

# Bunya Bunya Tree Removal Appeal

1080 2<sup>nd</sup> Street, Santa Rosa

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Planning and Economic Development

The Salvation Army is appealing the decision of the Director of Planning and Economic Development to deny the removal of an approximately 125-foot Bunya Bunya tree at 1080 2<sup>nd</sup> Street.



## Grounds for Appeal No. 1

The denial of the application to remove a hazardous tree constitutes a taking in violation of the state and federal Constitution and other laws.

Staff 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.

Falling branches and cones from the tree pose a health and safety hazard to the people, utility lines, sidewalk, etc. The tree has history:

- A resident was hit by falling debris
- A shed was destroyed by falling material
- Roots are lifting the sidewalk

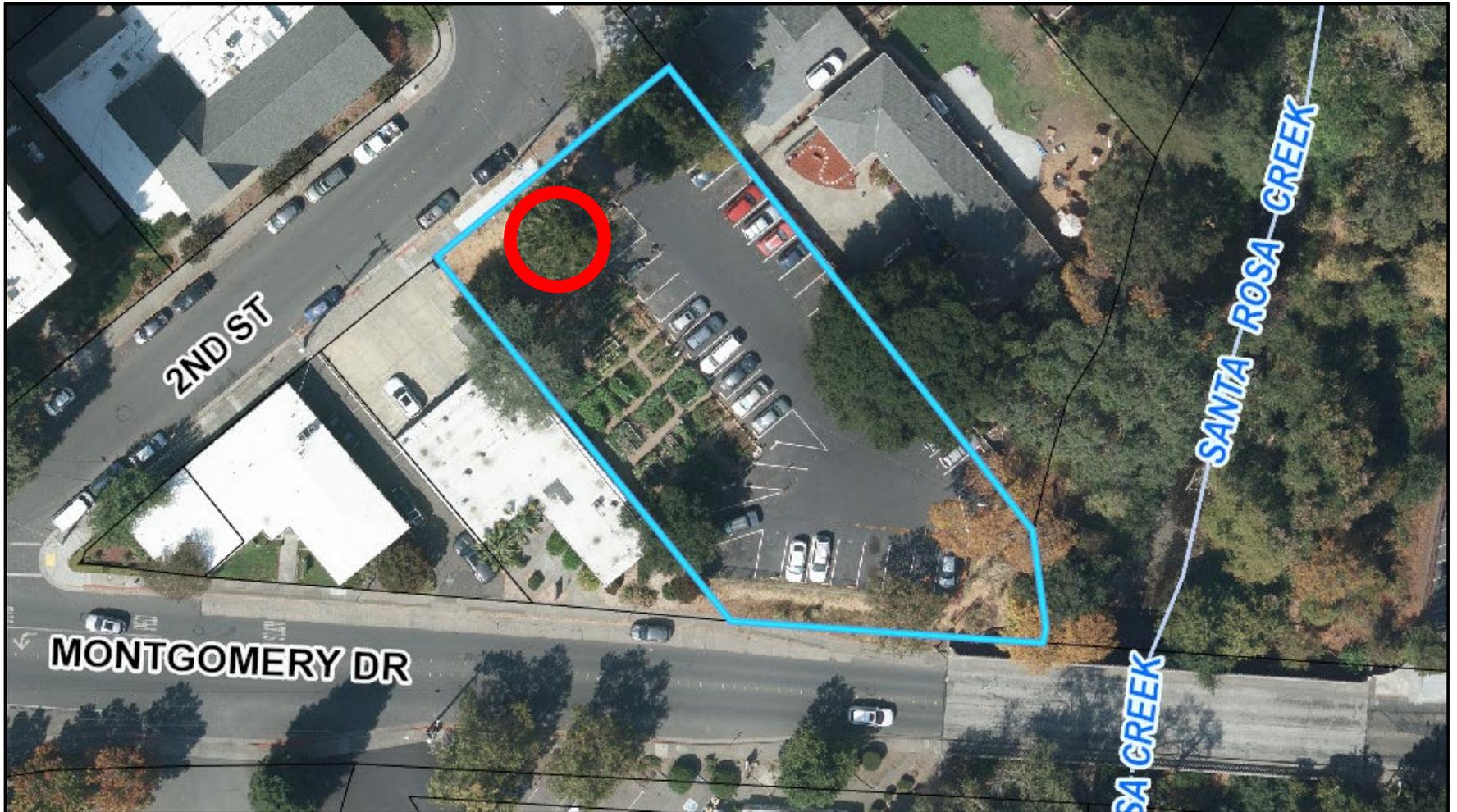
### Staff Response:

- Falling tree branches and cones is a maintenance issue.
- If required maintenance measures are implemented, the tree's overall risk factor is reduced to low.
- Roots lift sidewalks citywide. Property owners are responsible for the repairs.

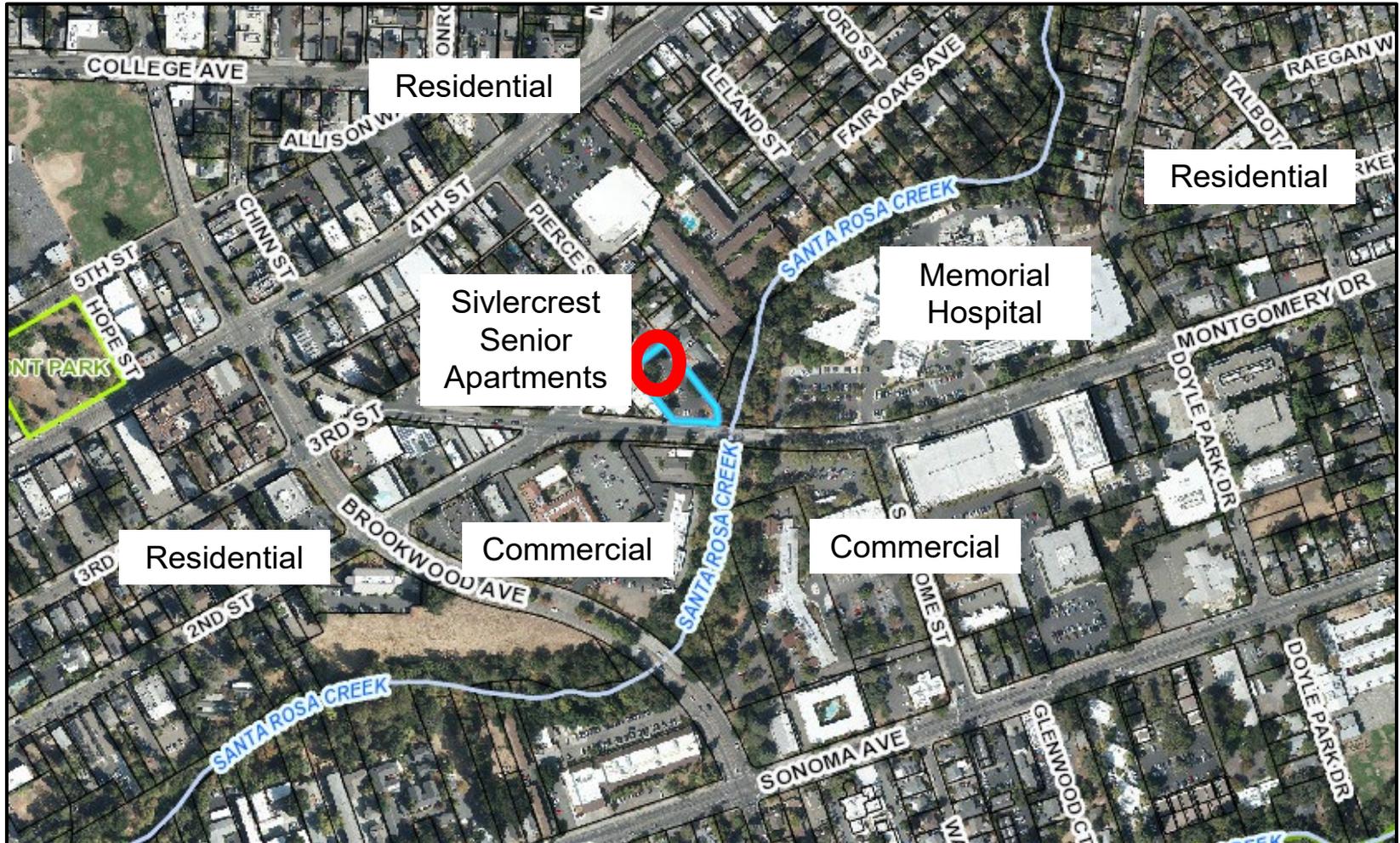
## Two evaluations completed; both very qualified arborists

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

# 1080 2<sup>nd</sup> Street – Aerial View

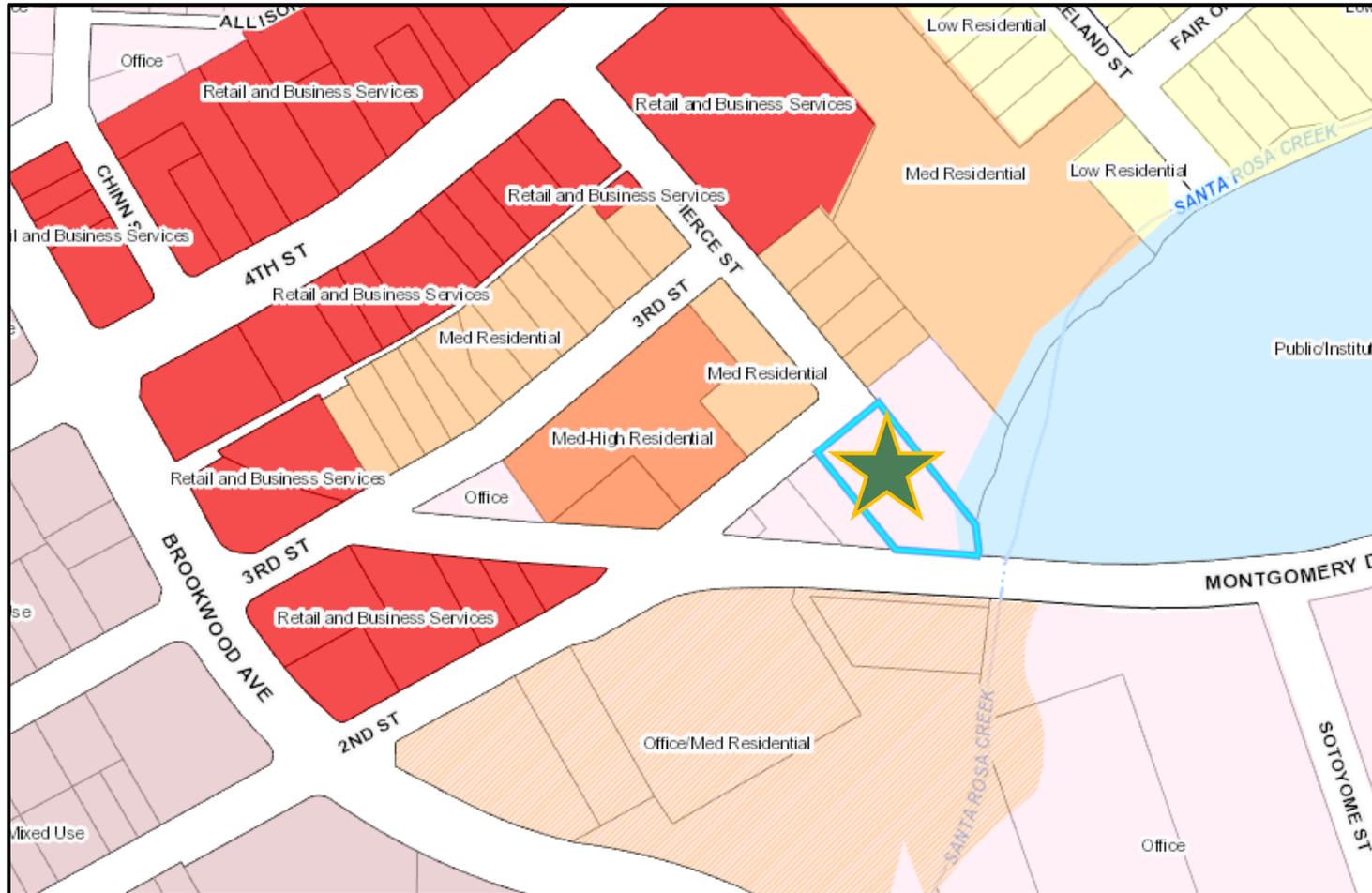


# Neighborhood Context



- **1<sup>st</sup> Application**
  - March 11, 1999 - Director approved the Tree Permit to remove the Bunya Bunya tree; the decision was appealed.
  - April 29, 1999 - Planning Commission upheld staff's decision.
  - June 8, 1999, Council granted the appeal and denied the Tree Permit.
- **2<sup>nd</sup> Application**
  - October 31, 2006 – Director denied the Tree Permit. No appeal was submitted.
- **3<sup>rd</sup> Application**
  - November 19, 2019 - Director denied the Tree Permit.
  - An Appeal application was submitted but lacked the required fee.

- 4<sup>th</sup> (subject) Application
  - September 1, 2022
    - Conflicting arborist reports
    - Both arborists agree on maintenance measures
  - March 3, 2023 - Director denied the permit.
  - March 13, 2023 - The subject Appeal application was submitted.



## 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
- 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)

# 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

## Several public comments received:

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



It is recommended by the Planning and Economic Development Department that the Planning Commission, by resolution, deny the Appeal and uphold the Director's decision to deny the Tree Permit requesting to remove the Bunya Bunya tree at 1080 2<sup>nd</sup> Street:

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