

# Capitola Planning Commission

## Agenda Report



**Meeting:** October 3, 2024  
**From:** Community Development Department  
**Address:** 709 Riverview Drive

---

**Project Description:** Permit #24-0351 Tree Removal Permit to remove one 85-inch Monterey Cypress tree with a future new residence project in the R-1 (Single-Family Residential) zoning district.

The project is in the Coastal Zone but does not require a Coastal Development Permit.

**Recommended Action:** Staff recommends the Planning Commission deny the application and advise the applicant to submit a tree removal request for consideration in conjunction with a complete application for a new residence.

**Alternative:** Approve application #24-0351 based on the Findings and with the Conditions of Approval listed below.

**Property Owner:** Brad Suchomel

**Representative:** Brad Suchomel, filed 09.04.2024

**Background:** The applicant is proposing to remove a healthy, 85-inch Monterey Cypress tree from the rear yard of the property. The applicant reported that the tree interferes with the location of their intended new residence, and they are requesting a determination from the Planning Commission of whether the tree can be removed along with a future development proposal. The applicant's goal is to obtain a determination on the tree prior to expending additional time and resources to prepare formal plans for review. The applicant has provided a statement of intent in attachment 3.

**Discussion:** The property at 709 Riverview Drive is a 5,367 square foot, mid-block rectangular lot within the Riverview neighborhood that is surrounded by one- and two-story single-family residences. The lot currently contains a modest ranch-style home built in 1952 with an attached garage. The applicant asserts an intention to demolish the existing building and construct a new residence in conjunction with a future Design Permit application. The applicant provided a preliminary site plan and conceptual footprint of the future new residence to show the proximity to the tree (attachment 1).

### Arborist Report

The applicant commissioned an arborist report prepared by Kurt Fouts and dated September 9, 2024. The report identifies the tree as an 85-inch Monterey Cypress (*Hesperocyparis macrocarpa*) that would benefit from pruning and maintenance but is otherwise in good health. The arborist estimates that the tree is 75 feet tall, has a canopy spread of 60 feet, and is between 50-60 years old. Monterey Cypress trees can live to be 200 years old but typically have a lifespan of less than 100 years.

### Community Tree and Forest Management Ordinance

Tree removal in Capitola follows two different processes. When a tree removal application is received staff will inspect the tree(s) to determine if they are damaging structures or present an immediate danger. The full findings for tree removal can be found at 12.12.180C and include the health or conditions of tree concerning disease infestation, or danger of falling, safety consideration, or situations where a tree has caused, or has the potential to cause, unreasonable property damage and/or interference with existing utility services. If staff cannot make the required findings, then an arborist report is commissioned to provide an expert opinion.

When tree removal is proposed in conjunction with a development application, the Planning Commission has full authority to approve or deny the tree removal and is not bound by the same findings. The Planning Commission routinely evaluates canopy coverage, proposed landscape, and development plans in a holistic approach to reach a determination for proposed tree removal in the context of the proposed development project. The Planning Commission may also consider other factors such as the age of existing trees, useful lifespan of proposed structures, best arboricultural practices, and better outcomes for a project and the community.

Pursuant to Section 12.12.180D, the city's goal is to maintain at least 15% canopy coverage for individual properties. Staff reviews existing and proposed tree canopy during the plan review process of development projects. On the subject property, the existing canopy coverage is 2,745 square feet, which is 51% of the property. If the Monterey Cypress tree were removed the canopy coverage would be reduced to 9% and mitigation plantings would be required to achieve the 15% canopy coverage goal. If the Planning Commission allows approval of the tree removal, staff is recommending that two, 24-inch box trees be included with the landscape plan for the future Design Permit (condition #2) and the removal be contingent on approval of a Design Permit for a new residence (condition #3).

### Considerations

- The tree is a large specimen at 85 inches and has a canopy spread of 60 feet.
- General ISA (International Society of Arboriculture) practices define the critical root zone as following the drip line (canopy).
- The property's buildable area (lot area excluding setback area) is 2,695 square feet.
- The critical root zone covers 1,100 square feet or 41% of the buildable area.
- Accommodation of the tree would require major efforts to design around the tree and/or the use an atypical foundation type (piers) to minimize impacting the critical root zone.
- The tree is past the mid-point of its typical lifespan.

### Recommendation

The current request is for the Planning Commission to permit the removal of a tree due to a future development application. Any conceivable single-family home design on this property will include either an application for removal or a need for significant pruning of the tree. Staff is concerned that the current request is premature and would require action on only a portion of a future development application without having the benefit of reviewing the application in its entirety. Staff recommends the Planning Commission deny the request, defer action now, and make a fully informed decision regarding the tree removal during the review of the future project application.

### Alternative

If the Planning Commission approves the application, staff recommends the draft findings and conditions of approval included below be included in the motion.

**CEQA:** Section 15303 of the CEQA Guidelines exempts the construction of a single-family residence and accessory structures in a residential zone and 15304 exempts landscaping projects for single-family homes. This project involves the future demolition of an existing single-family residence and construction of a new single-family residence with new landscaping within the R-1 (single-family residence) Zoning District.

### **Conditions of Approval:**

1. This approval consists of the removal of one 85-inch Monterey Cypress tree. The tree removal is approved as indicated on the conceptual site plan reviewed and approved by the Planning Commission on October 3, 2024. The conceptual building footprint shown on the plan is included for reference only and is not part of this approval.

2. The tree may not be removed until the applicant secures Design Permit approval for a new residence.
3. The applicant shall propose two 24-inch box-sized replacement trees at a 2:1 ratio with the plans for Design Permit. The replacement trees shall not be fruit trees. The proposed landscape plan shall demonstrate compliance with the 15% canopy coverage requirement.
4. This approval is issued pending the approval of a Design Permit for a new residence. This permit shall expire two years from the date of issuance if a Design Permit for a new residence is not secured by the applicant.

**Tree Removal Findings:**

- A. The application, subject to the conditions imposed, will secure the purposes of the Community Tree and Forest Management Ordinance including the city goal of 15 percent canopy coverage.**

Community Development Department Staff and the Planning Commission have both reviewed the proposed tree removal and conceptual building footprint project. The project will involve demolition, regrading, and a new foundation. The project will require discretionary review by the Planning Commission. The application, subject to the conditions imposed, will secure the purposes of the Community Tree and Forest Management Ordinance to meet the city goal of 15 percent canopy coverage.

- B. The project secures the overall goals of the Community Tree and Forest Management Ordinance to protect and increase the level of tree cover on public and private lands within the city, maintain trees in a healthy and non-hazardous condition, and promote planting of additional trees to increase tree cover (hereby referred to as canopy coverage) throughout the city.**

The proposal would result in a renewed landscape plan that would be adapted to the future new residence. At maturity the mitigation plantings would exceed the minimum goal for properties of 15% canopy coverage.

- C. The project secures the policy of the city to encourage new tree planting on public and private property and to cultivate a flourishing community forest.**

The proposal would remove one tree and add two new trees. The new trees would be adapted to the new development and would have a longer lifespan than the Monterey Cypress tree that is currently in the middle of its life cycle.

- D. On individual lots, it is the goal of the city to maintain fifteen percent coverage of tree canopy, consisting of flowering, deciduous, and evergreen trees, to be enforced on an on-going basis via the design review process.** The proposal, subject to the conditions imposed, would secure the goal of maintaining canopy coverage on individual lots with trees that are more compatible with the future development.

**Attachments:**

1. 709 Riverview Drive – Concept Site Plan
2. Arborist Report – Kurt Fouts, dated 9/9/2024
3. Owner’s Statement

Report Prepared By: Brian Froelich, Senior Planner

Reviewed By: Rosie Wyatt, Acting Deputy City Clerk

Approved By: Katie Herlihy, Community Development Director