

**FRONT YARD SET BACK TREE REMOVAL  
REQUEST**

Continued from  
May 2017

*Date:* 4/24/17

*Requested by:* Thomas and Cheryl Banigan

*Address:* [tbanigan@gmail.com](mailto:tbanigan@gmail.com) and [cbanigan@cox.net](mailto:cbanigan@cox.net)

*Location of Tree:* 636 Ricardo Ave., Santa Barbara, CA 93109

*Tree Species:* *Calocedrus decurrens*      *Common Name:* Incense Cedar

*Zoning/Setback:* E – 1 30' Setback

*Reason for Removal:* Poor tree health, cracking garden wall and garage slab, and possible plumbing intrusion.

*Proposed Replacement:* Yes  with *Ficus*      No

*Advisory Committee Recommendation:* Approve Removal:       Deny Removal:

*Staff Recommendation:* Approve Removal:       Deny Removal:

*Date Posted:* 8/10/17

*Comments:* The Committee (4/0) recommends that the Commission deny removal.

**PHOTO INVENTORY**



APR 21 2017

PARK & RECREATION  
PARKS DIVISION



City of Santa Barbara  
Parks and Recreation Department  
SETBACK TREE REMOVAL APPLICATION

**Mailing Address:**  
PO Box 1990  
Santa Barbara, CA 93102  
(805) 564-5433

**Physical Address:**  
402 E. Ortega St.  
Santa Barbara, CA 93101  
FAX (805) 897-2524

*PAID*

Application Fee: \$50 (effective July 1, 2010)

DATE OF REQUEST:	4/20/2017
APPLICANT:	Thomas and Cheryl Banigan
OWNER NAME (IF DIFFERENT THAN APPLICANT):	<i>tbanigan@gmail.com</i> <i>cbanigan@cox.net</i>
MAILING/EMAIL ADDRESS:	636 Ricardo Avenue Santa Barbara, CA 93109
DAYTIME PHONE:	805 275-2365
LOCATION OF TREE (ADDRESS):	636 Ricardo Avenue
TREE SPECIES (IF KNOWN):	cedar
REASON(S) FOR REMOVAL:	1.) poor tree health 2.) cracking garden wall and garage slab 3.) possible plumbing intrusion
TREES WILL BE REPLACED?	<input checked="" type="checkbox"/> YES WITH: ficus <input type="checkbox"/> NO

PROVIDE THE FOLLOWING SUPPLEMENTAL INFORMATION

- Property owner letter, indicating reasons for removal. Also include whether:
  - The removal application is associated with new development or redevelopment of property;
  - Status of development application, including whether the project is scheduled for review by the Single Family Design Board, Architectural Board of Review, or Historic Landmarks Commission;
  - The tree is a designated Specimen or Historic Tree or located on a property with a designated Historic Landmark;
- Photo of tree(s) proposed for removal
- Development plan/Landscape plan

April 20, 2017

City of Santa Barbara  
Parks and Recreation Dept.

Dear Permit Reviewer,

At this time, we wish to request approval for removal of a cedar tree in front of our house at 636 Ricardo Avenue, SB. Although we have enjoyed this tree for several decades, it has reached a size and health condition which is no longer suitable in our front yard.

Visually, and as confirmed by an ISA Certified Arborist (#WE-4003B), the tree is in poor health and significant recovery is not likely. It is currently causing structural damage to a garden wall and has caused cracking on the length of the garage slab. There is also possibility it has contributed to underground plumbing issues.

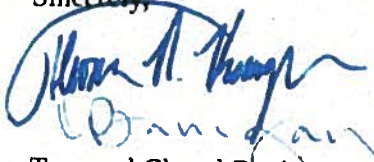
Removal is not associated with a new development or a redevelopment.

The tree is not a designated specimen, historic tree or located on a property with a designated historic landmark.

We intend to replace this tree with a ficus benjamina.

We appreciate your review of our application.

Sincerely,



Tom and Cheryl Banigan



## **Gosnell Tree & Landscape, Inc.**

1088 N. Fairview Avenue, Goleta, CA 93117 · Phone 805-963-2523 · Fax 805-899-4063

To Whom It May Concern:

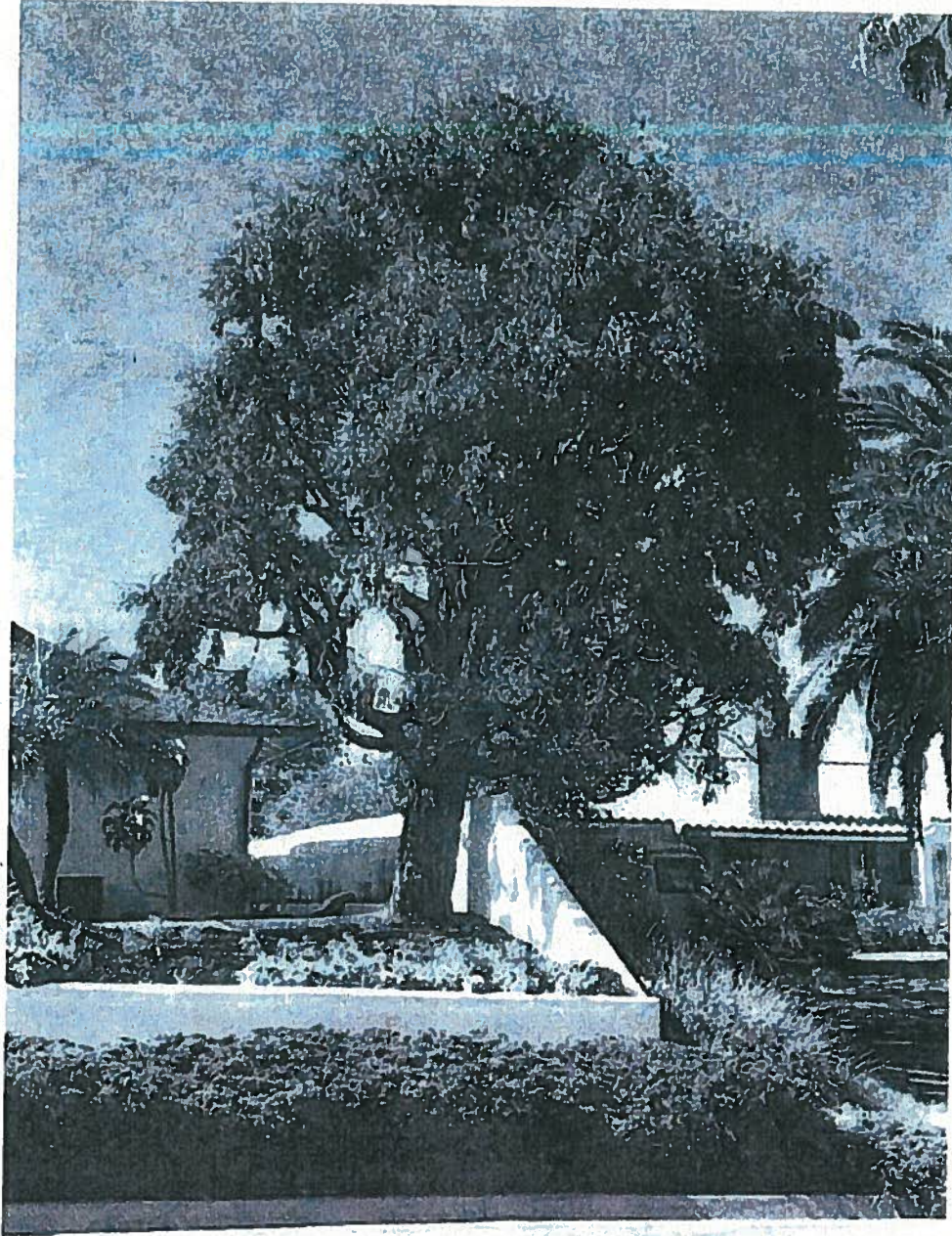
*"On 4/19/17 I visited the Banigan residence at 636 Ricardo Ave. I was asked to access the health of an Incense Cedar growing at the Northwest corner of the house. The tree is approximately 40 feet tall and likely planted at the time the house was built. I found the tree to be in poor health due to age, drought and less than idea conditions. There is large deadwood throughout the canopy and while the deadwood could be removed, this species of tree will not grow new limbs and foliage to replace what has been lost. This will leave an uneven and un-visually balanced canopy. It is also unlikely that this tree will recover and further decline should be expected. The Banigans would like to remove this tree and replace it with a more appropriate species."*

Sincerely,

Sheridan Stanton

ISA Board Certified Master Arborist #WE-4003B

From: tpbanigan@gmail.com  
Subject: Tree Pic  
Date: April 20, 2017 at 9:53 AM  
To: The Banigans cbanigan@cox.net



Sent from my iPhone

June 30, 2017

Tim Downey  
Urban Forest Superintendent  
City of Santa Barbara  
Parks and Recreation Department  
402 E. Ortega Street  
Santa Barbara, CA 93101

**Re: Front Yard Set Back Tree Removal Request (636 Ricardo Avenue, Santa Barbara)**

Dear Mr. Downey,

The following is in response to the request of the SB Parks and Recreation Commission from the May 24, 2017 Commission meeting.

Following the meeting, you requested we provide a detailed plan based on the Commission's comments, regarding how to balance our homeowner interests (safety and financial), with reasonable urban forest management.

**1.) Safety**

The option of root pruning was presented by the city as a method of mitigating current architectural and landscape damage being caused by the tree's roots. We believe this option could increase the potential for the tree to be uprooted in the event of rain or wind. As property owners, we are reluctant to assume this potential liability for any property or personal injury as a result of this requested option.

**2.) Financial**

It is not reasonable to require us to continue repairing the wall immediately adjacent to the tree. Photographs of the damaged wall, and more importantly, cracking of the entire length of our garage floor, adjacent to the tree were presented at the 5/24, 2017 meeting. Although (*Calocedrus decurrens*) incense cedar can thrive in the Santa Barbara environment, our research indicates it is not a species indigenous to this area. Preservation of a non-indigenous tree species constitutes an unreasonable expense that should not be incumbent on residential home owners.

**3.) Neighbor benefit and enjoyment**

At the 5/24/2017 meeting, it was suggested the tree provided "benefit and enjoyment" for neighbors. We believe this is a rebuttable presumption, given the absence of any polling data and the overriding interest in coastal views, which are currently obstructed for neighbors, by this tree.

**Proposal**

We believe the most fair and reasonable solution to be as follows:

- 1.) Remove tree
- 2.) Install root barrier
- 3.) Replace with a smaller specimen (*Calocedrus decurrens*) incense cedar

We sincerely hope the Commission and you agree this proposal constitutes an equitable solution that:

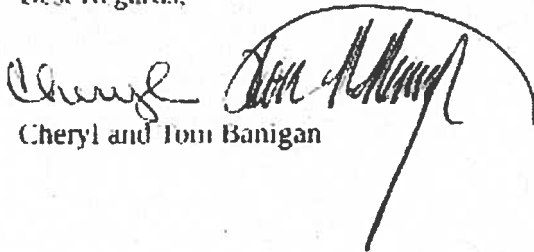
- 1.) ensures residential safety
- 2.) eliminates unwarranted, recurring homeowner expense
- 3.) supports urban forest management by providing a future foliage canopy

We believe this proposal provides a "win-win" solution that equitably balances urban forestry management and local homeowner rights. We sincerely hope our revised proposal is satisfactory to the Commission, so as to preclude engagement of legal counsel for representation in an appeal process.

As we discussed with you, **we are unable to attend the July Commission meeting, and respectfully request a continuance of this matter until the August meeting,** which we will attend.

Please call us if you have any questions (805) 455-0867.

Best Regards,

Handwritten signatures of Cheryl and Tom Banigan. Cheryl's signature is on the left, and Tom's is on the right, written in a cursive style. A long vertical line extends downwards from the end of Tom's signature.

Cheryl and Tom Banigan

**Timothy Downey**

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**From:** The Banigans <[cbanigan@cox.net](mailto:cbanigan@cox.net)>  
**Sent:** Tuesday, July 18, 2017 5:32 PM  
**To:** Timothy Downey  
**Cc:** Cheryl I BANIGAN  
**Subject:** Fwd: (636 Ricardo Ave, SB) Additional pics of tree root damage to garage floor

Hi Tim,

Here are additional pics of the damage to our garage floor caused by the tree that needs to be removed. Currently, the cracking runs longitudinally from the door to the back wall of our garage.

We sincerely hope approval of our request to:

- (1) remove tree
- (2) engineer root area to minimize root spread
- (3) replace with same species, is approved.

We would really like to avoid the legal expense and publicity of an appeal procedure.

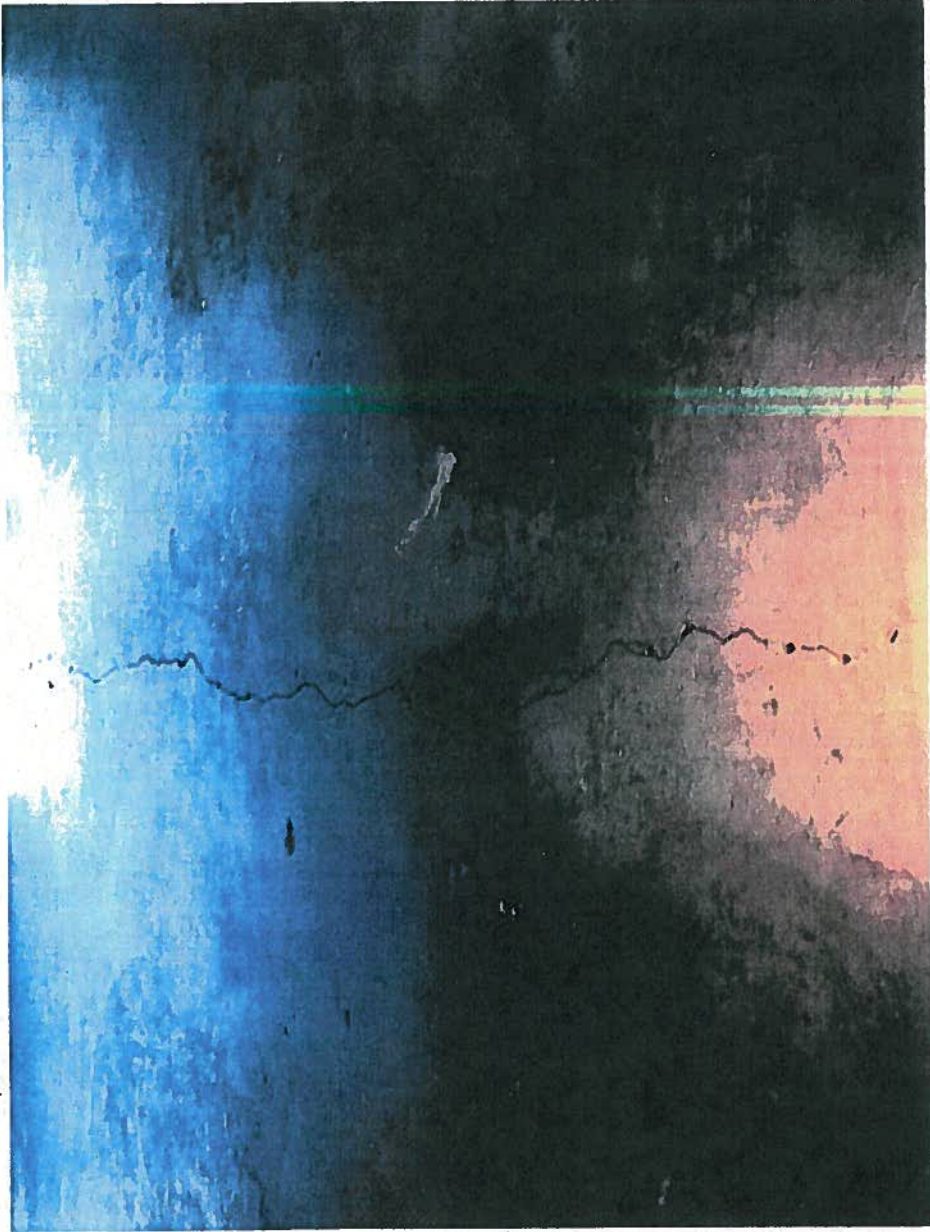
Best Regards,

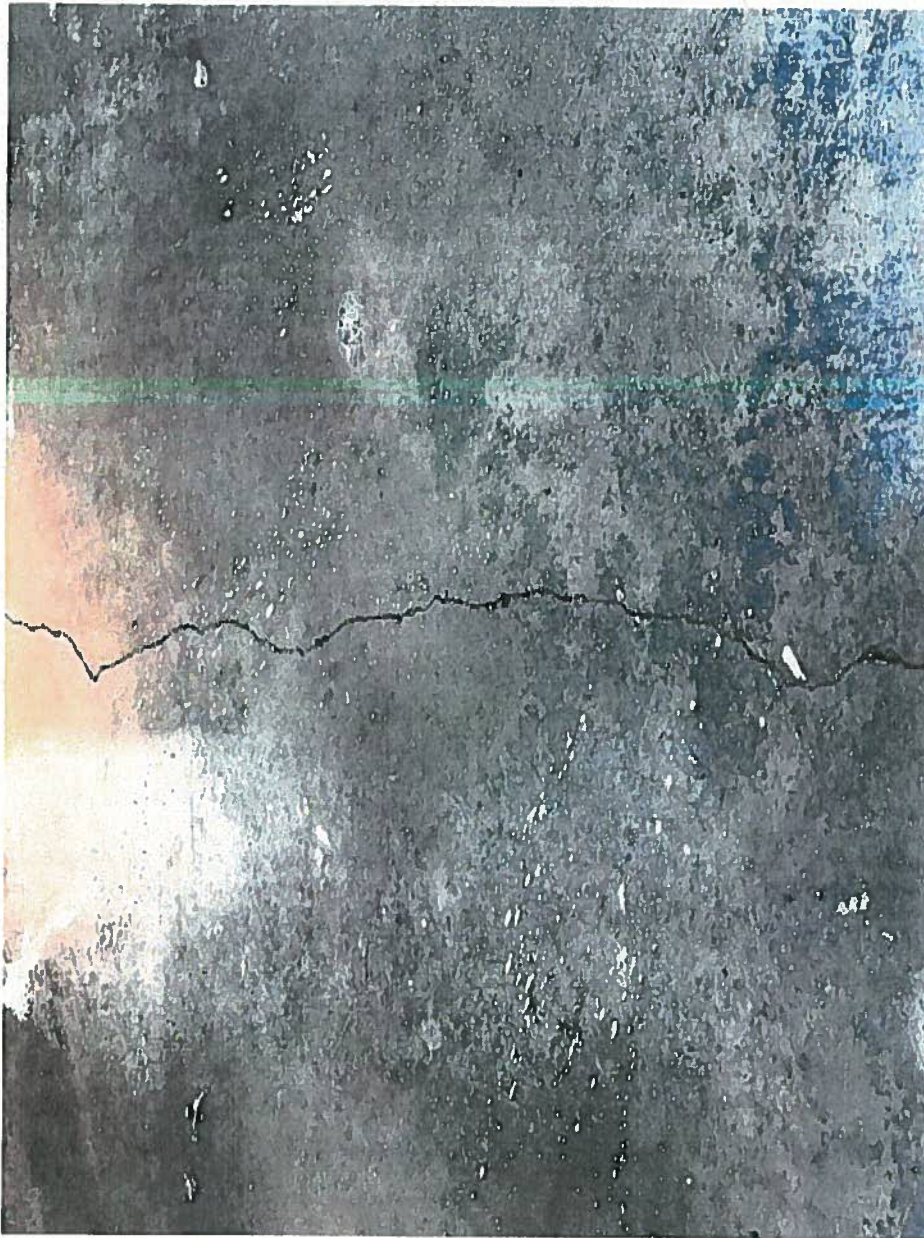
Tom Banigan

Begin forwarded message:

**From:** [tpbanigan@gmail.com](mailto:tpbanigan@gmail.com)  
**Subject:** (636 Ricardo Ave, SB) Additional pics of tree root damage to garage floor  
**Date:** July 18, 2017 at 4:59:57 PM PDT  
**To:** The Banigans <[cbanigan@cox.net](mailto:cbanigan@cox.net)>







Sent from my iPhone