

# Capitola Planning Commission

## Agenda Report



**Meeting:** August 18, 2022

**From:** Community Development Department

**Topic:** Wharf Road Tree Removals

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**Permit Number: #22-0243**

### **Wharf Road and Stockton Avenue Intersection**

Tree Removal Permit for the removal of two canary island pine trees located within the MU-V (Mixed Use Village) zoning district.

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

Environmental Determination: Categorical Exemption

Property Owner: City of Capitola

Representative: City of Capitola, Filed: 06.06.2022

### **Applicant Proposal:**

The Public Works department is proposing to remove two city trees within the MU-V (Mixed Use Village) zoning district. Due to the potential for public interest, the application is being deferred to the Planning Commission.

### **Background:**

On May 23, 2022, staff contracted arborist Kurt Fouts (hereafter 'arborist') to assess the trees and inspected the site together.

On May 31, 2022, the arborist submitted a written report (Attachment 1), recommending that one pine tree be removed, and one pine be preserved with mitigations.

### **Discussion:**

The City is requesting to remove two maturing canary island pine trees along a three-way intersection of Wharf Road, Stockton Avenue, and Cliff Drive. The trees are spaced 10 feet apart, situated between the existing sidewalk and roadway. The trees are between 24 and 28 inches in diameter and approximately 50 and 55-feet tall. The trees are not located within an environmentally sensitive habitat area.

There is consensus between the arborist and staff that the trees are in fair health, possess over-extended limbs and structural deficiencies, and are damaging surrounding public improvements due to root growth. The arborist and staff agree that root damage from tree #2 poses an unmitigable circumstance and recommend removal of the tree. For tree #1, the arborist is recommending mitigating root-related damage and the City would prefer removal.

### **Community Tree and Forest Management Ordinance**

Under the City's Community Tree and Forest Management Ordinance, Municipal Code Section 12.12.180(C) allows Public Works staff to approve the removal of a non-heritage tree if it can make all the findings in subsections (C)(1) through (C)(4). If, after conducting an inspection, public

works staff cannot make the required findings, the City may contract an arborist to prepare an arborist report.

The Planning Commission may approve the permit based on the findings of Section 12.12.180(C)(1) through (C)(4), as listed below.

1. The tree removal is in the public interest based on one of the following:
  - (a). Because of the health or condition of the tree, with respect to disease infestation, or danger of falling.

Analysis: Both trees are in fair condition but are structurally deficient. Tree #1 has a lean towards the center of the street with overextended limbs. Tree #2 has a lean and weight bias over the sidewalk towards the Stockton Bridge. The arborist notes the structural defects of the trees do not substantially increase risk of total tree failure.
  - (b). The tree poses a safety concern without mitigating action.

Analysis: The trees pose a low safety concern without mitigating action.
  - (c). In situations where a tree has caused, or has the potential to cause, unreasonable property damage and/or interference with existing utility services.

Analysis: Both trees have caused substantial damage to sidewalk, curb/gutter, and asphalt due to root growth. Continued growth will likely cause further damage and remain a long-term cost and maintenance issue for the city. The arborist noted that there are inherent limitations due to the constrained planting area and surrounding infrastructure that limit the options for long term mitigation.
2. All possible and feasible alternatives to tree removal have been evaluated, including, but not limited to undergrounding of utilities, selective root cutting, trimming and relocation.

Analysis: Feasibility of alternatives to tree removal have been considered. Staff and the arborist agree that there are no feasible alternatives for tree #2. The arborist recommends that concerns regarding tree #1 may be cumulatively addressed with a combination crown reduction, branch tipping, root pruning, the installation of root barriers, and should they be replaced, rebar-reinforced hardscapes. Staff believes that preserving the tree will likely result in renewed and extensive root-related damage.
3. The type, size and schedule for planting replacement trees is specified and shall be concurrent with the tree removal or prior to it, in accordance with Section 12.12.190(F) and (G).

Analysis: The Public Works Department performs city-wide tree plantings and maintenance on a continuous basis. Additionally, the City intends to plant two replacement trees on site.
4. The removal of the tree would not be contrary to the purposes of this chapter and Chapter 17.95.

Staff Analysis: The property is not located within an environmentally sensitive habitat area. The proposed removal is consistent with the Community Tree and Forest Management ordinance and Chapter 17.95 for Environmentally Sensitive Habitats.

**Recommendation:**

Staff recommends the Planning Commission approve the removal of both canary island pine trees.

**Conditions of Approval:**

1. The project approved consists of a tree removal permit for the removal of two canary island pine trees within the public right-of-way at the intersection of Wharf Road and Stockton Avenue. The project is approved as described in the staff report by the Planning Commission on August 18, 2022, except as modified through conditions imposed by the Planning Commission during the hearing.
2. Following the removals, the City shall replant trees at a 1:1 ratio.

**Attachments:**

1. Wharf Road Pines – Arborist Report – 05.31.22
2. Wharf Road Pines – Public Comments

**Findings:**

**A. The removal of the tree is in the public interest with respect to unreasonable existing and potential property damage.**

Both trees have caused substantial damage to public property including the adjacent sidewalk, curb, and gutter. The trees have the potential to cause further unreasonable property damage.

**B. There are no feasible alternatives to tree removal that secure the purposes of the Community Tree and Forest Management Ordinance.**

The Planning Commission reviewed the application and staff review and found that there are no feasible alternatives to tree removal that could be implemented that would stop existing property damage or reduce risk to life and property without seriously harming or killing the tree. Specifically, root pruning and root barriers may not reasonably stop future damage to public property. Furthermore, root pruning close to the tree trunks may worsen the health and stability of the trees and increase risk of total tree failures.

**C. The type, size and schedule for planting replacement trees is specified and shall be concurrent with the tree removal or prior to it, in accordance with Section 12.12.190(F) and (G).**

The property is not located within an environmentally sensitive habitat area. The proposed removal is consistent with the Community Tree and Forest Management ordinance and Chapter 17.95 for Environmentally Sensitive Habitats.

**D. The removal of the tree would not be contrary to the purposes of this chapter and Chapter 17.95.**

The property is not located within an environmentally sensitive habitat area. The proposed removal is consistent with the Community Tree and Forest Management ordinance and Chapter 17.95 for Environmentally Sensitive Habitats.