Recommends the Council adopt Draft Resolution A, certifying the historic Atascadero City Hall Rehabilitation and Rehabilitation Project Amended Mitigated Negative Declaration 2006-0038, which includes removal of four Deodar Cedar trees and one Italian Cypress tree with incorporated mitigation.

Discussion:

Background: In December of 2006, the City circulated a Mitigated Negative Declaration which evaluated 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. The CEQA document was reviewed and certified by the Atascadero City Council in January 2007.

The 2006 Mitigated Negative Declaration (MND) for the City Hall repair project stated that the seven large and mature trees located in the lawn areas surrounding City Hall would be protected and preserved during the restoration project. Six of the trees are Deodar Cedars (trees A1 through A6) and the seventh tree is an Italian Cypress (A7). Based on historic photographic evidence and the size of the trees, staff has concluded that all of these trees were planted within the first ten years of the completion of City Hall.

As part of the building permit process for the project, the City Arborist, Davey Resource Group (Davey), prepared a tree protection plan (TPP) for City Hall that would preserve the seven trees consistent with the MND. Davey prepared the TPP in close consultation with City staff and the Construction Management company, (Bernard's Construction) in Spring 2010. In order to save the trees, tree protection
fencing and matting were identified to protect the roots of the trees throughout the site.

Bernard’s has identified concerns about the access limitations the large trees and the tree protection measures create and the additional complications to the construction project. There are also concerns about the permanent effects that the construction would have on the mature trees. The construction work plan calls for excavation of the perimeter of the building foundation and free standing scaffoldings on the exterior, in addition to the use of large, heavy equipment throughout the site. A 20-foot clear area around the building is needed. In order to accomplish this, significant pruning of the trees would be required and much of the critical root zone would be disturbed and compacted over the two to three year construction period. The limbs of the trees would need to be raised and cut back away from the building, causing irreversible damage to the trees. As a result, there is a high probability that many of the trees would not survive the construction process despite the City’s best efforts for protection. The project contractor has concerns about the working around any trees on the site. Those concerns include:

- Stability and maintenance of root protection drive path tree protection matting;
- Constraints on perimeter foundation excavations and stockpiles;
- Safety of crews and equipment working on root protection matting areas;
- Increased costs of avoiding, pruning and working around trees.

On August 10, 2010, the City Council reviewed an issues and options report regarding the historic trees which are interfering with the proposed work. After reviewing several options, including removal of all, none, or only some of the seven trees, the Council directed staff to revise and recirculate the City Hall Repair Project Mitigated Negative Declaration (PPN 2004-0141) to allow for the removal of four of the Deodar Cedar trees on the East Mall frontage (A3 and A4) and on Lewis Avenue (A5 and A6) and one Italian Cypress tree (A7) on the West Mall frontage. The two Deodar Cedar trees along Palma Avenue (A1 and A2) were to remain.

Analysis: An amendment to the original 2006 MND for the City Hall restoration project has been circulated in accordance with CEQA guidelines. Four (4) mature deodar cedar trees (A3 through A6) and one (1) mature Italian cypress (A7) are proposed for removal in order to access the building and complete the repairs. These trees are interfering with the construction access to the building. The two large deodar cedars in the front of City Hall next to Palma Avenue (A1 and A2) are proposed to remain on site in order to preserve this view of City Hall from the Sunken Gardens. By removing the other five trees, the two cedars along Palma can be properly protected during construction and equipment can be redirected away from the critical root zone of these two trees during construction in an effort to save the two most critical trees.
Neither the Deodar Cedar nor the Italian Cypress are native trees that are protected by the City’s Tree Protection Ordinance. However, the trees are part of the historic setting of the Atascadero City Hall and, therefore, are covered under the National Register of Historic Places designation. Based on historic photographic evidence and the size of the trees, Staff has concluded that these are the remaining trees from a formal landscape which was planted a few years after completion of the original City Hall building. The arborist estimates that these trees are about 90 years old. Deodar Cedars typically have a life span of up to 130 years.
Administration Building Renovation Site: Significant 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.

A3 – Deodar cedar (Cedrus deodara)
Location: East side, approximately 31 feet from edge of building (to trunk)
DBH: 48 inches
Canopy Radius: 27
Tree Characteristics: Tree has significant lean towards street and overall poor structure.

A4 – Deodar cedar (Cedrus deodara)
Location: East side, canopy touches building
DBH: 54 inches
Canopy Radius: 28 feet
Tree Characteristics: Tree has co-dominant, poor structure, and evidence of multiple previous limb failures. Overall canopy is combined with that of A3.
The Draft Amendment to Mitigated Negative Declaration 2006-0038 was completed and distributed to the public for review on September 10, 2010. Notifications were sent to the State Clearinghouse, FEMA, CalEMA, and the Office of Historic Preservation, along with the standard mailing list for environmental documents. The public notification requested any public comment to be submitted to the City by

**Environmental:**

**A5 – Deodar cedar (Cedrus deodara)**
**Location:** North side, approximately 35 feet from front steps, and 45 feet from building.
**DBH:** 49 inches
**Canopy Radius:** 25 feet
**Tree Characteristics:** Tree has overall good structure with some current clearance pruning over street. *Note:* old handicap access ramp should be removed for equipment access.

**A6 – Deodar cedar (Cedrus deodara)**
**Location:** North side, approximately 41 feet from front steps, and 51 feet from building.
**DBH:** 53 inches
**Canopy Radius:** 32 feet
**Tree Characteristics:** Tree leans and has poor structure. Asphalt driveway under canopy.

**A7 – Italian cypress (Cupressus sempervirens)**
**Location:** Southwest side, approximately 21 feet from building
**DBH:** 42 inches
**Canopy Radius:** N/A
**Tree Characteristics:** Tree developed multi-trunk form because of previous “sheer” pruning. Only Italian cypress on site, but is approximately the same age as the other site trees.
October 9, 2010. No public comments have been received as of the date of staff report printing.

Additional mitigation measures have been incorporated into the Amended Mitigated Negative Declaration in order to mitigate the proposed tree removals. The two Deodar Cedar trees on Palma Avenue shall be protected during construction. The project arborist has prepared a revised tree protection plan for these two trees. All required protection measures (including fencing, matting, and tree wraps) will be installed and maintained throughout construction. The site shall be re-landscaped 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 submitted with building permits for approval. The Atascadero Historical Society shall be consulted when choosing the plant material for the new landscape. If tree removals are proposed between March 15th and August 15th, nesting bird surveys shall be conducted to ensure that existing nesting habitat shall not be disturbed.

Conclusion: A revised Mitigated Negative Declaration has been circulated for the changes to the proposed project, consistent with August 2010 Council direction. Four Deodar Cedar trees (A3 through A6) and one Italian Cypress tree (A7) are proposed to be removed in order to complete the City Hall reconstruction and restoration. Mitigation measures have been incorporated into the amended CEQA document in order to mitigate the removals. The two mature Deodar Cedar trees on Palma (A1 and A2) shall be protected during construction, and the site shall be re-landscaped upon project completion. The proposed Amended Mitigated Negative Declaration is attached to this report for certification by the City Council.

FISCAL IMPACT:

Costs associated with the tree removals are unknown at this time. Bernard’s will be releasing a request for proposal to obtain bids for the five tree removals.

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.

ATTACHMENTS:

Attachment 1: Draft Resolution A: Proposed Initial Study and Draft Amended Mitigated Negative Declaration
ATTACHMENT 1: Draft Resolution A
Proposed Initial Study and Draft Amended Mitigated Negative Declaration

DRAFT RESOLUTION A

A RESOLUTION OF THE CITY COUNCIL
OF THE CITY OF ATASCADERO, CALIFORNIA, CERTIFYING CITY
HALL REHABILITATION PROJECT
AMENDED MITIGATED NEGATIVE DECLARATION
PPN 2004-0141 AMENDMENT
(City of Atascadero)

WHEREAS, the City Council of the City of Atascadero, Atascadero, CA directed staff to recirculate the December 2006 Mitigated Negative Declaration for the repair and rehabilitation of City Hall, located at 6500 Palma Avenue; and,

WHEREAS, an Initial Study and Draft Amended Mitigated Negative Declaration 2006-0038 were prepared for the project and made available for public review in accordance with the requirements of the California Environmental Quality Act (CEQA); 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 October 12, 2010 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 October 12, 2010, 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: Draft 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: ____________________________
    Roberta Fonzi, Mayor

ATTEST:

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

APPROVED AS TO FORM:

______________________________
Brian A. Pierik, City Attorney
EXHIBIT A: Draft Amended Mitigated Negative Declaration

See following