



**City of Sebastopol**  
*Incorporated 1902*  
Planning Department  
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## **UNAPPROVED DRAFT MINUTES**

TREE/DESIGN REVIEW BOARD  
CITY OF SEBASTOPOL  
MINUTES OF January 23, 2024  
3:30 P.M.

The notice of the meeting was posted on January 18, 2024.

### **DESIGN REVIEW BOARD:**

**1. CALL TO ORDER:** Chair Langberg called the meeting to order at 3:30 P.M. and read a procedural statement.

**2. ROLL CALL:**

<b>Present:</b>	Lars Langberg, Chair Melissa Hanley, Vice Chair Cary Bush, Board Member Lynn Deedler, Board Member Christine Level, Board Member
<b>Absent:</b>	Marshall Balfe, Alternate Board Member
<b>Staff:</b>	Kari Svanstrom, Planning Director John Jay, Associate Planner

**3. APPROVAL OF MINUTES:** None.

### **4. PLANNING DEPARTMENT UPDATE ON MATTERS OF GENERAL INTEREST:**

Director Svanstrom and Associate Planner Jay reported that:

- Public comment period for the Draft EIR for The Canopy, the 80-unit townhome project at the north end of town, will be held on January 18, 2024. This application will come to the Design Review Board likely in the early spring.
- The City has received three proposals for the Sustainability Transportation Grant that looks at revitalizing the Downtown Core. The proposals will be reviewed over the next month, an applicant will be selected and a contract negotiated, then it will go to the Council at the end of February or beginning of March.
- Director Svanstrom announced she will be leaving the City of Sebastopol at the end February and expressed her pleasure in working with the Design Review Board.
- The Woodmark project has installed water and fire sprinklers on the site, a condition of approval they must meet before beginning vertical construction, which is now anticipated to begin soon. Phase One will be 48 units, the courtyard area, and common areas to be completed at the end of 2024. Phase Two will be 36 units in the back and has no estimated date of delivery yet.

- The Hotel Sebastopol project's federal archeology approval has a one- to two-year timeline. They are one year in and still waiting on that component of it, which is a piece of their financing requirements.
- The Habitat for Humanity project on Main Street is still in the building permit phase and going through tentative map and final map recordings.
- The Benedetti Car Wash project at 6809 Sebastopol Avenue has submitted their building permit.

The Board asked questions of Director Svanstrom and Associate Planner Jay.

**5. COMMENTS FROM THE PUBLIC REGARDING ITEMS NOT ON THE AGENDA:** None.

**6. STATEMENTS OF CONFLICTS OF INTEREST:** None.

**7. REGULAR AGENDA:**

- A. TREE REMOVAL: 6700 Sebastopol Avenue** – The project is seeking approval from the Tree Board for the removal of a protected Bunya Bunya tree at 6700 Sebastopol Avenue on the corner of Highway-12 and Morris Street.

Associate Planner Jay presented the staff report and was available for questions.

Chair Langberg asked for Board questions of staff.

**Melissa Hanley, Vice Chair**

The arborist report states the tree is healthy and could represent a safety concern, but does this tree deserve to come down based on its current health and location?

**Becky Duckles, City Arborist**

It might be a good idea to condition this on having a firm site plan in hand for development of that spot, because right now it is certainly a guardian to the entrance of the City and it is iconic, but it is hazardous; those fronds are really sharp and the cones can weigh 15 pounds. I think we don't want to put the cart before the horse, because sometimes plans have changed at the last minute for applicants when economic conditions force them to close and they would no longer have outdoor use of this property. I would still feel good about recommending that it be removed if there is going to be a lot of activity there, because they were talking about having a children's play area. I think it was 2012 when Caltrans changed the sidewalk through that area and they left the area of that tree undisturbed just to avoid cutting the roots from that tree and the other trees, but I think that it really does restrict the use of that space, so I think it is fair to say that because of the hazard of ongoing removals it takes more than annual maintenance to remove the dead fronds and live cones.

**Melissa Hanley, Vice Chair**

Is it a hazard to the sidewalk or just to the area of the tenant space?

**Becky Duckles, City Arborist**

It depends on how windy it is. I would say within maybe within a 20-foot radius of the trunk it is hazardous when the larger fronds and the cones fall; it's hard to say how they're going to come down.

**Melissa Hanley, Vice Chair**

If you were going to recommend maintenance, how frequently would you recommend?

**Becky Duckles, City Arborist**

It would need to be either annual or even semi-annual to remove dead fronds, because they drop a lot. Just walking under it, you'll see a lot of them on the ground. If the tenant would agree to do that kind of maintenance, removing the fronds and at least annually removing the cones, that's pretty much the schedule that most tree services go to on the trees they maintain. Chip Sandborn's company maintains another Bunya Bunya tree in the City of Santa Rosa and they have to do that.

**Christine Level, Board Member**

As part of the semi-annual maintenance would it be reasonable to assume that you could trim back the cones if they started to get too large?

**Becky Duckles, City Arborist**

And also to pick up the dead fronds when they drop, because if people walk on them they are very sharp and very stiff.

**Christine Level, Board Member**

Well, people should watch where they're walking. But with these cones, would it be reasonable to assume as cones start to get larger that you could just trim them off as opposed to having a 15-pound cone on the tree that could fall?

**Becky Duckles, City Arborist**

That's what they've been doing in the past, and that's what they do with most of those trees in urban areas.

**Christine Level, Board Member**

What is the number of people that we have recorded that have been injured by this tree in its history?

**Becky Duckles, City Arborist**

Because it's not where there is pedestrian traffic or parking, I don't think that it has caused injury to my knowledge.

**Christine Level, Board Member**

Could maintenance also be a factor here in its not causing injury?

**Becky Duckles, City Arborist**

It has been maintained.

**Kari Svanstrom, Planning Director**

The Barlow has been maintaining it.

**Becky Duckles, City Arborist**

I've been with the City of Sebastopol for 30 years and I don't know who did it before The Barlow, but it has been maintained in the past, and it takes a climber or a lift truck to get up there.

**Melissa Hanley, Vice Chair**

I heard that the City of Santa Rosa Fire Department actually maintains the one in Courthouse Square and uses it as a training exercise.

**Christine Level, Board Member**

You spoke about having some sort of specific plan before deciding to cut the tree down and knowing specifically what the plan is, and we have actually precedent—and I think a requirement—for that that we've started on earlier projects, because people were cutting down trees and then not doing the project.

**Becky Duckles, City Arborist**

Exactly. I've experienced that in Sebastopol; it's kind of heartbreaking.

**Cary Bush, Board Member**

You mentioned at the end of your report that the tree should be removed and replaced by an attractive specimen to add to this main entrance to the City. We would like to see how would we respond to a design and how it affects the impact of the tree, and what we want to understand is if we remove a tree how would another tree or additional attractive large specimen go into a site without knowing its design parameters or constraints? You mentioned that earlier and I appreciate that. How would we know that what the board had asked for was the actual design itself?

**Becky Duckles, City Arborist**

If it is removed there is a very nice oak there and there is other landscaping there, and so it would be really important to find out what their plan is for replacing it and how they would establish them, because everybody talks about replacement trees but hardly anyone ever talks about watering them.

**Melissa Hanley, Vice Chair**

Several members of the public brought to our attention that this might be a tree of historic importance that Luther Burbank may have planted. Do you have any information about that?

**Becky Duckles, City Arborist**

I have Luther Burbank's field manuals and he does talk about the genus, but he didn't talk about that specific tree. It's so unusual, so unique, so big, and so old it could have been, but he didn't mention it in his manuals.

**Melissa Hanley, Vice Chair**

Another member of the public referenced that this tree could live to be 600 years old. Is that your understanding as well?

**Becky Duckles, City Arborist**

It could be.

**Christine Level, Board Member**

Regarding the historical aspect, given the exotic nature of this tree, during the time period when it was planted who else would have procured such a specimen in this area at that time other than Luther Burbank?

**Becky Duckles, City Arborist**

It's hard to imagine. It's likely that it was, but he had a lot of friends and he was a buddy with Thomas Edison. It's hard to say, it could have been from a traveler, but I'm not really sure; I haven't been able to find out anything about that.

**Kari Svanstrom, Planning Director**

I will note from staff that this is not on the City's historic list of resources and there is no actual lineage that shows that it is part of that history.

**Cary Bush, Board Member**

Has any thought been given to the idea of mitigating or trying to find a management method for fall protection? I know there is a canopy already right around where Seismic Brewing is and there is some level of management for fall protection. We've seen a lot of those fronds on top of screening that they've put up and that sort of thing.

**Becky Duckles, City Arborist**

I hadn't thought of that, but that's a really interesting idea. You could do something like bird netting that is pretty much invisible higher up in the canopy and it wouldn't really detract from it. And that house there is, I think, the oldest house in the City; it was built in 1904 or something like that, so it probably existed when the tree was planted.

**Melissa Hanley, Vice Chair**

I'm curious if when The Barlow was built or planned if there were any restrictions to preserve that tree as part of the plan?

**Kari Svanstrom, Planning Director**

My understanding is that there were no restrictions, and our City Attorney has said it is illegal to bind the hands of future boards and if something were to become an issue, which is why we're here today. There was a request made to the Design Review Board to remove the tree and I believe Board Member Deedler was on the DRB at that time, and it was determined that they would leave it as part of the design, and this is sort of a de facto design review amendment or a we feel like the tree is an issue at this point, and that's where the application has come from.

The applicant gave a presentation and was available for questions.

**Christine Level, Board Member**

You said the frond created substantial damage to a steel structure. Could you explain to me exactly what happened?

**Jennifer Adametz, Property Manager, The Barlow**

I cannot speak exactly as to what happened, because I've only heard that from arborist Chip Sandborn, and the landlord has mentioned to me that that happened when the Seismic Brewing structure existed. Not the frond, it was one of the pods that are much heavier and much more substantial; I've never seen one of those in person, so I don't want to speak uneducated in regard to that.

**Lynn Deedler, Board Member**

As far as you know, have there been any serious accidents caused by these fronds, other than sore fingers?

**Jennifer Adametz, Property Manager, The Barlow**

I am not aware of any actual injury to a person, a passerby, a vehicle, nothing like that.

Chair Langberg asked for further questions of the applicant. Seeing none, he opened public comment.

## **Two Unidentified Members of the Public**

(Comments were inaudible.)

### **Michelle Kelly**

I did a little research on this tree. I volunteer at Jewish Free Clinic in Santa Rosa where the Bunya Bunya tree is next to the Salvation Army; it's over a sidewalk and watch the process of that tree. The cones only produce every three years, so those cones are trimmed to prevent that falling. With respect to The Barlow building processes, the tree has been there for 100 years dropping materials, so I would have been definitely mindful not to build to where things could fall on a roof from that tree. As many of us know, if you build under a redwood tree you might have a large branch go onto your roof in the winter. I found it very interesting that most people I talked to in Sebastopol believe that Luther Burbank planted that tree, and that's pretty relevant, even though I can only find records of trees being planted in Petaluma and Santa Rosa by Luther Burbank; so there is a lack of documentation, but that is generally believed.

### **Kari Svanstrom, Planning Director**

I want to see if our City Attorney wants to say anything about the liability concerns. To let him know, the sidewalk and the building entry is within the 20-foot fall radius.

### **Larry McLaughlin, City Attorney**

One of the first questions I had as a city attorney 37 years ago involved an application to remove some very large trees in town, and they ultimately were not taken down and the city incurred the liability risk. In this situation I note that the original arborist report from Becky Duckles—who I have known for years and who is very sensitive to the history of our trees and very knowledgeable—raised quite an alarm in the sense that it talked about serious injury to passers-by and pedestrians. I understand why The Barlow would want to have it removed without regard to who the tenant would be because of potential injury to the public. I've also heard today that there are potential management or mitigation measures by The Barlow that could address that: netting and potentially a trimming schedule. I would recommend to The Barlow that they do that to make sure the public is protected. They are on notice right now of a serious condition from our arborist, but from the City's perspective I'd look at this mostly from The Barlow's perspective of them having a dangerous condition that they would need to mitigate. I don't see any issues where the City would have to do something like try to compel removal of that tree, so if you are not going to enforce or permit removal you might consider denying the application without prejudice so The Barlow could renew the application at a future date.

### **Christine Level, Board Member**

The Barlow offers many establishments that have alcohol beverages served. Could not somebody leave a drinking establishment and kill somebody in their car?

### **Larry McLaughlin, City Attorney**

That's been known to happen.

### **Christine Level, Board Member**

That's another type of danger that we could face from The Barlow. My point is there are many dangers out there.

### **Larry McLaughlin, City Attorney**

When dangers are known, then there can be raised the duty to mitigate those dangers because they are known. That's why bartenders are trained to identify people who are drinking too heavily, so we have an ordinance like that in Sebastopol, because that's been

identified as a way to somewhat mitigate that problem here, so I do feel the same probably applies to this tree in some sense, that you would want to have some kind of a plan to mitigate that danger if you were the owner of that property.

The Board discussed the application as follows:

**Cary Bush, Board Member**

As a landscape architect I've looked at plant material on a number of occasions critically thinking if it should stay or go, and we have factors for those that are generally historic, sentimental, horticultural and aesthetic. This iconic tree has all of them and it is hard to justify its removal when it was there first. Quite frankly, it's been loved to death in a lot of ways with people nestling up next to it and buildings built near it, and trees don't like people as much as people love trees. The tree needs to be kept for the love, not only for its people, because of its sentimental, horticultural, aesthetic, and historic value. If we don't think about the tree's mitigation measures more carefully and thoughtfully then we'll just go around taking everything out, and this Tree Board has seen trees removed left and right. This tree has risks, but we have to understand that we have to take risk in order to preserve things that are that important to the City.

**Melissa Hanley, Vice Chair**

I couldn't agree with Board Member Bush more; he is 100% right. I would also say that it's a much easier endeavor to mitigate the dangers of this than it is to just cut it down and hope that something else will sort of create an equivalent aesthetic experience, especially when it does have such historical value. I'm not indifferent to the damage, but I think we can absolutely mitigate it through design in a more thoughtful way than just bluntly chopping down a tree that has been here much longer than all of us and all of the buildings around it. We need to be smarter and thoughtful in the way we mitigate it. There is a management aspect of this. If a tree like that can exist in Courthouse Square and be allowed to be there in Santa Rosa in a populated area, I think we can figure it out here on this corner, so I strongly opposed removing this tree. In my relatively short tenure on the Design Review Board I've never declined a tree removal; this would be the first.

**Lynn Deedler, Board Member**

I support Board Member Bush's comments about there is a lot of passion in this town for that tree. When The Barlow was first started there was a considerable amount of discussion about that particular building at that corner and that tree, and the Design Review Board then wanted that building built in a way that preserved and gave that tree space, and that acceptance is part of the master plan of The Barlow with that tree being accommodated, and that particular location is the most attractive location, commercially at least, in this town. That tree is something thousands of people see every day coming into and leaving town. To put a lot of concrete in to make a play area, to expand the hard surfaces in there, would take away a very inviting piece of our town. There are lots of ways to mitigate it. I've heard all the talk about the fronds and it is supposed to be sharp and dangerous, but it's light. It hardly weighs anything; it doesn't fall like a rock. You can step on it; there's not going to be any serious injury from that. If the cones are something that fall every three years during a certain time of year there are ways to mitigate that. I am all for keeping the tree.

**Christine Level, Board Member**

That was a beautiful statement that Board Member Bush made. In the long trajectory of history we're just but a gnat, and according to landscape architect Lori Cagwin this tree could be as old as 140 years, and here we are, little gnats, and when we're gone that tree will still be there. It has watched the entire history of the City of Sebastopol. We have an

obligation to show some reverence towards nature and be stewards and not build, and maybe back off a little bit. I would suggest to any potential tenant there that flooding at The Barlow is a much greater danger to their operation. The building next door, the Animal Kingdom Veterinary Hospital, I know for a fact that the flood waters go all the way up to the floor in that building. I just find it appalling that we're discussing this. I want to read this one thing that Lori Cagwin wrote: "We do not find many of these Bunya Bunya trees anymore, mainly botanical gardens, old estates, veteran's homes, and universities. This tree is most likely 140 years old and speaks of history and bears witness to the struggles of man and nature. This tree is a living fossil from the Jurassic age, one that survived the ice age and dinosaurs, and there are not many old ones like Sebastopol's Bunya Bunya anymore. I can name a handful in all my years in this profession visiting sites and gardens." With more research I have learned that it is indeed an endangered species, and I just find it appalling that we're even considering cutting this tree down. Appalling. There is mitigation we can engage in. What this tree really deserves is its own little parklet and a placard, possibly donated by The Barlow, so that people can understand the importance of this tree and what it is. Obviously I oppose the removal.

**Lars Langberg, Chair**

This site already has a lot of really nice outdoor space; the building itself has giant garage doors, so even the indoor space is outdoor space. To add more outdoor space on the highway side just doesn't seem like the place I'd want to hang out if I were there. There is a really nice big patio on the parking lot side already, so it seems to me if a new tenant wanted to come in there it's a beautiful space already and there is a lot of patio space and one of those could transformed into a kid space if that is the desire. I'd think if anything you would remove the one on the highway side to stay away from the tree if it really is an issue. That's just what a particular design might be, but you could do nothing there and just figure out more mitigation measures for the tree itself, as people are saying. Does someone want to make a motion, or how do we proceed on this item that enables these mitigation measures to happen?

**Kari Svanstrom, Planning Director**

In terms of the application and a motion the City Attorney suggested denying without prejudice. That means if The Barlow does find some other additional concerns that can't be mitigated, then they could apply for a new permit for removal.

**Lars Langberg, Chair**

So if we just deny it they still can't come back? Or denying it without prejudice is a different category in denial?

**Kari Svanstrom, Planning Director**

Denial without prejudice is a bit more open, and the City Attorney would be better at answering that question, but in terms of the motion, you would be directing staff to develop findings for denial.

**Larry McLaughlin, City Attorney**

The only reason I suggested denial without prejudice is it's a little clearer. An arborist raised the issue about possibly a different scenario if a tenant was identified and they needed to be reexamined in light of the actual tenant who would occupy this space and what that design looked like. I just thought it made the record a little clearer if the Board anticipates the possibility that The Barlow might return with an amended application once a new tenant is identified, because I heard that conversation.



**Melissa Hanley, Vice Chair**

If we want to protect this tree in perpetuity, do we just deny it with prejudice?

**Larry McLaughlin, City Attorney**

I don't think the Board actually has the power to deny it in perpetuity. At the time The Barlow was approved some 12 years ago you wouldn't have been able to do it even at that time. Of course your comments stand for themselves and are part of the record, so I think any renewed or changed application would have to be considered by a future Board in light of the comments that you made this time with respect to this particular application, so I think those comments have strength in the future, but I also think The Barlow could assert at some point in time this is a different scenario, like they have a tenant identified and they would want to have it reexamined.

**Kari Svanstrom, Planning Director**

Some cities have ordinances that say if you're denied you can't reapply for three years, but the City of Sebastopol does not have that. If you wanted to just do a straight denial based on the findings and the record that you guys have provided today, that would be acceptable as well. The applicant will have the right to appeal, but then your record will be there, and as the City Attorney is noting, that would send the signal that something significant would need to change. Again, future boards could find differently, but that helps establish those thoughts.

**Lynn Deedler, Board Member**

I'd like to see us just make a simple denial of this. The whole landscaping corner and the setting of that tree is significant to the town, and to start building into that and open up that can of worms would not be a good move.

Board Member Deedler moved to deny the application for the removal of a protected Bunya Bunya tree at 6700 Sebastopol Avenue.

Board Member Level seconded the motion.

**Christine Level, Board Member**

I would like to see that corner move toward parklet status—this is just a general comment for people to think about—to protect the corner and the tree; that's not part of the motion. I want to put this on the record, because that makes sense to me, and The Barlow can certainly do that.

**Cary Bush, Board Member**

I also support the notion of a denial. I'd like to state for the record that while the idea of mitigation measures sounds great, it's not as easy as it sounds. It may sound more romantic to say we want mitigation measures, but again, this is a living specimen that is out of anyone's control. I need the Board to know that as a fact that if you've got an 18-inch tree growing in a 12-inch box, where is the love? That is the reality of these conditions. Just to say that we want to mitigate it doesn't make it a magical fix.

AYES: Chair Langberg, Vice Chair Hanley, and Board Members Bush, Deedler, and Level

NOES: None

ABSTAIN: None

ABSENT: Board Member Balfe

**Kari Svanstrom, Planning Director**

We will return at the February 27, 2024 DRB meeting with a resolution of findings for denial, and the appeal period would start at that time, and that will take another vote, but obviously you've directed staff to do that.

- B. TREE REMOVAL: 742 South Main Street** – This is an application for the removal of two Coast Live Oaks measuring 12.5" and 15.5". The application states that the current insurance company will no longer provide coverage for the building if the tree is currently leaning on the building. The building is located at 742 South Main Street, is zoned General Commercial, and is currently used as a self-storage facility.

Associate Planner Jay presented the staff report and was available for questions.

**Lars Langberg, Chair**

To clarify, is Tree #5 large enough that it would require coming to the Board, but it is not coming to the Board today?

**John Jay, Associate Planner**

Correct, it is not on the request for removal today. It would come back in the future.

**Kari Svanstrom, Planning Director**

And more importantly, it is not noticed, so from that perspective it would need to come back.

The applicant gave a presentation and was available for questions.

The Board had no questions for the applicant.

Chair Langberg opened public comment. Seeing none, he closed public comment.

The Board discussed the application as follows:

**Lynn Deedler, Board Member**

I've talked to surrounding neighbors and the applicant about the tree situation in general and all of the trees back there have been trimmed about 30 feet high and they no longer perform their intent of screening the back of Big O Tires from the neighborhood. They're planted in an 8-foot strip that they have certainly outgrown, but because there is only high foliage on all those trees nothing grows very well down below. I think it's a bigger problem than just those three trees that were noted, that new work needs to be done there, and I would suggest either cutting those trees down to perhaps 4 feet and letting them rebud and become low-growing trees again, and by eventually trimming and shaping them into a regular tree, literally get a new Live Oak tree sooner; or simply removing all of them. They're really out of place and the neighbors that are affected by these trees would like to see them go all the way along there, and I think if they were removed you could require a replant of some low-growing tree that adds a little beauty to the back of that building and make that whole place start over one way or the other: either trim them down short or just totally replace them. I think it might be good today to comment on those two options.

**Christine Level, Board Member**

So what you suggested just now was that the applicant would like to remove all of the trees? We can ask the applicant.

**Shahrokh Moaveni, Applicant**

These trees are behind this 25-foot building. I don't think anybody will see them from the street, and I don't believe the neighbors enjoy these trees, because on the other side of these trees on the neighbors side, which are all residential, there is a row of redwoods that are as tall or taller than these, and most of these are meshed in with these redwoods. They've been a nuisance to the roof, which we've had to maintain because of leaves and branches that clog the drains. Seven or eight years ago I came to the City and asked to remove them and was told we couldn't, that we had to maintain them, which we did until last year when the insurance company gave us a notice that they're not covering the building anymore, so they dropped us. Then this year we found another insurance company and we had to pay twice as much, but then they sent an inspector who said (inaudible) was these two trees, so I went to the City and went through the bureaucracy of filling out the forms and paying the money.

**Christine Level, Board Member**

So in your ideal scenario you would take all of those trees out, the ones behind the building?

**Shahrokh Moaveni, Applicant**

On thing I forgot to tell you, which bears on what Board Member Deedler said earlier, is that when I came to the City seven or eight years ago they told me I could cut one-third of it down, but I couldn't cut everything, so that's what we did. Then this year, six months ago, they said again I could cut one-third of it down, so we cut one-third of it down, so that's why it's just a huge trunk with just a little bit on top. If we can remove it I think it would be less headache for us. They don't bother us the way they are, it's just that we have to maintain the roof all the time, but the less branches they have the less branches and leaves that fall in and the less maintenance there is.

**Christine Level, Board Member**

Where I was going with that is we've got the two noticed trees and I can see that those must come down. I went back there and noticed the diseased tree and that certainly needs to come out, but if you apply in the future I would support the removal of all of them in that location.

**Melissa Hanley, Vice Chair**

If Board Member Deedler is saying to cut down a tree...

**Lars Langberg, Chair**

We may as well just stop the meeting right now.

**Cary Bush, Board Member**

I also agree with my fellow board members. I went back there this morning and yes, the two trees would definitely be candidates for removal in addition to the rot and significant decay on other trees back there too, so I think it's a matter of due time.

**Lars Langberg, Chair**

I don't have anything to add. In removing them do they have to replace them or pay an in lieu fee?

**John Jay, Associate Planner**

Correct. As part of the permit that they've submitted there is the replacement trees. Either they do the replacement trees based off of our list, or pay the fee to do so. It's up to the applicant and they have a year from the approval of the application.

**Christine Level, Board Member**

Tree #5 is obviously diseased. In that situation when you have a removal do they still have to do the mitigation with the additional trees, or do they get to just remove?

**John Jay, Associate Planner**

The other part of the Tree Ordinance has an exemption section that does allow for anything that's an imminent hazard or a few other criteria. If that tree did meet one of those criteria, then it doesn't go through the full tree removal permit process, so Tree #5, if it met the criteria, would not be subject to the replacement.

**Christine Level, Board Member**

These two trees that are noticed and we're discussing today, I would argue that they fall under the imminent hazard condition. Would my Board members concur? The one is going over the fence on the back, that's a no brainer; and the other one is coming down on the side of the building and leaning over. There are a lot of trees back there. If he removes all those trees we're going to ask him for mitigation, and while I love tree mitigation it seems sort of ridiculous in this circumstance. Those trees probably went back there on their own volition and just kept growing because they were behind a building. I'm whacking back oak trees all the time on my property, they just grow like weeds, and it would seem a shame to have him pay a bunch of mitigation fees. There is nowhere for him to plant on his site and I certainly wouldn't recommend planting trees in that little strip there; it seems ridiculous. I'm just trying to find a way for him to not have pay a bunch of mitigation fees.

**Lynn Deedler, Board Member**

I want to second that.

**Becky Duckles, City Arborist**

(Comment inaudible.)

**Christine Level, Board Member**

They're not imminent hazards?

**Becky Duckles, City Arborist**

(Shakes head no.)

**Christine Level, Board Member**

Well, you know more than me.

**John Jay, Associate Planner**

That determination has to come through an arborist.

**Christine Level, Board Member**

I would totally defer to Becky on that.

**Lynn Deedler, Board Member**

Those trees were originally part of a landscaping plan for that building. There was a little to-do with a neighbor who wanted the trees moved over into his yard, but since he sold his house the new owner wants them gone, but it was a requirement or a part of the landscape plan of the development of that project. The other thing is they were put about ten feet apart, and for Live Oaks it's making a hedge out of them, so I think that warrants consideration of what kind of mitigation or replacement should happen there in the future.

**Lars Langberg, Chair**

Can we as a board recommend that that is not a good area to plant, so then the fee should just be paid into the fund? Is that allowed, or it's really up to the applicant?

**John Jay, Associate Planner**

It's really up to the applicant. I wouldn't want the Board to tie a financial decision to a motion. I'm definitely happy to work with the applicant and the City Arborist as far as replacement species to go in there that might be more feasible.

Board Member Level moved to approve a tree removal of two Coast Live Oaks, Tree #7 and Tree #11, for 742 South Main Street

Board Member Bush seconded the motion.

AYES: Chair Langberg, Vice Chair Hanley, and Board Members Bush, Deedler, and Level

NOES: None

ABSTAIN: None

ABSENT: Board Member Balfe

**8. SUBCOMMITTEE UPDATES:**

**Lars Langberg, Member  
Public Art Committee.**

The PAC has approved four new sculptures to be in the Ives Park Sculpture Garden. They are about to review applications for a commissioned public art piece to be placed at the start of the Joe Rodota Trail.

**9. ADJOURNMENT:** Chair Langberg adjourned the meeting at 4:52 p.m. The next regularly scheduled Tree/Design Review Board meeting will be held on Tuesday, February 27, 2024 at 3:30 P.M.