Atascadero City Council

Staff Report - Community Development Department

PPN 2004-0141 Amendment
Atascadero City Hall Repair and Rehabilitation Project
Certification of Amended Mitigated Negative Declaration
(City of Atascadero)

RECOMMENDATION:

Council adopt Draft Resolution A, certifying an amendment to Mitigated Negative Declaration 2006-0038 for the Atascadero City Hall Repair Project, which includes the removal of the remaining two (2) deodar cedar trees on Palma with incorporated mitigation.

DISCUSSION:

Background: In January 2007, Mitigated Negative Declaration 2006-0038 was completed to evaluate the environmental impacts of the proposed City Hall repair and rehabilitation project. Grant funding associated with the project required that an environmental document be prepared in order to analyze the specific methods of proposed repair and restoration work. No changes were proposed to the surrounding site or landscape in the original project proposal.

In October 2010, an amendment to the original Mitigated Negative Declaration 2006-0038 (MND) was circulated and then certified by City Council. The October 2010 MND amendment included the removal of four (4) mature deodar cedar trees (located on Lewis Avenue and East Mall) and one (1) mature Italian cypress in order to access the building and complete the necessary repairs. As the construction plan was formulated by Bernard’s and City staff in early 2010, it became clear that the building construction have major impacts on the mature trees, and the repair work could not be completed without creating better access and clearance around the building. In an effort to maintain the appearance of the site from as seen from the Sunken Gardens, the two large deodar cedars in the front of City Hall next to Palma Avenue (A1 and A2, per the arborist report) were proposed to remain on site and be protected during construction.
Analysis: A second amendment to the City Hall project MND is currently being proposed to remove the two remaining deodar cedar trees on Palma Ave. The deodar cedar trees are non-native trees which are not protected by the City’s tree Ordinance. However, based on historic photographic evidence and the size of the trees, staff has concluded that eight deodar cedar trees were planted around the building within the first ten years of the completion of City Hall and are therefore part of the historic nature of the site. Efforts have been made to protect the two remaining trees and work around them during construction, as required by the 2010 amended MND. However, as construction on site has begun over the past several months, it has become clear that it will be very difficult to complete the work on the front of the building and the foundation while providing the distance and protection that these trees need to survive. The equipment and construction work on the foundation and exterior will inevitably have permanent effects on the remaining two trees. In addition to limiting access to the building, working around the trees also adds time, cost, and concern for safety to the project.

The appearance and longevity of the two remaining trees has also been raised as a concern. The two remaining deodar cedars on Palma Avenue do not reflect the symmetrical pattern on the historic landscape design, which included eight deodar cedars placed evenly around the building and spaced between the fountains on each corner of the site. The two remaining trees on Palma are uneven in height and width, are in fairly poor condition. The trees are towards the end of their lifespan, with previous loss of limbs, co-dominant structures, unhealed scars, and deadwood.

Preserving the remaining two deodar cedars also limits the type of landscape which can be installed on site after completion of the building repairs. The arborist has recommended that there should not be any site construction, landscape boarders, and limited new plantings installed under the trees as these impacts can cause additional root damage and stress to the trees. Removing the two remaining mature trees would allow for a completely new landscape to be installed to enhance the restored historic building for decades to come.
Tree Protection Plan for Preservation of the 2 Deodar Cedar Trees on Palma Avenue

- 2 deodar cedars proposed for removal with 2011 amendment to MND
- Chain link fencing to prevent equipment from entering critical root zone
- Geogrid matting with gravel base for equipment access
Arborist’s evaluation of the two remaining trees:

A1 – Deodar cedar (Cedrus deodara)
Location: South side, approximately 35 feet from the edge of the building (to trunk).
DBH (Diameter at Breast Height): 48 inches
Canopy Radius (measured from trunk): 24 feet
Tree Characteristics: tree has co-dominant structure, two previous limb failures, and an unhealed scar at the primary branch union. Some pruning has been performed to achieve sidewalk and street clearance.

A2 – Deodar cedar (Cedrus deodara)
Location: South side; canopy touches building
DBH: 88 inches (combined)
Canopy Radius: 32 feet
Tree Characteristics: tree has co-dominant structure and significant deadwood. Some pruning has been performed to achieve sidewalk and street clearance.

Photo of the 2 remaining Deodar Cedar Trees as Viewed from the Sunken Gardens
Environmental Review: An amendment to previously certified Mitigated Negative Declaration 2006-0038 was completed and distributed to the public for review on May 26, 2011. Notifications were sent to the State Clearinghouse, FEMA, CalEMA, and the Office of Historic Preservation, along with the standard mailing list for environmental documents. No public comments have been received as of the date of staff report printing.

The only project change included with the current 2011 MND Amendment is the proposed removal of the two (2) mature deodar cedar trees in front of the building on Palma Avenue with mitigation. The mitigation measure regarding preservation of the trees and the associated tree protection measures have been removed.

The mitigation measure regarding landscaping the site upon completion of the construction has been modified to include historic landscape consultant review of the proposed landscape plan. Since an entirely new landscape will be installed to replace the large deodar cedar trees, it is important the design enhances the building and protects the historic nature of the site.

Proposed Mitigation Measure A-1. The site shall be relandscaped upon completion of construction in order to mitigate the visual impacts of the tree removals. A landscape plan prepared by a qualified landscape professional shall be designed with input from the Atascadero Historical Society, City staff, and a historical landscape consultant. The landscape plan shall be designed to enhance the historic character of the site.

Conclusion: A revised Mitigated Negative Declaration with amended mitigation measures has been circulated for public review. The amendment proposes the removal of the two remaining deodar cedar trees on Palma Avenue. Mitigation measures have been incorporated into the amended CEQA document to require historic landscape consultant review of the proposed landscape plan prior to installation at building completion. The proposed Amended Mitigated Negative Declaration is attached to this report for certification by the City Council.

FISCAL IMPACT:

If the trees are to remain and be protected during construction, there will be cost associated with the required arborist monitoring, tree protection measures, tree maintenance and pruning, and additional construction labor for working around the trees.
The following costs would be associated with saving the two trees:

- Certified Arborist monitoring throughout construction: $36,800
  (Supervision during TPP installation & initial pruning; plus 12 hours per month of site monitoring for 3 years)

- Tree protection measures required by tree protection plan $16,980
  (fencing, rock base & matting, mulch)

- Watering and maintenance by Public Works staff in accordance with tree protection plan: $3,000

- Additional construction labor cost associated with avoiding the tree protection zone: Minimum $10,000

- Pruning trees after construction Cost unknown

| Total cost associated with saving the trees | Minimum $66,780 plus tree pruning |

Estimates for the removal of the two remaining trees are approximately $9,500 for both trees. The estimate includes grinding both stumps. Therefore, removal of the two deodar cedar trees would cost less than saving the trees, with a net saving of least $57,000 in project costs.

ALTERNATIVES:

1. The City Council may make minor modifications to proposed mitigation measures.

2. The City Council may determine that more information is needed on some aspect of the MND and may refer the item back to staff.

ATTACHMENT:

Draft Resolution A: Certification of Draft Amended Mitigated Negative Declaration
A RESOLUTION OF THE CITY COUNCIL
OF THE CITY OF ATASCADERO, CALIFORNIA, CERTIFYING THE
2011 AMENDED MITIGATED NEGATIVE DECLARATION FOR THE
CITY HALL REHABILITATION PROJECT
PPN 2004-0141 AMENDMENT
(City of Atascadero)

WHEREAS, the original Initial Study and Mitigated Negative Declaration 2006-0038 were prepared for the City Hall rehabilitation project, made available for public review in accordance with the requirements of the California Environmental Quality Act (CEQA), and certified by the City Council on January 23, 2007; and,

WHEREAS, an amendment to the Initial Study and Mitigated Negative Declaration 2006-0038 was prepared to propose the removal of one Italian cypress tree and the four deodar cedar trees on East Mall and Lewis Ave., made available for public review in accordance with the requirements of the California Environmental Quality Act (CEQA), and certified by the City Council on October 12, 2010; and,

WHEREAS, a second amendment to the Initial Study and Draft Amended Mitigated Negative Declaration 2006-0038 has been prepared for the project and made available for public review in accordance with the requirements of the California Environmental Quality Act (CEQA) and includes the removal of the two remaining deodar cedar trees on Palma Avenue subject to incorporated mitigation measures; and,

WHEREAS, the laws and regulations relating to the preparation and public notice of environmental documents, as set forth in the State and local guidelines for implementation of the California Environmental Quality Act (CEQA) have been adhered to; and,

WHEREAS, the City Council of the City of Atascadero held a public hearing on June 28, 2011 following the close of the review period to consider the Initial Study and Proposed Amended Mitigated Negative Declaration; and,

NOW, THEREFORE, the Atascadero City Council, at a public hearing held on June 28, 2011, hereby resolves to certify an Amendment to Mitigated Negative Declaration 2006-0038 based on the following Findings as shown on Exhibit A:

1. The Proposed Mitigated Negative Declaration has been completed in compliance with CEQA; and,

2. The project does not have the potential to degrade the environment when mitigation measures are incorporated into the project.
3. The project will not achieve short-term to the disadvantage of long-term environmental goals.

4. The project does not have impacts which are individually limited, but cumulatively considerable.

5. The project will not cause substantial adverse effects on human beings either directly or indirectly.

Exhibit A: Proposed Amended Mitigated Negative Declaration 2006-0038

On motion by Council Member _____________ and seconded by Council Member ________________, the foregoing Resolution is hereby adopted in its entirety on the following roll call vote:

CITY OF ATASCADERO

By: ________________________
   Tom O’Malley, Mayor

ATTEST:

_____________________________________
Marcia McClure Torgerson, C.M.C., City Clerk

APPROVED AS TO FORM:

_____________________________________
Brian A. Pierik, City Attorney
EXHIBIT A: Proposed Amended Mitigated Negative Declaration

(Click here to access link.)