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APPROVED MINUTES

TREE BOARD
 CITY OF SEBASTOPOL
 MINUTES OF February 19, 2020

SEBASTOPOL CITY HALL
 CONFERENCE ROOM
 7120 BODEGA AVENUE
 4:00 P.M

TREE BOARD:

The notice of the meeting was posted on February 13, 2020.

1. CALL TO ORDER: Chair Luthin called the meeting to order at 4:03 P.M.

2. ROLL CALL:

Present:	Ted Luthin, Chair Cary Bush, Vice Chair Christine Level, Board Member Lars Langberg, Board Member Ron Hari, Board Member
Absent:	Gregory Beale, Board Member (excused)
Staff:	Alan Montes, Associate Planner Becky Duckles, City Arborist

3. ELECTION OF CHAIR AND VICE CHAIR

Associate Planner Montes provided a brief introduction.

Chair Luthin asked for nominations for Chair.

Board Member Level nominated Chair Luthin to continue serving as Chair.

Chair Luthin accepted the nomination.

Vice Chair Bush seconded the nomination.

Chair Luthin asked if other members wished to make a nomination.

Hearing none, the Board voted on having Chair Luthin continue serving as Chair as follows:

AYES: Vice Chair Bush and Board Members Level, Hari, and Langberg
 NOES: None
 ABSTAIN: Chair Luthin
 ABSENT: Board Member Beale

Chair Luthin thanked the Board for their continued support of him serving as Chair.

Chair Luthin asked for nominations for Vice Chair.

Vice Chair Bush nominated Board Member Langberg to replace him as Vice Chair.

Board Member Langberg accepted the nomination.

Chair Luthin seconded the nomination.

Chair Luthin asked if other members wished to make a nomination.

Hearing none, the Board voted on having Board Member Langberg serve as Vice Chair as follows:

AYES: Chair Luthin and Board Members Level, Hari, and Bush
NOES: None
ABSTAIN: Vice Chair Langberg
ABSENT: Board Member Beale

4. DESIGNATION OF LIAISON TO PUBLIC ARTS COMMITTEE

Associate Planner Montes commented that the Public Arts Committee has really appreciated Board Member Langberg's contribution to their committee and hopes he will continue serving in this capacity.

Chair Luthin asked Vice Chair Langberg if he wished to continue serving as the Board's liaison to the Public Arts Committee.

Vice Chair Langberg responded in the affirmative.

Chair Luthin nominated Vice Chair Langberg to continue serving as the Board's liaison to the Public Arts Committee.

Board Member Bush seconded the nomination.

AYES: Chair Luthin and Board Members Level, Hari, and Bush
NOES: None
ABSTAIN: Vice Chair Langberg
ABSENT: Board Member Beale

5. APPROVAL OF MINUTES: Concurrent Tree/Design Review Board Meeting of December 18, 2019

Board Member Bush made a motion to approve the minutes of December 18, 2019 as submitted and commended Senior Administrative Assistant, Rebecca Mansour on her preparation of the minutes.

Members of the Board concurred.

Vice Chair Langberg seconded the motion.

The Board voted on the motion as follows:

AYES: Chair Luthin, Vice Chair Langberg and Board Members Level, Hari and Bush
NOES: None
ABSTAIN: None
ABSENT: Board Member Beale

6. PLANNING DEPARTMENT UPDATE ON MATTERS OF GENERAL INTEREST:

Associate Planner Montes updated the Board on the following:

- This meeting is the first Tree/Design Review Board meeting to be broadcast live on the internet.
 - If all goes well, future meetings will also be broadcast live on YouTube.
- Last night the City Council approved formation of a Design Guideline Subcommittee.
 - The subcommittee will be comprised of one member of the Planning Commission, one member of the City Council, two members of the Design Review Board and staff consultants.
 - It is his understanding that each body will be responsible with appointment its own representative(s).
 - Asked members of the Board to weigh whether they would be interested in serving on the Design Guideline Subcommittee.
 - Additional information on this is expected to come before the Board next month.
 - Believes Mayor Slater will be the Council's representative on the subcommittee.
- Hotel Sebastopol has filed for a one-year Time Extension of their existing Design Review approval for their hotel project located at 6828/6826/6824 Depot Street and 215/225 Brown Street.
 - The Council will consider their request at their regularly scheduled meeting on March 03, 2020.
 - The applicant is currently undergoing their third round of submittals with the Building Department.
 - The Time Extension request would allow the City Council to approve a one-year extension of their existing approval.
- On March 24, 2020 at 7 p.m. at the Sebastopol Youth Annex, the Planning Commission and Design Review Board will hold a joint meeting to go over housing laws.

The Board asked questions of Associate Planner Montes.

7. COMMENTS FROM THE PUBLIC REGARDING ITEMS NOT ON THE AGENDA: There were none.

8. STATEMENTS OF CONFLICT OF INTEREST: There were none.

9. REGULAR AGENDA:

- A. TREE REMOVAL** – 385 Murphy Avenue – This is a Tree Removal Permit application requesting approval to remove eight (8) willow trees from 385 Murphy Avenue. This application requires approval from the Tree Board because it involves the removal of protected trees, willows with a diameter at breast height (d.b.h.) that exceeds 10", on a multifamily residential property.

Associate Planner Montes presented the staff report, described various public comments including a protest that had been provided to the Board, and was available for questions.

City Arborist, Becky Duckles was present and available for questions.

The Board asked questions of Associate Planner Montes and City Arborist, Becky Duckles.

Hearing nothing further, Chair Luthin asked to hear from the applicant.

Konstantine Paxinos gave a brief presentation and was available for questions.

A representative of the applicant was also present, gave a brief presentation and was available for questions.

The Board asked questions of Mr. Paxinos and the representative.

Hearing no further questions of the applicant, Chair Luthin opened the public hearing.

Courtney Molari, a tenant at 374 Murphy Avenue which is right across from this project site, commented:

- Had some comments come in from people who are watching the live broadcast.
- Has friends and neighbors that live at 385 Murphy Avenue.
- Here to voice her concerns and reflect on the concerns that she heard in her discussions with those friends and neighbors who chose not to be present due to concerns of ramifications from the property owners.
- Walks her dog past these trees on a daily basis.
- These trees add a lot of beauty and privacy for the residents and they do seem to provide some noise control as well.
- The birds help with the noise control as well.
- These trees provide habitat, protect the wildlife and add great value to the property and the street.
- These trees provide a nice visual buffer as a lot of other trees on the street have been wipe out.
- This process has been very unclear to both the residents and to some in the neighborhood that surrounds Murphy Avenue.
- It's nice to offer replacement planting but it seems like a bigger hassle than just leaving the existing trees there and cleaning them up a bit.
- Support recommendations on clean up from the Fire Chief and Arborist.
- Would like the rest of the trees to stay, even if they're not protected.
- There are a lot of questions as to why these tree removals need to occur.
- Her friend who is a resident of 385 Murphy Avenue pointed out that the properties pest problems often arise due to elimination of homes of local animals or natural predators to those pests.
- Keeping trees and shrubs along the creek maintains the balance of the ecosystem and keeps the bugs and pest population down.
- 385 Murphy Avenue currently has no pest problems that they are aware of.
- There will be greater potential for pest problems for 385 Murphy Avenue as well as other properties in the area if the trees and shrubs along the creek are removed due to the natural filtration that they provide.
- Use of pesticides and other chemicals to deal with pests could potentially go into the creek which is a concern as well.
- Zimpher Creek has been a big point of focus for the Laguna de Santa Rosa Foundation.
- Destroying the riparian habitat on this stretch of property has the potential to impact all of Zimpher Creek downstream.
- The Laguna de Santa Rosa Foundation received a grant for \$75,000 from Sonoma County Water Agency in 2017 to clean up Zimpher Creek because it is so important to the overall health of the region.

- Many studies can be found that show that people also dump trash in creeks once they've been destroyed by development.
 - The reasons cited for this are that it no longer looks naturally beautiful, that it doesn't appear to have any communal reverence or importance and that they can appear to be a gutter or ditch.
- On the other side of Murphy Avenue where there has already been some development and trees have been removed, there is a bunch of trash.
- There is not much trash at all on the creek side that is still restored by these trees.
- Referred to key points from an article titled, 'Managing healthy riparian areas in urban settings to improve living conditions' by George Zaines.
- Urged the Board to consider the points that she raised during their deliberations.
- The Board and/or staff may want to check in with the Laguna de Santa Rosa Foundation and/or the Sebastopol water department
- Suggested that the Board check in with the Laguna de Santa Rosa Foundation and potential the Sebastopol about the protection Zimpher Creek.
- As somebody who lives nearby, there are a lot of animals that use that habitat which is really lovely for the neighborhood to see.
- Spoke on a meeting and petition which gained support from over 20 residents who are opposed to the removal of any unnecessary trees.
 - These residents are concerned that any replacement trees won't be protected (as they'll be younger and smaller) and may eventually be removed anyway.
- Seems like there needs to be more information gathering for the protection of the ecosystem.

John Dicker, 374 Murphy Avenue, commented:

- Doesn't understand why these trees are being cut down.
- Removing and doing replacement replanting at a ration of 2:1 is just going to increase safety issues which doesn't make sense.

Mr. Paxinos interjected with a question of Mr. Dicker.

Chair Luthin asked members Mr. Paxinos to refrain from interjecting during public comment.

Mr. Dicker continued:

- Suggested that the applicant come up with a nicely planned out maintenance program all the way down the creek instead of just cutting a bunch of trees down.
- It is really important that the water is allowed to flow down through the creek and that that is maintained because the amount of water that flows through there at times can be huge.
- Thanked the Board for their time.

An unidentified woman commented:

- Spoke on the importance of the native plants.
- Suggested replacing native trees with other types of native trees instead of fruit trees which aren't a riparian plant.
- Asked if Pacific Wax Myrtles are native to Sebastopol.

Ms. Duckles responded that they are native to this climate and to California.

The unidentified woman continued:

- Removing willow trees from a riparian corridor doesn't make sense because they're supposed to be stabilizing that riparian area.

- This area has already lost an abundance of trees due to the fires that we've had, and it seems like a shame to remove healthy trees.
- Understands removal of trees that are dead or otherwise unhealthy.
- There is a lot of mistletoe in some of the dead trees.
- Trees are something that you don't really miss until they're gone.
- Lives south of town.
- Thanked the Board for thinking carefully about this request.

Ms. Molari asked if she could make an additional comment.

Chair Luthin responded in the affirmative.

Ms. Molari commented:

- These trees provide a lot of privacy for these residents even from a second floor.
- Planting anything shorter won't provide the same level of privacy which will be disruptive to the residents and shouldn't be taken lightly.
- Associate Planner Montes has received a lot of public comment on these matters.

Chair Luthin noted that staff provided those comments as well as other correspondence to the Board as well.

Ms. Molari thanked staff and the Board.

Hearing nothing further, Chair Luthin closed the public comment period and brought it back for Board deliberation.

Chair Luthin commented that matters for the Board to discuss include:

- The Board needs to look at this on balance.
- On part is the riparian corridor and existing environment that people have grown to appreciate.
- The other is property maintenance and husbandry which are both desirable as well.

Board Member Hari commented:

- Still divided on the question of why.
- There has obviously been very little maintenance on this property for years.
- Spent about an hour at the property and it looks terrible due to the lack of maintenance.
- The applicant didn't answer the question of why.
- Does not believe that the situation is hazardous at all.
- Does not believe that this would be considered a fire hazard either.
- Mr. Dicker's suggestion to come up with a nicely planned out maintenance program all the way down the creek instead of just cutting a bunch of trees down is a good one.
- Severe pruning and yearly upkeep by a professional are all that is needed.
- There is nothing wrong with planting more trees, but this property has been neglected for the past 30 or 40 years.

A representative of the applicant responded that his father couldn't be bothered with maintenance of the trees and now it's time to do something because the trees are falling over and need to be taken care of. He added that they have a professional lined up to do the work.

Chair Luthin asked Board Member Hari to continue with his comments.

Board Member Hari commented:

- Understands about the applicant's father not prioritizing maintenance of the property.
- Most of the residents don't want this to happen.
- The request to remove these doesn't seem to have any bearing on these apartments, or on their investment.

Chair Luthin commented:

- The applicant wants to clean up their property.
- The Board's job is to judge the application that is before them which is a request to remove 8 protected trees. In addition, the applicant has proposed to remove sixteen unprotected trees which are not in the Board's purview.

Board Member Langberg commented that the applicant just mentioned that those sixteen trees were marked for other reasons and that they aren't slated for removal.

Chair Luthin concurred and commented that unprotected trees are outside Board purview regardless. He added that the hope would be that those sixteen trees will be pruned and maintained and brought to a better place.

Board Member Level commented:

- Referred to the City's Tree Ordinance and cited Criteria 1. which reads, '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 years.' which all of these trees appear to meet.
- Some of the trees have fallen completely or are falling over.
- The smaller trees are not in the Board's purview to discuss.
- It may be beneficial to have somebody knowledgeable about creekbank stabilization, perhaps an arborist, during removal of the trees that are near the creekbank.
- Some of the trees appear to be rooting into the creek bank.
- It's hard to understand what exactly the applicant is talking about when they say removal while leaving a base.
- It may require someone with more expertise to determine how much these trees should be cut back.
- If stumps resprout violently and completely is that even a removal?
- Wondered to what extent and how quickly they would grow back?
- This can already be seen on the site with the trees that have fallen over.
- Reiterated her comment about the trees meeting Criteria 1 unquestionably.

Chair Luthin concurred with Board Member Level's last comment.

Board Member Level commented:

- Wants to ensure that the creekbank is not disturbed.
- With regards to replacement planting she commented that she wants to see the applicant meet the 2:1 requirement.
- Would like there to be a plan that goes along with the replanting that accommodates irrigation and maintenance of the young replacement trees so that they don't just get stuck in the ground and then die.
- A lot of clearing and maintenance needs to be done along the creekbank.
- While not part of this application, she suggested that the applicant move with caution due to destabilization concerns.

Board Member Hari excused himself from the meeting.

Board Member Level comments continued:

- Really appreciates the desire to keep everything there for the reasons stated, however, these trees meet the criteria whereby the applicant can remove these trees based on the City's Tree Ordinance.
- Supports removal based on that.
- Would like to make sure that the removals are done with supervision by the appropriate experts, especially for trees A, B, C, and D due to their location in relation to the creekbank.
- While not related to this application, she commented that the bridge should be removed due to safety concerns.

Board Member Bush commented:

- Board Member Level made a good assessment.
- Willows live hard, fast, and die young.
- Willows are there for a lot of reasons including stabilization of the bank and protection of the water quality.
- As somebody who works in this field, he has worked on tree restoration projects before and this project is very much like that.
- This riparian corridor needs to be well protected.
- This isn't an easy fix.
- The Board should have been provided with information to assess the mitigation value of the trees, shrubs or other beneficials that may be proposed as replacements to ensure continued protection of the creek.
- The Board and the public need assurance that the replanting will be adequate and successful.
- Nothing of that sort has been provided.
- Cannot support this application without assurance in terms of guidelines for mitigation.
- Wholeheartedly agrees with the assessment from Ms. Duckles.
- Would like to see a maintenance plan that explains how the trees will be removed, by whom, etc.
- It is the Board's job to protect the public as well.
- Water quality protection is important as well as the water goes downstream.
- Would support a continuance to allow the applicant to return with a maintenance replanting plan.
- We need to ensure that qualified professionals are involved to oversee these operations including proper installation of irrigation, etc.
- These trees are within the creek setback which is important to remember.

Vice Chair Langberg commented:

- Board Member Bush's comments were well said.
- This is a complex request.
- There are very few sites in town that have an exposed year-round creek.
- As such, it deserves to be treated very carefully.
- Agrees with staff's suggestion to have another Department of Fish and Wildlife (DFW) consultation.
- There are also plenty of local resources, knowledgeable people that may know the best way to handle the maintenance of the property at that edge.
- Requesting additional information seems appropriate for this unique site.

Chair Luthin commented:

- Concurred with his fellow Board Members.

- Was originally trying to think of conditions of approval to handle all of this. If conditioned, those conditions would need to include:
 - Arborist oversight of the removal.
 - A plan to deal with bird nesting season.
 - Specification that no work occurs in the creek bed.
 - A plan should have been provided that addressed the location of proposed replacement planting. In the absence of that, locations for replacement planting should be worked out with the City Arborist.
 - A plan should have been provided for irrigation as well. In absence of that, one shall be provided.
 - Agrees with the standard requirement that replanting occur within one (1) year.
 - Referred to DFW regarding the creek setback and commented that it would be nice to having a drawing which could answer a lot of the questions that were raised by Board Member Level.
 - There's an unanswered question of increasing the 2:1 ratio that is required for replacement planting.
 - Retainment of as much of the existing vegetation as possible for purposes of screening.
- A comprehensive plan could go a long way towards alleviating some of the concerns of the residents and neighbors.
- Part of the problem is that nobody really understands what will happen based on what is being proposed.
- A continuation seems warranted due to the lack of information on replanting and maintenance.

Vice Chair Langberg commented:

- Bird nesting season is already underway so nothing can happen right away.
- This will give the applicant the opportunity for some due diligence in order to come back with a more comprehensive plan.
- It would be good to involve the four or five neighbors that live on the other side of the creek.
- Ideally the whole neighborhood would get together to help restore the creek.

Chair Luthin asked other members of the Board for their thoughts on continuing this application.

Board Member Level commented:

- Was prepared to move forward with a list of conditions in order to approve this request.
- Understands the rationale for a continuance.
- There's a lot of growth in the whole creek bed area and these trees are a part of that.
- Removal of these trees would not be denuding the creek bed in this area.
- These trees are clearly compromised, and something needs to be done about them.
- Asked Ms. Duckles if the trees are likely to resprout if they're cut without grinding the stump.

Ms. Duckles responded in the affirmative.

Board Member Level continued:

- Given that, the question seems to be whether they're pruning or removing these trees.

Associate Planner Montes commented:

- The Tree Ordinance states that pruning of more than 1/3 of the canopy of a tree is considered a removal.

Board Member Level continued:

- Understands that, but in looking at the long-term removal of these trees won't result in denuding of the area unless the applicant is planning on doing that and these are the only trees that the Board has purview over.
- Completely appreciates the comments about removal of the canopy and the impact that will have.
- Spoke on her own experience with a neighbor cutting down trees.
- Understands concerns of the neighbors.
- It's important to understand that the bulk of this request is to simply cut back the dead wood.
- Clarification on what the applicant is proposing to remove would be helpful.
- Believes that the applicant is trying to attend to the trees that need to be attended to.
- Doesn't want to make this an onerous ask for the applicant but can see both sides.
- A qualified professional should be monitoring removal when the trees are cut back from the bank to ensure that erosion will not occur.
- Associate Planner Montes has suggested that written confirmation be provided by DFW so it doesn't come up as an issue down the road which is a good idea.
- We need to have some commitment for the new trees that are planted otherwise they won't survive.
- Agreed on the need for a plan during bird nesting season.
- Replanting within one (1) year is important.
- There have been problems with people not replanting when they are required to.
- Wavering between laying out conditions of approval and continuing this application.

Chair Luthin commented:

- Leans more toward continuance because he would like to have a plan that allows the Board to clearly understand what will be happening.
- Agrees with Board Member Level on not wanting to turn this into something onerous for the applicant.
- Very much appreciates that the applicant wants to take care of the property.
- Agrees on the need to remove the eight (8) trees.

Board Member Level asked the applicant to describe their plan for the area.

Mr. Paxinos responded:

- To make it nicer back there.
- To get rid of the dead trees and plant new ones.
- A lot of the vegetation will be trimmed back.
- Most of the work will be trimming and hedging.
- Pruning will also occur.
- Told the person they hired to hold off on any of that until this process has concluded because the neighbors and residents come out and yell at them.
- It seemed better to hold off given how contentious everything has become.
- Reiterated their desire to take care of the property and clean things up.
- It's convoluted when you're looking at everything back there in that area.

Board Member Level commented:

- There seems to be some friction between Mr. Paxinos and the tenants.
- Perhaps a more specific plan can help to alleviate some of that friction.
- Would like for the tenants to feel confident based on their being able to see a reasonable plan.

Mr. Paxinos responded:

- Agreed with Board Member Level on why people are upset.
- Discussed with Ms. Duckles a plan for replacement and maintenance.

Board Member Level commented:

- It may be helpful to have a specific plan on paper that everyone can look at and agree that there is a common goal.
- The applicant can get some input and understanding so that the tenants can have their concerns alleviated.
- It seems like the willows are being pruned, not removed, which will allow the canopy to return quickly.

Vice Chair Langberg commented that the Board could approve this application with conditions if they were confident that the applicant would follow the conditions in a certain order.

Board Member Bush commented that he would not support an approval with conditions at this time.

Board Member Level commented that it seems like the Board is moving in the direction of continuing this application while providing the applicant with guidance so they may bring forward a more specific plan. This will allow the tenants to feel more comfortable too, hopefully.

Vice Chair Langberg commented that this site is especially unique because it runs along a creek.

Board Member Bush commented:

- Spoke on previous applications that have come before the Board and the importance of requiring what he is suggesting.
- Doesn't want to make a big deal out of this.
- Looking for the applicant to return with a plan as outlined by Board Member Level.
- Approving Japanese cherry blossoms in a riparian corridor doesn't make a lot of sense.

Chair Luthin commented:

- If the Board is to move for a continuance, he would want to see the following:
 - A plan that clearly identifies the scope of removal.
 - A plan for irrigation.
 - A replanting plan that shows what and where.
 - A maintenance plan.
- Upon receipt of that, conditions of approval could include:
 - Replanting within one (1) year of removal.
 - Confirming with DFW.

Members of the Board concurred and commented that the conditions of approval could be spelled out down the road.

Board Member Bush commented that it would be great to see a plan that shows setbacks, property lines, etc.

Mr. Paxinos responded:

- There is no specification in the guidelines on providing that level of detail.
- Will see what he can come up with to satisfy the Board's request.

Board Member Bush commented that the Board is generally looking to qualify scope of any project.

Ms. Duckles commented:

- Encouraged the applicant to reach out to the residents by perhaps having a meeting to discuss process, where they are in that process, and to clearly establish how many trees they are looking to remove.
- The residents do have some concern about wanting to reduce the hazard of the trees that are unstable.
- It could be beneficial to also discuss their replanting plan with the residents and even solicit input from them on what they would like to see and where.
- The residents have talked about fruit trees in the past and how much they appreciate them.
- Suggested that the applicant prune the existing fruit trees and better maintain them.
- The residents are confused about the number of trees that are actually going to be removed.
- Noted that several the trees have multiple trunks and that resprouting has also occurred.

Chair Luthin made a motion continue this application to allow the applicant to return with a plan that includes the following:

- A clearly defined scope of removal and other pruning work.
- An irrigation plan.
- A replanting plan showing variety and approximate location of proposed replacements.
- A maintenance plan for future care.

Board Member Level asked if the Board wished to include specificity regarding the replacement trees.

Chair Luthin commented that that could be left up to the applicant.

Vice Chair Langberg commented that recommendations are already included in the report.

Board Member Bush commented:

- Encouraged the applicant to look at more natives.
- Suggested replacement trees that are more contextual to a wetland type condition.
- There are a lot of magnificent beneficials for the applicant to look at.

Chair Luthin amended his motion to include:

- Encourage use of native species.

Board Member Bush suggested that good planting companions to the willow be selected.

Ms. Duckles commented that the residents are looking for some good height for screening and privacy as well.

Members of the Board concurred.

Board Member Bush seconded Chair Luthin's amended motion.

The Board voted on the motion as follows:

AYES: Chair Luthin, Vice Chair Langberg and Board Members Level and Bush
NOES: None
ABSTAIN: None
ABSENT: Board Members Beale and Hari

10. DISCUSSION ITEMS: None

11. REPORTS FROM THE BOARD/STAFF: There were none.

12. ADJOURNMENT: Chair Luthin adjourned the meeting at 05:48 p.m. The next regularly scheduled Tree Board meeting will be held on March 04, 2020 at 4:00 p.m., at the Sebastopol City Hall, 7120 Bodega Avenue, Sebastopol, CA.

Respectfully Submitted By:

Kari Svanstrom
Planning Director