

Bunya Bunya Tree Removal Appeal

1080 2nd Street, Santa Rosa

June 4, 2024

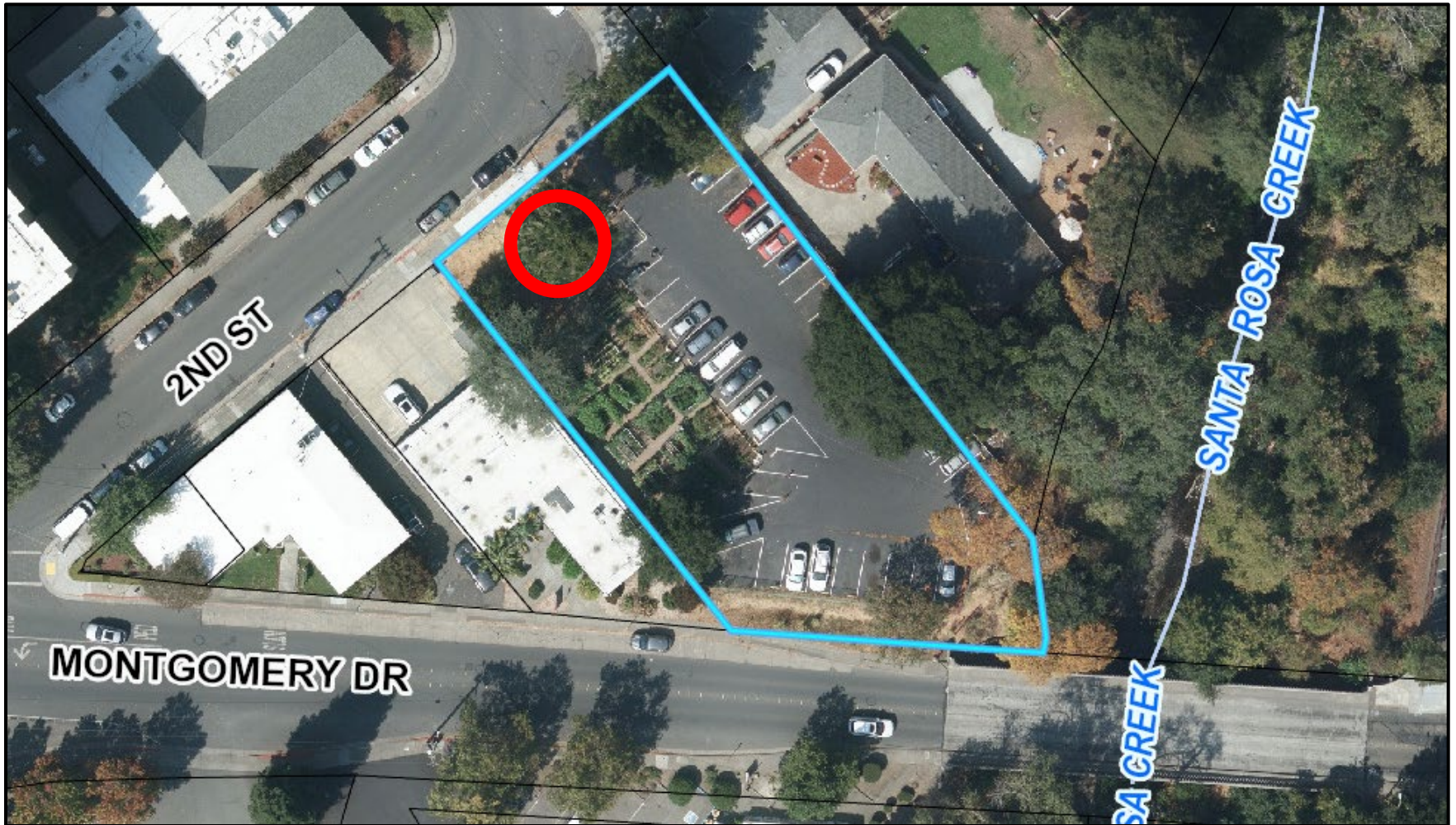
Susie Murray, Supervising Planner
Planning and Economic Development

Project Description

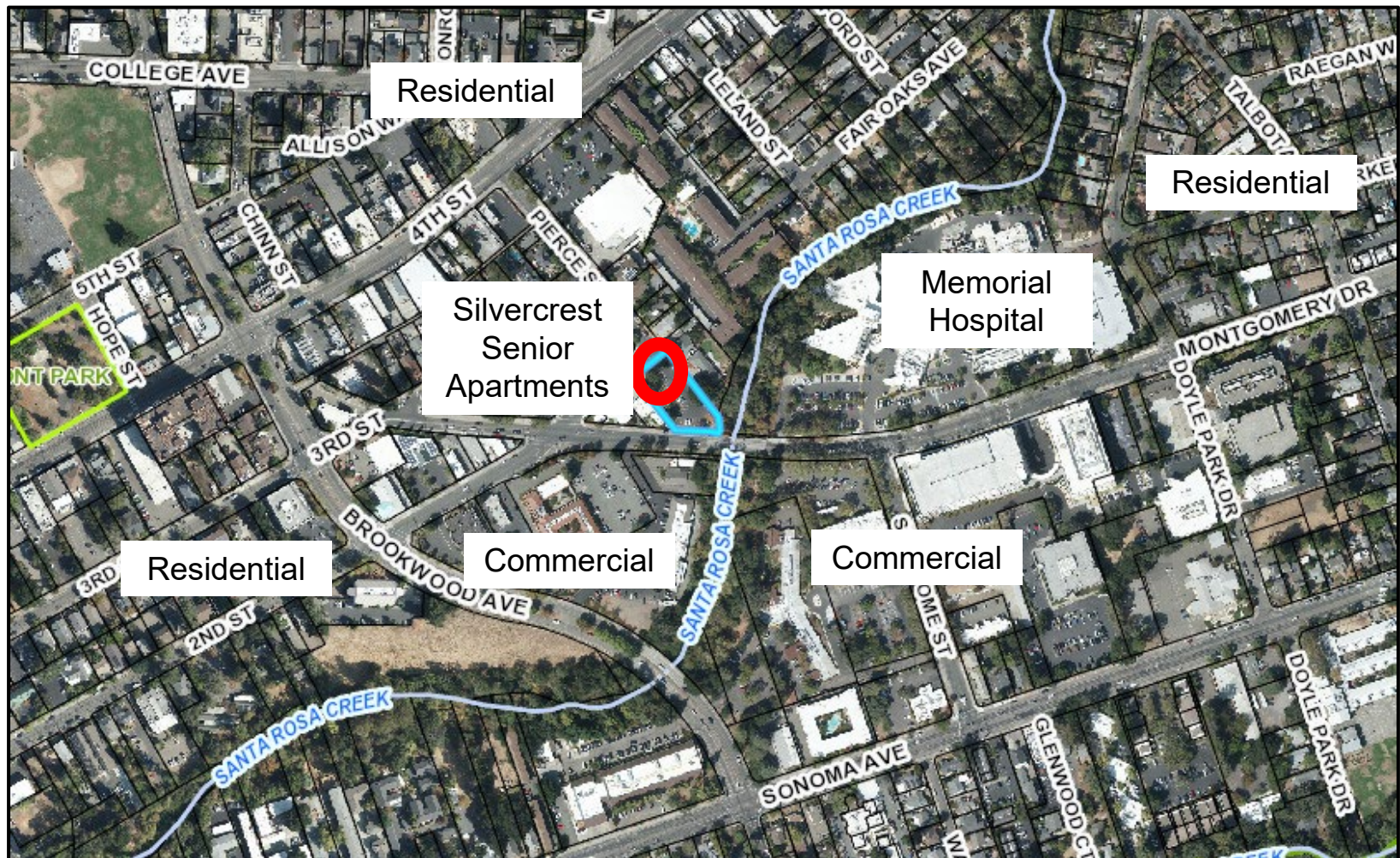
The Salvation Army has appealed the decision of the Planning Commission and the Director of Planning and Economic Development to deny the removal of an approximately 125-foot Bunya Bunya tree at 1080 2nd Street.



1080 2nd Street – Aerial View



Neighborhood Context



- First Application:
 - 3/1999 – City staff approved removal (appealed)
 - 4/1999 – Planning Commission denied appeal (appealed)
 - 6/1999 – Council granted appeal and denied removal
- Second Application:
 - 10/2006 – City staff denied removal (no appeal)
 - 3/2008 – letters disputed denial
 - 5/2008 – City Manager responded supporting denial

- Third Application:
 - 11/2019 – City staff denied removal (appealed)
 - Partial appeal fee submitted
- Current Application:
 - 9/1/2022 – Applicant submitted the subject Tree Permit
 - 3/3/2023 – City staff denied removal
 - 3/13/2023 – Applicant submitted an Appeal application
 - 9/14/2023 – Planning Commission voted 5-2 to uphold denial
 - 9/25/2023 – Applicant submitted an Appeal application
 - 2/27/2024 – Appeal hearing continued due to noticing error

Governed by City Code Chapter 17-24

- Enacted by Council
 - Protect trees that are an essential part of the City's heritage
 - Recognize an individual property owner's right to utilize privately owned
 - Allows two appeals; one to Commission, one to Council
- Considerations
 - The overall condition of the tree
 - The surrounding area (proximity to existing structures, utilities, etc.)
 - The tree's symmetry, aesthetics and shade
 - Density of trees in the area
 - Impacts on air pollution, historic values
 - The general welfare of the City.
 - Good urban forestry practices (number of healthy trees that a given parcel of land will support)

Three evaluations completed; all very qualified arborists

- Arborists agree that tree characteristics related to safety include:
 - Codominant stems
 - Heavy branches
 - Falling cones
 - Falling and Fallen debris
- Arborists agree that the following implementation measures will reduce the risk:
 - Cabling the codominant stems
 - Thinning of foliage
 - Removing the cones
 - Removing fallen debris

- a. Serious known and documented risk to health and safety.
- b. The City is requiring the owner's unwanted continued exposure to premises liability.
- c. The maintenance and mitigation efforts will not guarantee safety.

Response: Falling branches and cones are a maintenance issue. Regular maintenance is necessary for the health and safety of the tree and its surroundings. Arborist determined that if the tree is maintained properly the tree does not present a serious safety issue.

d. The costs to maintain the tree are unreasonable.

Response: Property owners are required to maintain trees on private property at their own expense. Trees on City-owned properties, including Bunya Bunya trees in Railroad Square and Courthouse Square, are maintained by the City.

e. The Tree Ordinance can be met by a replacement tree.

Response: If approved, the applicant would be required to replace the tree. However, both City staff and the Planning Commission found that the tree should not be removed.

f. The tree is not a heritage tree and is not on the approved street tree list.

Response: The tree is not a heritage tree but is also not listed in the exempt trees. The tree is not a “street tree” as defined by City Code and is not subject to the street tree list.

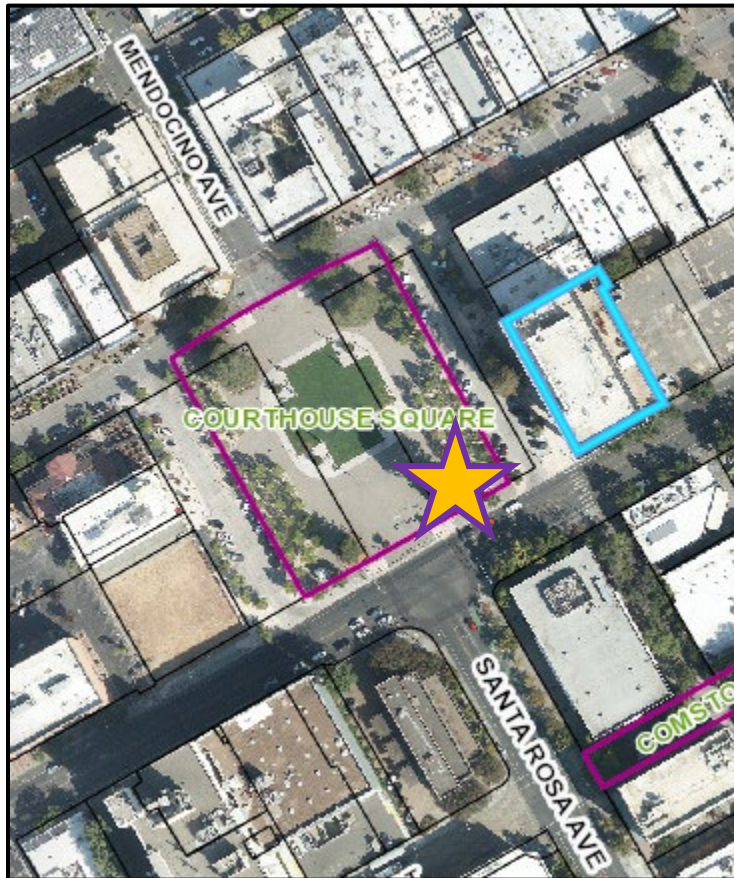
g. The City's action amounts to a taking.

Response: Adoption, implementation, and enforcement of a land use regulation such as the City's Tree Ordinance constitutes a permissible exercise of the police power granted to the City under the California Constitution and does not violate the takings clause of the Fifth Amendment of the US Constitution or comparable provisions of the California Constitution.

Railroad Square



Courthouse Square



Several public comments received:

- Most voiced opposition to removal of the tree.
- One caller expressed safety concerns because the tree drops cones that can hurt people and property.



Source: Google Images

Environmental Review

California Environmental Quality Act (CEQA)

The project has been reviewed in compliance with the California Environmental Quality Act (CEQA).

- CEQA Guidelines Section 15061(b)(3) – Denying the permit would have no effect on the environment

Recommendation

It is recommended by the Planning Commission and the Planning and Economic Development Department that the Council, by resolution, deny the Appeal and uphold the Planning Commission's denial of a Tree Permit to remove an approximately 125-foot Araucaria Bidwillii (Bunya Bunya tree) located at 1080 2nd Street.

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