# **Attachment B**

City Council Staff Report from September 24, 2024 (No Attachments)

September 24, 2024 Agenda Item No. 16

TO: HONORABLE MAYOR AND MEMBERS OF THE CITY COUNCIL

FROM: David A. Webb, Public Works Director - 949-644-3311,

dawebb@newportbeachca.gov

Seimone Juriis, Assistant City Manager/Community Development

Director - 949-644-3232, sjurjis@newportbeachca.gov

PREPARED BY: Tom Sandefur, Assistant City Engineer- 949-644-3321,

tsandefur@newportbeachca.gov

Laura Rodriguez, Planning Technician – 949-644-3216,

Irodriguez@newportbeachca.gov

TITLE: Resolution No. 2024-71: Denying an Appeal and Upholding the

> Decision of the Parks, Beaches and Recreation Commission's Decision to Remove a Special City Landmark Blue Gum Eucalyptus Tree at the Balboa Branch Library and Fire Station; and Resolution No. 2024-72: Approving Coastal Development Permit and Zoning Exemption (PA2024-0140) to Allow the Demolition of the Existing Fire Station No. 1 and Balboa Branch Library, and Construct a New

Two-story Fire Station No. 1 with an Attached City Library

## ABSTRACT:

On March 5, 2024, the Parks, Beaches and Recreation Commission (PB&R) approved the removal of the Special City Landmark Blue Gum Eucalyptus and Canary Island Date Palm trees located on the property of the Balboa Branch Library. The decision to remove the Special City Landmark Blue Gum Eucalyptus Tree has been appealed to the City Council.

Should the decision from the PB&R Commission be upheld, staff recommends City Council approval of a coastal development permit (CDP) and zoning exemption pursuant to Section 20.10.040(A) of the Newport Beach Municipal Code (NBMC) to allow the demolition of the existing, and construction of a new, Fire Station No. 1 and Balboa Branch Library.

#### **RECOMMENDATIONS:**

- a) Conduct a public hearing;
- b) Find this project and removal of the tree exempt from the California Environmental Quality Act (CEQA) pursuant to Sections 15301 (Class 1 – Existing Facilities), Section 15302 (Class 2 - Replacement of Reconstruction), and 15303 (Class 3 - New Construction or Conversion of Small Structures) of the CEQA Guidelines, California Code of Regulations, Title 14, Division 6, Chapter 3;

- c) Adopt Resolution No. 2024-71, A Resolution of the City Council of the City of Newport Beach California, Denying the Applicant's Appeal of the Parks, Beaches, and Recreation Commission's Decision to Approve the Removal of a Special City Landmark Blue Gum Eucalyptus Tree at the Balboa Branch Library and Fire Station No. 1;
- d) Find this project exempt from the provisions of Title 20 (Planning and Zoning) pursuant to Section 20.10.040(A) (Applicability of Zoning Code) of the Newport Beach Municipal Code ("NBMC"); and
- e) Adopt Resolution No. 2024-72, A Resolution of the City Council of the City of Newport Beach, California, Approving Coastal Development Permit and Zoning Exemption to Demolish an Existing City Fire Station and Library and Construct a New 5,400 Two-Story City Fire Station and an Attached 3,700 One-Story Library Location at 100 East Balboa Blvd. (PA2024-0140).

#### **INTRODUCTION:**

# **Project Setting and Background**

The City of Newport Beach's Balboa Branch Library and Fire Station No. 1 facility is located on the Balboa Peninsula, at 100 and 110 East Balboa Blvd. The original 566-square-foot branch library was constructed in 1929 at the northeast corner of Balboa Boulevard and Island Avenue. The building was eventually expanded to 4,500 square feet by 1962. Today, the building includes the 4,140-square-foot branch library and an approximately 360 square foot Newport Beach Historical Society Museum. A 3,423-square-foot fire station was added to the library building and has been operating as Fire Station No. 1 since 1962 (Figure 1, below).



Figure 1: Existing Fire Station No.1 and Balboa Branch Library (as viewed from East Balboa Boulevard)

A 2021 assessment of the facilities' condition found both were rated as being in poor condition due to environmental and age-related deterioration. As part of the City of Newport Beach's Facility Financing Plan (FFP), the Balboa Branch Library and Fire Station No. 1 facility is scheduled to be reconstructed in 2025. To support this effort, in January 2023, the City Council awarded a design contract to COAR Design Group (COAR) to prepare concepts, permitting and construction plans for a replacement facility.

COAR worked with City staff and developed several alternative project site designs. On January 16, 2024, the design team presented the proposed design concept layouts and themes to the Board of Library Trustees and the public at a regularly scheduled meeting. The public comments received at the meeting mostly concerned the disposition of the remaining eucalyptus tree. After review and discussion, the Board of Library Trustees voted in support of a building layout located along Balboa Boulevard and the "Beach Cottage Style" exterior theme.

The alternative project site designs were presented to the PB&R Commission at a public meeting on March 5, 2024, along with the request to remove two Special City Landmark Trees – a Canary Island Date Palm tree and a Blue Gum Eucalyptus tree. PB&R approved the removal of the trees with certain conditions, including a pre-removal nest survey for the Blue Gum Eucalyptus, and scheduling the removal for September 2025 at the earliest.

#### **Project Description**

On May 14, 2024, staff presented the site design concepts at a publicly noticed City Council meeting. Council considered the prepared alternatives, heard from the public, and chose a facility layout option with the fire station fronting Balboa Boulevard and not including a Public Works garage on the site. Public testimony included extensive discussion regarding the proposed removal of the Blue Gum Eucalyptus tree. After Council approved the preferred project design concept, which aligned with the PB&R Commission recommendation that called for the removal of both the Special City Landmark Blue Gum Eucalyptus and Canary Island Date Palm located on the project site, staff posted both special trees on May 17, 2024, pursuant to City Council Policy G-1 advising of the decision and approval of their removal. The proposed project includes the following:

- The demolition of the existing Balboa Branch Library and Fire Station No. 1 buildings and clearing the existing site including the removal of two diseased special city trees located within the property as detailed below; and
- 2. The construction of a new City fire station and library of approximately 10,900 square feet. The proposed structure is approximately 33 feet 6 inches tall with a sloped roof. The facility includes a proposed installation of a 3,675-square-foot green space and 1,500 square foot playground area (Figure 2, below).





Figure 2: Renderings of Proposed Fire Station No.1 and Balboa Branch Library from East Balboa Boulevard (above) and the proposed parking lot (below)

## **DISCUSSION:**

# Tree Removal Appeal

City Council Policy G-1 (Retention, Removal, and Maintenance of City Trees) (Council Policy G-1) provides standards for the retention, removal, maintenance, reforestation, tree trimming standards, and supplemental trimming of City trees. The policy sets forth three classifications of trees including standard trees, problem trees, and special trees with special trees further subclassified as landmark trees, dedicated trees, and/or neighborhood. Section I (Special City Trees) of Council Policy G-1 permits the removal of special trees if removal is related to the death, disease, interference with infrastructure, or the creation of a hazardous condition. Additionally, a special tree that is considered a landmark tree requires a tree inspection report and Level 3 testing: advanced techniques to determine whether specific mitigation measures are feasible or whether it is practical to retain the tree. A tree removal request must not adversely affect the overall inventory, diversity and age of the City's urban forest.

In December 2022, Dudek Inc. conducted a tree risk assessment and sonic tomographic study for three eucalyptus trees located at the property. The study showed evidence of disease. At that time, a sonic tomographic analysis was conducted and found that due to the level of decay within the tree trunk of one of the trees, removal was necessary. Dudek conducted a second tree risk assessment and sonic tomography study in August 2023. Based on the assessment, two eucalyptus trees were removed due to their increased level of observed decay and risk of failure.

The Blue Gum Eucalyptus tree that is the subject of the appeal had detectable decay of 2% in December 2022, which rose to 7% in August 2023. Based on this rate of decay, the tree is on a path to reach a 30% level of decay, where there is a high risk of whole tree failure, within the next five years. Additionally, if the project were to move forward, impacts from demolition of the existing facilities and construction of the new library and fire station would further hasten the rate of decay and degrade the overall condition of the tree through damage to the tree's extensive root system, should construction be undertaken with the tree in place.

The PB&R Commission held a public meeting on March 5, 2024, to review the preferred concept design of the library and fire station as well as City staff's recommendation to remove the tree. Members of the public in attendance shared concerns regarding the impact that removal of the tree would have on blue herons as approximately 10 mating pairs were observed at the site. According to the City's biologist, evidence was provided that blue herons are opportunistic and would find another local habitat if the current site was unavailable. City staff observed, and presented to the PB&R Commission, that there are numerous nesting site opportunities in nearby areas around the harbor. As to concerns regarding tree loss, the evidence presented demonstrates that the removal of the tree does not impact the City's inventory of trees as that has continually increased over the past two decades. For example, in 2005, there were 3,889 public trees in Newport Beach and as of this year, there are 4,573 public trees. There are many more privately owned trees that are not accounted for in this figure.

After considering the evidence, including the tomographic analysis, the planning of a new public library and fire station on the site, as well as public comments opposing the tree removal request, the PB&R Commission ultimately recommended approval of the preferred concept design and the removal of the remaining Landmark Blue Gum Eucalyptus tree. The decision was conditioned upon the removal of the tree not taking place until September 2025 following nesting season and, as a further precaution, confirmation that no nests are in place.

Subsequently, the City Council approved the new Balboa Branch Public Library and Fire Station Conceptual Design at its May 14, 2024, meeting.

After Council approved the preferred project design concept, which aligned with the PB&R recommendation that called for the removal of both the Special City Landmark Blue Gum Eucalyptus and the Canary Island Date Palm located on the project site, staff posted both special trees on May 17, 2024, pursuant to City Council Policy G-1, advising of the decision and approval of the trees' removal.

On June 14, 2024, the City received an appeal of the PB&R Commission's decision to approve the removal of the Blue Gum Eucalyptus tree (the Landmark Tree) from Christopher L. Pitet of Adkisson Pitet LLP on behalf of the Friends of Library Park.

The appeal outlined several objections to the PB&R Commission's approval as the basis for reconsideration of the decision. Those objections and staff responses are outlined below:

#### Objection 1:

The decision fails to comply with City Council Policy G-1, which mandates the retention of Special City Trees and the procedures for the removal of such trees.

# Staff Response 1:

The PB&R Commission's decision complied with City Council Policy G-1. Section I (Special City Trees) of Council Policy G-1 permits the removal of special trees if removal is related to the death, disease, interference with infrastructure, or the creation of a hazardous condition. Additionally, a special tree that is considered a landmark tree requires a Tree Inspection Report (TIR) and Level 3 testing: advanced techniques to determine whether specific mitigation measures are feasible or whether it is practical to retain the tree. A tree removal request must not adversely affect the overall inventory, diversity and age of the City's urban forest.

- 1. City staff prepared and presented a TIR for the tree, dated February 6, 2024, to the PB&R Commission at its March 5, 2024, meeting (pages 41-44 of the agenda packet).
- 2. A Level 3 Risk Assessment was performed on the tree on December 1, 2022, and again on August 29, 2023, and presented at the February 7, 2023, PB&R Commission meeting (pages 41-68 of the agenda packet) and November 7, 2023, PB&R Commission meeting (pages 24-49 of the agenda packet).
- 3. According to the report, the remaining Blue Gum Eucalyptus tree had detectable decay of 2% in December 2022, which rose to 7% in August 2023. Based on this rate of decay, this remaining tree is on a path to reach a 30% level of decay level where there is a high risk of whole tree failure within five years.
- 4. Additionally, impacts from the demolition of the existing facilities and construction of a new library and fire station at the present site would further hasten the rate of decay and degrade the overall condition of the tree through damage to the tree's extensive root system, should construction be undertaken with the tree in place.
- 5. The tree interferes with the project in that construction will further degrade the tree, even taking into account best management practices.
- 6. The removal of the tree does not impact the City's inventory of trees. In 2005, there were 3,889 public trees and, in 2024, that count increased to 4,573 trees. The tree inventory does not take into account the many more trees on private property.

### Objection 2:

The decision fails to comply with the California Environmental Quality Act (CEQA).

# Staff Response 2:

The PB&R Commission's decision complies with CEQA because removal of the tree is categorically exempt from CEQA pursuant to Sections 15301 (Class 1 – Existing Facilities), Section 15302 (Class 2 – Replacement of Reconstruction), and 15303 (Class 3 – New Construction or Conversion of Small Structures) of the CEQA Guidelines.

The Class 1 exemption applies to additions to existing structures provided that the addition will not result in an increase of more than 10,000 square feet if the project is in an area where all public services and facilities are available to allow for maximum development permissible in the General Plan and the area in which the project is located is not environmentally sensitive; Class 2 exempts replacement or reconstruction of existing structures where the new structure will be located on the same site as the structure replaced and will have substantially the same purpose and capacity as the structure replaced; and Class 3 exempts the construction and location of limited numbers of new, small facilities or structures including but not limited to structures not exceeding 10,000 square feet in floor area in urbanized areas on sites zoned for such use.

In this case, the project, including removal of the tree, consists of the demolition of the existing 4,140-square-foot branch library, 360-square-foot Newport Beach Historical Society Museum and 3,423-square-foot fire station and replacement with construction of a new Fire Station No. 1 and Balboa Branch Library of approximately 10,900 square feet. The project as proposed results in a net public area increase of approximately 3,000 square feet, does not require any change in the zoning designation, and is located in an urbanized area with adequate public services to serve the area. Based on the foregoing, the project, including removal of the tree, is categorically exempt under the Class 1, Class 2 and Class 3 exemption.

The exceptions to these categorical exemptions under Section 15300.2 are not applicable. The project, including removal of the tree, does not impact an environmental resource of hazardous or critical concern, does not result in cumulative impacts, does not have a significant effect on the environment due to unusual circumstances, does not damage scenic resources within a state scenic highway, is not a hazardous waste site, and is not identified as a historical resource. As detailed above, the City's arborist consultant determined that the tree to be removed is diseased. Concerns were also raised regarding impacts that removal of the tree would have on blue herons nesting. According to the evidence provided at the hearing, blue herons are opportunistic and would find other local habitat if the current site was unavailable. City staff observed and presented to the PB&R Commission that there are numerous nesting site opportunities around the harbor. Based on the public's concerns regarding nesting by blue herons, the PB&R Commission approved the removal of the diseased tree, subject to delaying removal of the tree until September 2025, following nesting season. And, as a further precaution, the commission conditioned removal of the tree on the City confirming no nests are in place prior to removal. Therefore, the exception to this categorical exception does not apply.

#### Objection 3:

The PB&R Commission has not publicly disclosed reports concerning the Landmark Tree (e.g., the October 2023 Dudek Inc. report) detailing the current health and condition of the Landmark Tree.

# Staff Response 3:

Dudek's reports were made available to the public through PB&R Commission agenda materials. Specifically, Dudek's December 5, 2022, report was presented to the public at the February 7, 2023, PB&R Commission meeting (pages 41-68 of the agenda packet) and the October 11, 2023, report was presented to the public at the November 7, 2023, PB&R Commission meeting (pages 24-49 of the agenda packet).

#### Objection 4:

The PB&R Commission has not obtained a current arborist report addressing the present condition of the Landmark Tree (*i.e.*, after October 2023).

## Staff Response 4:

Per Dudek's October 11, 2023, report, the defined timeframe for the risk assessment is 12 months. Thus, per International Society of Arboriculture Tree Risk Assessment Qualification standards, the report is deemed current.

### Objection 5:

The PB&R Commission has not demonstrated that the Landmark Tree is sick, dying or otherwise presents safety concerns as required by City Council Policy G-1.

#### Staff Response 5:

The PB&R Commission was presented findings on November 7, 2023, which demonstrated by Level 3 testing that the detectable internal decay increased from 2% to 7% over a 10-month period. This is an untreatable decay and based on rates experienced in the neighboring Blue Gum trees (previously removed), will likely continue to progress to a point of high risk within five years. Also, a significant amount of the proposed project lies within the dripline of the tree and its root system would be negatively impacted by the necessary building demolition and grading using heavy equipment, if the City was to try to build with it in place. This disturbance will likely both increase the rate of the existing decay and the tree's risk level.

## Objection 6:

The PB&R Commission has not considered the decision's impact on the nearly two dozen great blue herons currently nesting in the Landmark Tree.

#### Staff Response 6:

The PB&R Commission considered nesting blue herons at its March 5, 2024, meeting, where City staff presented its consultation with a biologist from Dudek. Approximately 10 mating pairs were observed, and the biologist stated to staff that blue herons are opportunistic and would find other local habitat if the current site was unavailable. City staff observed and presented to the PB&R Commission that there are numerous nesting site opportunities around the harbor.

## Objection 7:

The PB&R Commission's decision to remove the Landmark Tree is motivated solely by the City Council's desire to relocate the Balboa Branch Library and Firehouse rather than any legitimate concerns with the Landmark Tree itself as required by City Council Policy G-1.

## Staff Response 7:

See Staff Response 1.

Staff recommends the City Council deny the appeal and uphold the decision by the PB&R Commission to approve the removal of a Special City Landmark Blue Gum Eucalyptus Tree at the Balboa Branch Library and Fire Station No. 1 based on staff's responses to the appeal's objections and the following findings:

- 1. The Landmark Tree has untreatable decay that is progressing based on sonic tomographic evidence and will very likely continue to progress to a point of high risk within five years.
- 2. Construction of the Balboa Branch Public Library and Fire Station No. 1 will negatively impact the condition of the tree and the rate of decay, should it remain in place.
- 3. The construction of the new Balboa Branch Public Library and Fire Station No. 1 is a City Council approved project, which is a criterion for removal of Special City Trees in City Council Policy G-1.

## General Plan, Zoning Code, and Local Coastal Program

The property is designated as Public Facilities (PF) by the General Plan Land Use Element, Zoning Code, Coastal Land Use Plan, and Local Coastal Program Implementation Plan (Title 21). The PF categories are intended to provide public facilities, including public schools, cultural institutions, government facilities, libraries, community centers, public hospitals, and public utilities. The property has been historically used as a fire station and library and the proposed project does not change the existing land use as public facilities, which is consistent with the PF categories. Where the Zoning Code requires a minor use permit for governmental facilities, staff is requesting that the City Council exempt this City-implemented project from a minor use permit, since the project has been previously reviewed and conceptually approved by the City Council, per Section 20.10.040(A) (Applicability of Zoning Code) of the NBMC.

#### **Coastal Development Permit**

The subject property is located within the Coastal Zone. Therefore, the proposed replacement of the fire station and library requires a coastal development permit.

The property is in the PF coastal zoning district where government facilities are identified as an allowed use. As previously discussed, staff requests exemption from a minor use permit as the required development standards will be established through the coastal development permit.

Of Newport Beach

The proposed building floor area of approximately 10,900 square feet is appropriate for the approximately 24,000-square-foot property. The project provides a setback of approximately 11 feet from the property line along Island Avenue, approximately one foot from the property line along East Balboa Boulevard, approximately 15 feet from the eastern interior property line, and approximately 82 feet from the property line along East Bay Avenue.

The project is consistent with the required findings of the certified Local Coastal Program. The neighborhood is predominantly developed with residential uses to the north, south, and east, which includes two- and three-story, single- and two-unit dwellings. The block directly west of the property includes mixed-use and commercial development. The library's proposed design, bulk and scale of the development is intended to provide a modern, right-sized neighborhood branch library with a children's room and work/study areas, including up-to-date technology. The proposed layout of the fire station will be able to house four staff members and two apparatus bay parking spots. The proposed 1,500- square-foot playground area is to establish a recreational component in the neighborhood that complements the proposed library.

## **Zoning Exemption**

Section 20.10.040(A) (Applicability of Zoning Code) of the NBMC authorizes the City Council to exempt City implemented projects by adopting a resolution at a noticed public hearing setting forth the specific NBMC provisions that apply in the absence of the exemption.

## **Building Height**

The highest guardrail is less than 20 feet tall, and the highest ridge is approximately 33 feet and 6 inches tall, where Title 21 requires a maximum height of 26 feet for flat roofs and 31 feet for sloping roofs. The proposed sloping roof is designed as a mansard roof which will act as a mechanical well to support necessary rooftop equipment, and act as a screen of the equipment from the surrounding neighborhood. Alternatively, a lower roof would negatively impact the fire station's second floor ceiling height, create difficulty with mechanical equipment, and reduce the roof screening. Required findings for the increase in height above the base height limit per Section 21.30.060(C)(3)(a) of the NBMC are provided in the attached resolution.

## **Parking and Circulation**

While the property currently provides eight on-site parking spaces and one street parking space on East Balboa Boulevard, the proposed project will provide 14 on-site parking spaces and increase the street parking supply by three spaces due to street layout improvements. Therefore, a net increase of eight parking spaces will be made available to the public.

#### **Public Views and Access**

The property is not located adjacent to a coastal view road, public access way, or Coastal Viewpoint as identified in the Coastal Land Use Plan.

The nearest coastal viewpoint is Balboa Pier and is not visible from the site. The site is located adjacent to East Balboa Boulevard, which is accessible to the public and provides some limited opportunities to view the bay through Island Avenue, West Ocean Front, and the beach, which is located south of the property. Additionally, the project does not contain any unique features that could degrade the visual quality of the coastal zone.

Furthermore, while the property is located between the nearest public road and the sea, the project is the replacement of an existing fire station and library with a design that does not include any features that would obstruct vertical coastal access and lateral coastal access. As previously discussed, the project includes site improvements that increase the overall public parking supply onsite and on the street.

The draft resolution which addresses all required findings for this project is included as Attachment D.

# **FISCAL IMPACT:**

The cost of preparing the plans, specifications and estimates for the project were included within the FY 2023/24 Capital Improvement Budget and have been encumbered into the existing design team contracts. The approval FY 2024/25 Capital Improvement Budget includes \$9,500,000 budgeted for construction. With the new facility design concepts now complete, a rough construction cost estimate has been completed based on recent regional construction values and market conditions. The estimated rough cost for the construction for the new facility is estimated at approximately \$16,000,000. This estimate does not include the cost of the temporary fire facility during the construction.

Once construction bids are received for the award of the construction contract, staff will review and revise the budget while asking the City Council to award the construction contract. All project funding is coming from the Facility Financing Plan fund, which is a combination of general funds and development fees.

#### **ENVIRONMENTAL REVIEW:**

Staff recommends the City Council further find this project exempt from the California Environmental Quality Act (CEQA) pursuant to Sections 15301 (Class 1 – Existing Facilities), Section 15302 (Class 2 – Replacement of Reconstruction), and 15303 (Class 3 – New Construction or Conversion of Small Structures).

The Class 1 exemption applies to additions to existing structures provided that the addition will not result in an increase of more than 10,000 square feet if the project is in an area where all public services and facilities are available to allow for maximum development permissible in the General Plan and the areas in which the project is located is not environmentally sensitive; Class 2 exempts replacement or reconstruction of existing structures where the new structure will be located on the same site as the structure replaced and will have substantially the same purpose and capacity as the structure replaced; and Class 3 exempts the construction and location of limited numbers of new, small facilities or structures including but not limited to structures not exceeding 10,000 square feet in floor area in urbanized areas on sites zoned for such use.

In this case, the project, including removal of the tree, consists of the demolition of the existing 4,140 square foot branch library, 360 square foot Newport Beach Historical Society Museum and 3,423-square-foot fire station and replacement with construction of a new Fire Station No. 1 and Balboa Branch Library of approximately 10,900 square feet. The project as proposed results in a net public area increase of approximately 3,000 square feet, does not require any change in the zoning designation, and is located in an urbanized area with adequate public services to serve the area. Based on the foregoing, the project including removal of the tree is categorically exempt under the Class 1, Class 2 and Class 3 exemption.

The exceptions to these categorical exemptions under Section 15300.2 are not applicable. The Project including removal of the tree does not impact an environmental resource of hazardous or critical concern, does not result in cumulative impacts, does not have a significant effect on the environment due to unusual circumstances, does not damage scenic resources within a state scenic highway, is not a hazardous waste site, and is not identified as a historical resource. As detailed above, the City's arborist consultant, determined that the tree to be removed is diseased. Concerns were also raised regarding impacts that removal of the tree would have on blue herons nesting. According to the evidence provided at the hearing, blue herons are opportunistic and would find other local habitat if the current site was unavailable. City staff observed and presented to the PB&R Commission that there are numerous nesting site opportunities around the harbor. Based on the public's concerns regarding nesting by blue herons, the PB&R Commission approved the removal of the diseased tree, subject to the delaying removal of the tree until September 2025, following nesting season and, as a further precaution, the conditioned removal of the tree on the City confirming no nests are in place prior to removal. Therefore, the exception to this categorical exception does not apply.

#### **NOTICING:**

The agenda item has been noticed according to the Brown Act (72 hours in advance of the meeting at which the City Council considers the item). Notice of this hearing was published in the Daily Pilot, mailed to all owners and occupants of property within 300 feet of the boundaries of the site (excluding intervening rights-of-way and waterways), including the applicant and posted on the subject property at least 10 days before the scheduled meeting, consistent with the provisions of the Municipal Code. The item appeared on the agenda for this meeting, which was posted at City Hall and on the City website. Additionally, the appellate has been notified by both email and certified letter on the date and time on this Public Hearing.

## **ATTACHMENTS**:

Attachment A – Adkisson Pitet Tree Removal Appeal Letter

Attachment B – Appeal of PBR Commission Approval

Attachment C - Resolution No. 2024-71

Attachment D - Resolution No. 2024-72

Attachment E – Project Plans

Attachment F – Dudek Inc. Reports from December 5, 2022, and October 11, 2023

Attachment G – City Council Policy G-1

Attachment H - Certified Letter Notice on the date and time on this Public Hearing