead fronds, approximately 2-4' long already litter the ground. Consequently, since a higher level of activity is expected due to the expansion of the outside patio under the tree, there is an increased safety hazard. The City Arborist recommends removing the monkey puzzle tree due to the lack of mitigation measures that would ensure the safety of patrons without killing the tree itself. This verifies the 2nd condition of the Tree Protection Ordinance, which shows that the tree is a foreseeable threat to life or property which cannot be reasonably mitigated by pruning or management methods.

On November 28th, the Design Review Board received a preliminary report on the tree removal at their regular meeting, heard a staff report and heard public comment. However, no deliberations or decision was conducted due to noticing concerns (later found to be a notice that had been removed by a member of the public). As the review was preliminary, staff requested any input from the Board regarding requests for additional information they might need to formally deliberate the application.

At that time, the Board requested to see this application again when there was a tenant so they could review the tree removal within the context of any proposed site design changes for the building as was mentioned in the Applicant's project description.

Since that time, the applicant has requested that the tree removal permit be considered again solely in light of the continued safety issues of the tree for the current site conditions. The applicant finds these is a massive concern and prohibitive for procuring a tenant and, as noted, the City's Arborist has found these safety concerns to be justified, and delay of approval/removal would result in a dangerous condition continuing.

Recommendation:

Staff recommends that the Board hear from the applicant, public, deliberate and conditionally approve the removal of the tree based on the facts and findings and analysis set forth in this staff report.

Any significant proposed changes to a future patio design would be subject to Design Review per the normal City process at a future time.

Attachments:

Exhibit A: Findings of Approval
Exhibit B: Conditions of Approval
Application Documents
City Arborist Report
Public comments

**EXHIBIT A
TREE REMOVAL PERMIT
6700 Sebastopol Avenue
Removal of Protected Trees**

Recommended Findings of Approval

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 year in that the City Arborist found that this does not apply.
3. That the tree poses a likely foreseeable threat to life or property which cannot be reasonably mitigated through pruning, root barriers, or other management methods in that the Bunya Bunya tree has consistently dropped heavy spiked fronds up to 2-4' long and the foot traffic under the tree will only increase due to expansion of an outdoor patio.
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 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 in that the only way to ensure the safety of the patrons who will use the outdoor patio beneath the Bunya Bunya tree would be to remove all its branches.
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 in that the City Arborist found that this does not apply.

**EXHIBIT B
TREE REMOVAL PERMIT
6700 Sebastopol Avenue
Removal of Protected Trees**

Recommended Conditions of Approval

1. The Tree Removal Permit for the removal of one (1) protected tree, as identified on the site plan, shall be valid for a period of three (3) years, except that the applicant may request a one (1) year extension of this approval from the Planning Director, pursuant to Section 17.400.100 of the Zoning Ordinance.
2. The applicant shall plant two (2) onsite replacement trees of a type and number approved by the City Arborist for each removed protected tree. 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. Alternately, the applicant may opt to allow the City to retain the per-tree replacement deposit of \$150.00, which will be transferred into the City's Tree Fund.
3. Prior to planting, the applicant shall confirm that replacement trees will be irrigated through an establishment period of 2-3 years and describe the method of irrigation. This information shall be provided to the Planning Department for review and approval.
4. The replacement trees shall be replanted within 12 months of the removal of trees.
5. An Encroachment Permit may be required prior to 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. 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.



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: **6700 SEBASTOPOL AVE** Assessor's Parcel No(s): **004-750-001**
 Present Use of Property: **Vacant** Zoning/General Plan Designation: **CM**

APPLICANT INFORMATION

Property Owner Name: **Barlow Star, LLC**
 Mailing Address: **6780 Depot Street, #110** Phone: **707.824.5600**
 City/State/ZIP: **Sebastopol, CA 95472** Email: **jennifer@thebarlow.net**
 Signature: _____ Date: **9/14/2023**
DocuSigned by: Justin Allamano
 Authorized Agent/Applicant Name: **Justin Allamano**
00F104B3BD86415...
 Mailing Address: **6780 Depot Street, #110** Phone: **707.824.5600**
 City/State/ZIP: **Sebastopol, CA 95472** Email: **justin@aldriddgedevelopment.net**
 Signature: _____ Date: **9/14/2023**
DocuSigned by: Justin Allamano
 Contact Name (If different from above): 00F104B3BD86415... Phone/Email: _____

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

A
 Applicant would like to remove the large tree on the corner of Hwy 12 and Morris Street. The tenant is very concerned about the risk posed by the sharp fronds and heavy cones from this tree. While the Applicant currently prunes the tree yearly, the sharp fronds are daily risk and the consequences of missing a cone could be deadly.

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:

- | | |
|---|---|
| <input type="checkbox"/> A general plan | <input type="checkbox"/> A specific plan |
| <input type="checkbox"/> An ordinance affecting building permits or grading permits | <input type="checkbox"/> 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: Justin Allamano Date: 9/14/2023
DocuSigned by: Justin Allamano 00F104B3BD86415...

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: Justin Allamano Date: 9/14/2023
DocuSigned by: Justin Allamano 00F104B3BD86415...

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:

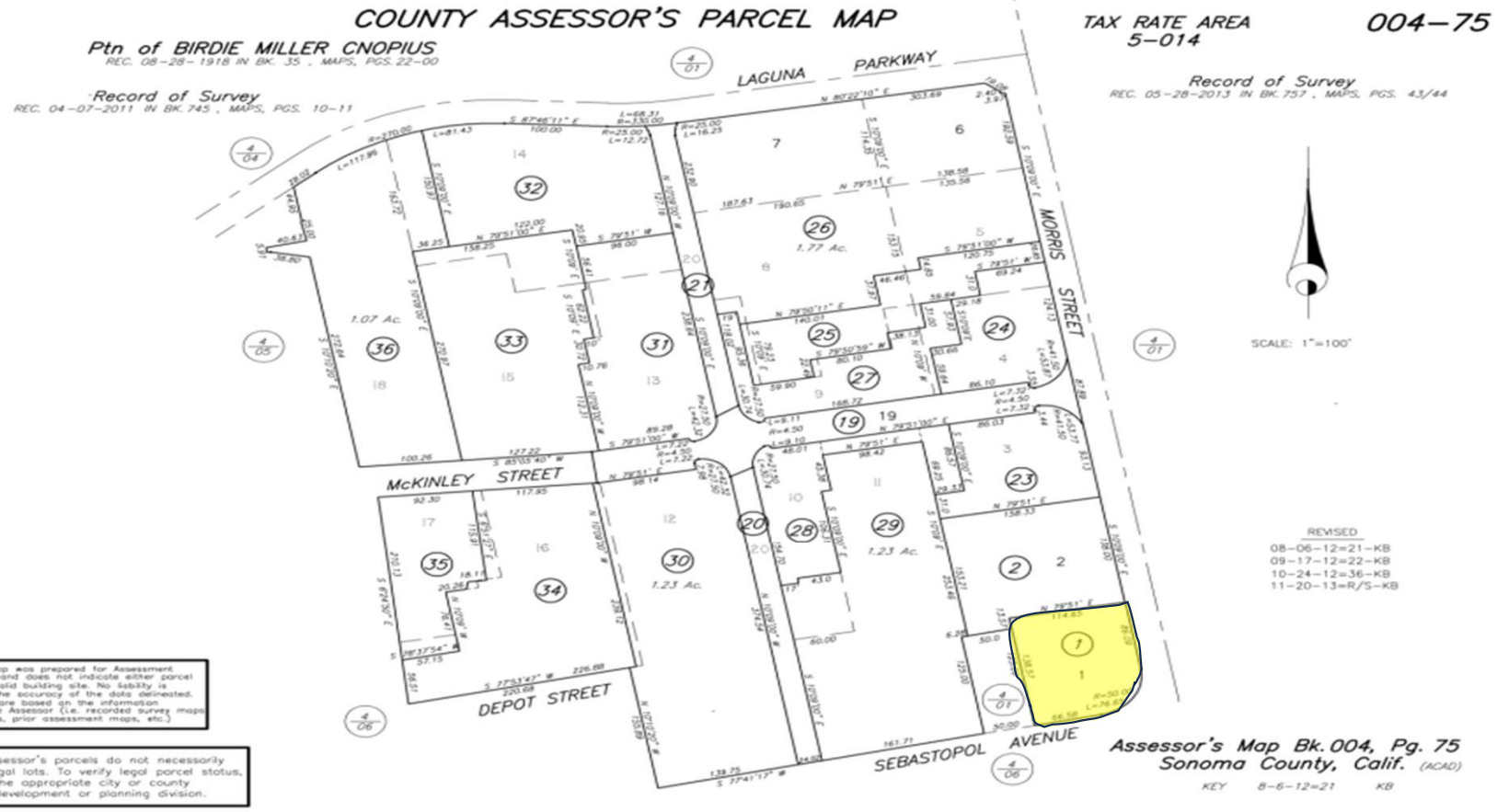
Website Required for Major Projects

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:

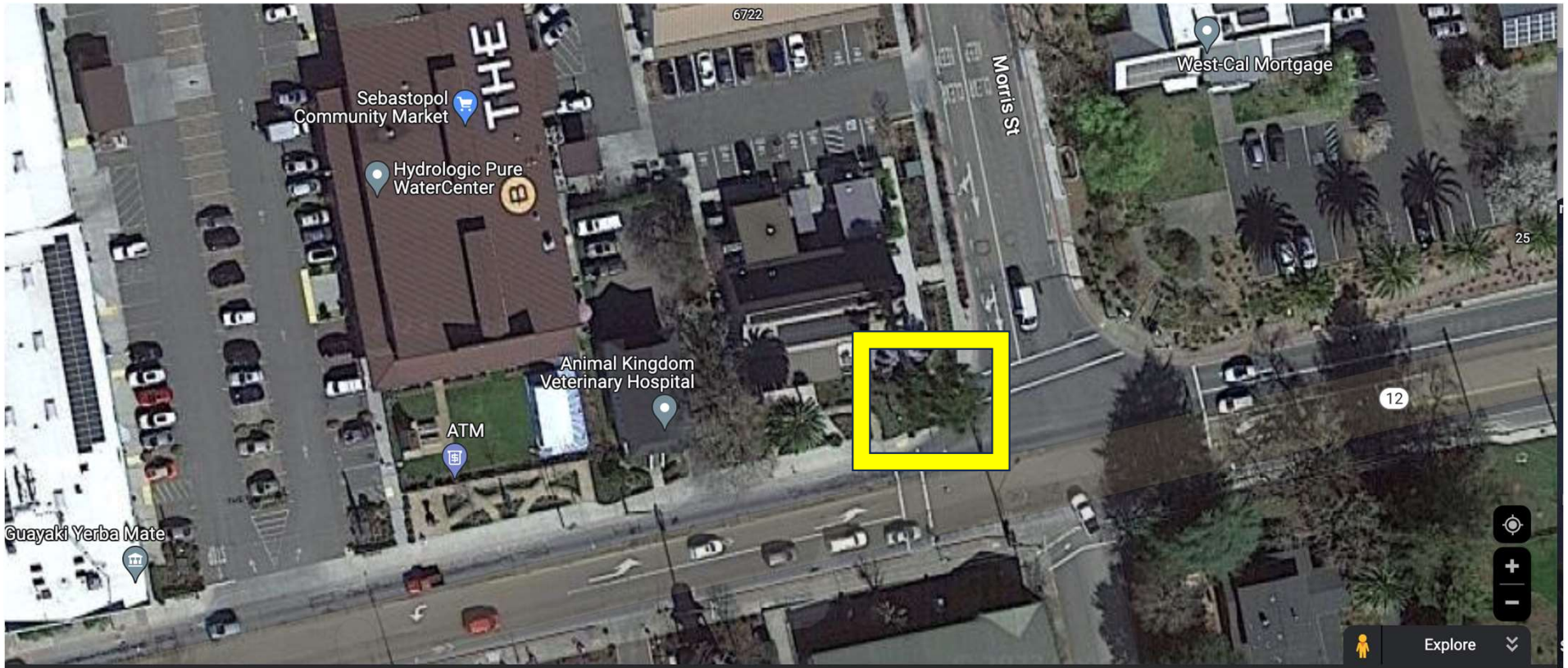
- ✓ Project description
- ✓ Contact information for the applicant, including address, phone number, and email address
- ✓ Map showing project location
- ✓ Photographs of project site
- ✓ Project plans and drawings




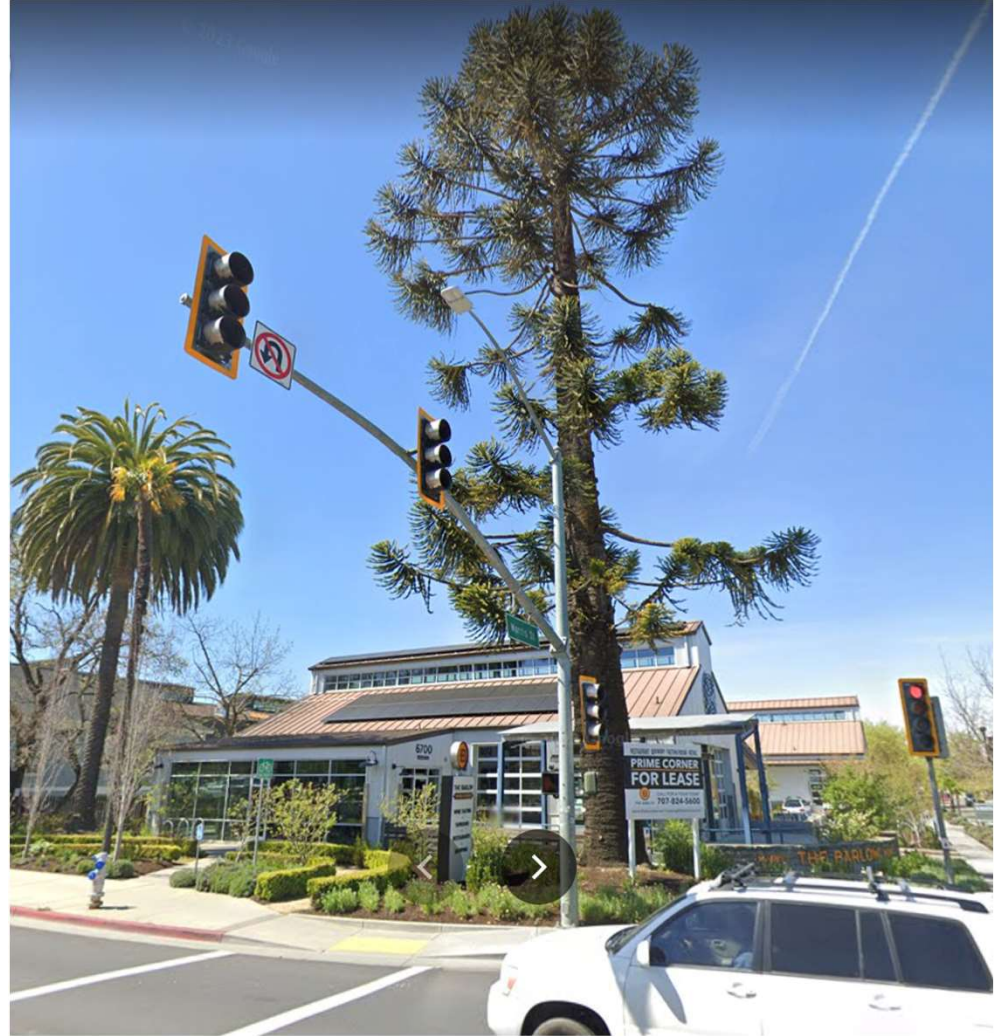
NOTE: This map was prepared for Assessment purposes only and does not indicate either parcel legality or a valid building site. No liability is assumed for the accuracy of the data presented. The acreages are based on the information supplied to the Assessor (i.e. recorded survey maps recorded deeds, prior assessment maps, etc.)

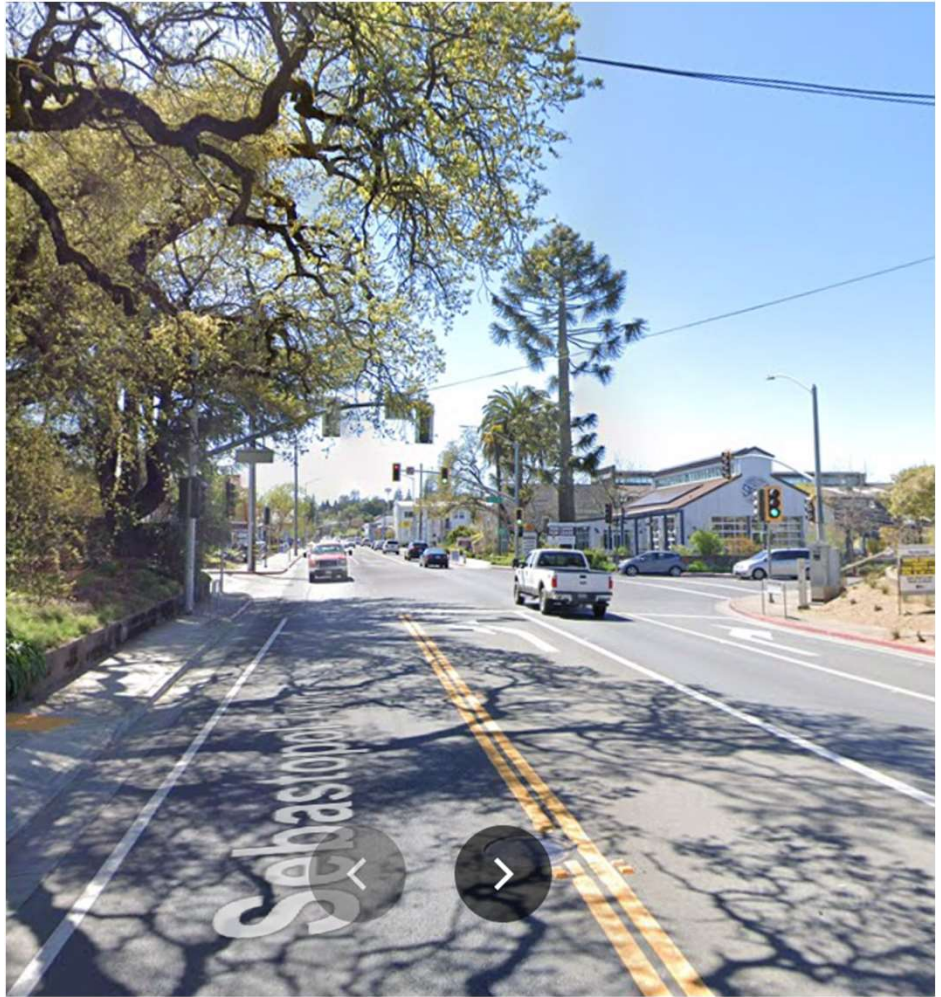
NOTE: Assessor's parcels do not necessarily constitute legal lots. To verify legal parcel status, check with the appropriate city or county community development or planning division.

Location of parcel



 Location of subject tree





Applicant would like to remove the large tree on the corner of Hwy 12 and Morris Street. According to Becky Duckles, Sebastopol City Arborist, the tree is most likely a monkey puzzle tree, *Araucaria araucana*. Applicant has been told the tree is a Bunya Bunya tree.

A new Barlow tenant is planning a family friendly restaurant at the old Seismic space at the Barlow (6700 Sebastopol Avenue, Sebastopol, CA 95472.) They are planning to have lots of open space for kids to play around the building. The tenant is very concerned about the risk posed by the sharp fronds and heavy cones from this tree. While the Applicant currently prunes the tree yearly, the sharp fronds are daily risk and the consequences of missing a cone could be deadly.

With the increasing activity planned under this tree, the applicant believes it is time to remove it to reduce the potential hazard of cones and fronds dropping on pedestrians or children below. Becky Duckles noted in an email dated September 6, 2023 that she would support removal due to reduce the potential hazard caused by this tree.