

RESOLUTION NO. PC-2023-021

RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF SANTA ROSA DENYING AN APPEAL AND UPHOLDING THE PLANNING AND ECONOMIC DEVELOPMENT DIRECTOR'S DENIAL OF A TREE PERMIT TO REMOVE AN APPROXIMATELY 125-FOOT ARAUCARIA BIDWILLII (BUNYA BUNYA TREE) AT 1080 2ND STREET, ASSESSOR'S PARCEL NO. 009-082-003; CITY FILE NO. TR22-062

WHEREAS, on March 11, 1999, the Community Development Director approved the removal of the then 80-foot Bunya Bunya tree (TR99-014) and the action was appealed by a member of the public; and

WHEREAS, on April 29, 1999, the Planning Commission adopted Resolution No. 9507, denying the Appeal and upholding the Community Development Department's approval to remove the Bunya Bunya tree, which was appealed; and

WHEREAS, on June 8, 1999, the City Council adopted Resolution No. 23993 granting an Appeal of the Planning Commission's decision to approve the removal of the Bunya Bunya tree, and denied the Tree Permit to remove the tree after making the following findings:

1. The Bunya Bunya tree is of significant size and maturity and provides great aesthetic benefit to all persons living in the vicinity.
2. The Bunya Bunya tree is one of a few existing mature specimens in Santa Rosa and that careless treatment and arbitrary removal of the tree would detract from the quality and attractiveness of the neighborhood.
3. Retaining the mature Bunya Bunya tree would be consistent with the City's Tree Ordinance in that protection of certain trees is essential to the maintenance of Santa Rosa's aesthetic value and heritage; and

WHEREAS, on October 31, 2006, a second Tree Permit application was submitted requesting to remove the Bunya Bunya tree. The application was denied, and no appeal was submitted; and

WHEREAS, on May 24, 2019, a third Tree Permit application was submitted requesting removal of the Bunya Bunya tree, which was denied on November 19, 2019. A timely Appeal application was submitted; however, only a partial fee was included. The appeal deadline was extended until December 18, 2019, to allow additional time to pay the remaining balance, but it was never remitted; and

WHEREAS, on September 1, 2022, the applicant submitted the fourth (subject) application requesting to remove the Bunya Bunya tree; and

WHEREAS, on March 3, 2023, the Planning and Economic Development Director denied the permit for two reasons: 1) The necessity to remove the tree because it is a hazard was not successfully demonstrated. Two consulting arborists, Sandborn Tree Service and Vintage Tree Care, agreed that cabling the three co-dominant leaders at the top of the tree, coupled with

regular maintenance to remove cones, thin foliage, and remove fallen debris would reduce the level of hazard. 2) Staff has received several public comments via telephone, email and letter, in opposition of removing the subject tree. The tree is loved by the community because of its historic value and its beauty; and

WHEREAS, an Arborist Report, prepared by Sandborn Tree Services, Inc., dated March 30, 2022, concluded that the Bunya Bunya tree located at 1080 2nd Street was an imminent hazard. This conclusion was drawn from a ground level inspection of the tree. In a subsequent conversation with Chip Sandborn, owner of Sandborn Tree Service, Inc., he agreed that implement measures, including but not limited to, cabling and possibly thinning the codominant stems at the top of the tree, removing cones before they are fully developed, thinning and lightening branches, and removal of ground debris would reduce the threat of injury or destruction; and

WHEREAS, an Arborist Report, prepared by Vintage Tree Care, dated February 5, 2023, concluded that, based on the current condition of the tree and processing it through the Tree Risk Assessment Qualifications (TRAQ) matrices (an industry standard), its overall risk rating is low, as it relates to likelihood for failure in addition to the likelihood for impact and consequences of failure to its target(s). This conclusion was drawn after climbing the tree and inspecting the conditions at the area where the codominant stems attach. The report, which includes documentation, recommended that, while a rating of "low" is the lowest achievable through this industry accepted risk evaluation system, there are still options available to manage the current risk, including but not limited to:

- Additional risk management tools include cabling and thinning the crown in the portion(s) above the stems' point of attachment.
- Continually monitor this tree for any changes from its current state, as well as manage the tree's weight distribution as appropriate; and

WHEREAS, on March 13, 2023, the subject Appeal application was submitted to Planning and Economic Development; and

WHEREAS, pursuant to City Code Section 17-24.050(B), the Director shall make a determination as to the acceptability of the requested tree removal based on the following considerations:

1. The overall condition of the tree, including any diseases and pests that may be attacking it, the tree's age with respect to its projected lifespan, the area the tree would hit if it, or any substantial part of it, were to fall, its symmetry and aesthetics, its proximity to existing structures, and any interference it has caused with underground or overhead utility lines.
2. The topography of land and the effect the tree alteration, removal, or relocation may have on possible erosion or soil retention problems or on increasing the flow or the diversion of surface waters.
3. The number, species, size, and location of other existing trees in the area and the effect the requested action will have on shade areas, air pollution, historic values, scenic beauty, and the general welfare of the City.

4. Whether the request is supported by good urban forestry practices and standards such as, but not limited to, the number of healthy trees that a given parcel of land will support; and

WHEREAS, in consideration of the above, supported by a significant amount of public response in opposition to the removal of the Bunya Bunya tree, it has been determined that the tree contributes to the area by providing aesthetic benefits, summer shade, and wildlife habitat. Trees of this significant a size and maturity perform these functions for all persons living in their vicinity, not only on the property on which they are located. If the tree remains, there will be no impact on drainage, and the subject site is not over-populated with other trees; and

WHEREAS, on August 24, 2023, a Risk Assessment, dated August 24, 2023, prepared by James MacNair, was provided. The Assessment concluded that:

1. The likelihood of cones dropping from the tree is rated as probable.
2. The likelihood of impact on people in the areas near the tree in the event of failure is medium to high, depending on the actual occupancy rate during the cone production season.
3. The consequence of a tree part (cone) impacting a person is rated as severe due to the potential for serious injury or death.
4. The risk rating of the tree is moderate to high.
5. The risk of upper crown trunk failure and branch failure are not detailed in this report (Assessment) but are likely low.

WHEREAS, in a subsequent memo, dated September 1, 2023, Mr. MacNair stated that, if the tree is retained, it will require installing a cabling system with reduction pruning and crown cleaning. Cable systems require annual inspection of the hardware, cable tension, and attachment points. With annual cable inspections, cone development could also be monitored. As the female cones are the most severe risk, removing the cones would reduce this risk.

NOW, THEREFORE, BE IT RESOLVED, that after consideration of the reports, documents, testimony, and other materials presented, and pursuant to City Code Chapter 17-24, the Planning Commission of the City of Santa Rosa finds and determines that:

- A. The findings made by the Council on June 8, 1999, Resolution No. 23993, as stated below, are still applicable:
 - a. The Bunya Bunya tree is of significant size and maturity and provides great aesthetic benefit to all persons living in the vicinity as demonstrated by public.
 - b. The Bunya Bunya tree is one of a few existing mature specimens in Santa Rosa and that careless treatment and arbitrary removal of the tree would detract from the quality and attractiveness of the neighborhood.
 - c. Retaining the mature Bunya Bunya tree would be consistent with the City's Tree Ordinance in that protection of certain trees is essential to the maintenance of Santa Rosa's aesthetic value and heritage; and

- B. The necessity to remove the tree because it is a hazard was not successfully demonstrated. Both arborists agree that protective measures, including, but not limited to, cabling the three co-dominant leaders at the top of the tree, regular maintenance to remove cones and thinning branches, and the removal of fallen debris will reduce the level of hazard.
- C. Staff has received several public comments via telephone, email and letter, in opposition of removing the subject tree. The tree is loved by the community because of its historic value and its beauty. Removal of the tree would have a negative impact on the welfare of the greater community.
- D. The tree is not over-crowded in its location; contrary, it stands solo where it can be viewed and appreciated by nearby Santa Rosa residents, visitors, and business operators.
- E. The project has been reviewed in compliance with the California Environmental Quality Act (CEQA). Pursuant to CEQA Guidelines Section 15061(b)(3), the project is exempt from CEQA because it can be seen with certainty that there is no possibility that the Planning Commission's action to deny the Tree Permit to remove the Bunya Bunya tree and preserve the status quo will have a significant effect on the environment.

BE IT FURTHER RESOLVED that the Planning Commission denies the Appeal and upholds the Planning and Economic Development Department's denial of the request to remove the Bunya Bunya tree at 1080 2nd Street, Santa Rosa, Assessor's Parcel No. 009-082-003.

REGULARLY PASSED AND ADOPTED by the Planning Commission of the City of Santa Rosa on the 14th day of September 2023, by the following vote:

AYES:

NOES:

ABSTAIN:

ABSENT:

APPROVED: _____
KAREN WEEKS, CHAIR

ATTEST: _____
JESSICA JONES, EXECUTIVE SECRETARY

