

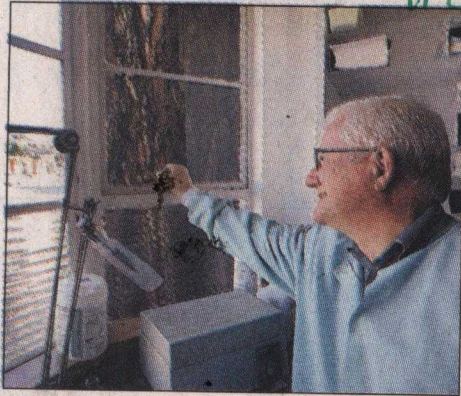
TREE ORDINANCE

Council postpones change in tree rules ordinance

Law firm files last-minute challenge 7.10.13

By J.M. BROWN

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DAN COYRO/SENTINEL

The four 80-foot-tall Canary Island pines are raising Bill Christie's dental office to the point where the building is cracking and he can't open the windows.

SANTA CRUZ — After an environmental law firm submitted a last-minute critique of expanded rules for removing large trees, the City Council voted Tuesday to postpone the discussion, saying the letter threatens a lawsuit.

Ryan D. Maroney, a lawyer with the Santa Cruz firm Wittwer & Parkin, submitted the letter late Tuesday, calling for the city to conduct a full review of potential environmental impacts of the proposed alterations.

"Sweeping changes to an ordinance without any environmental review

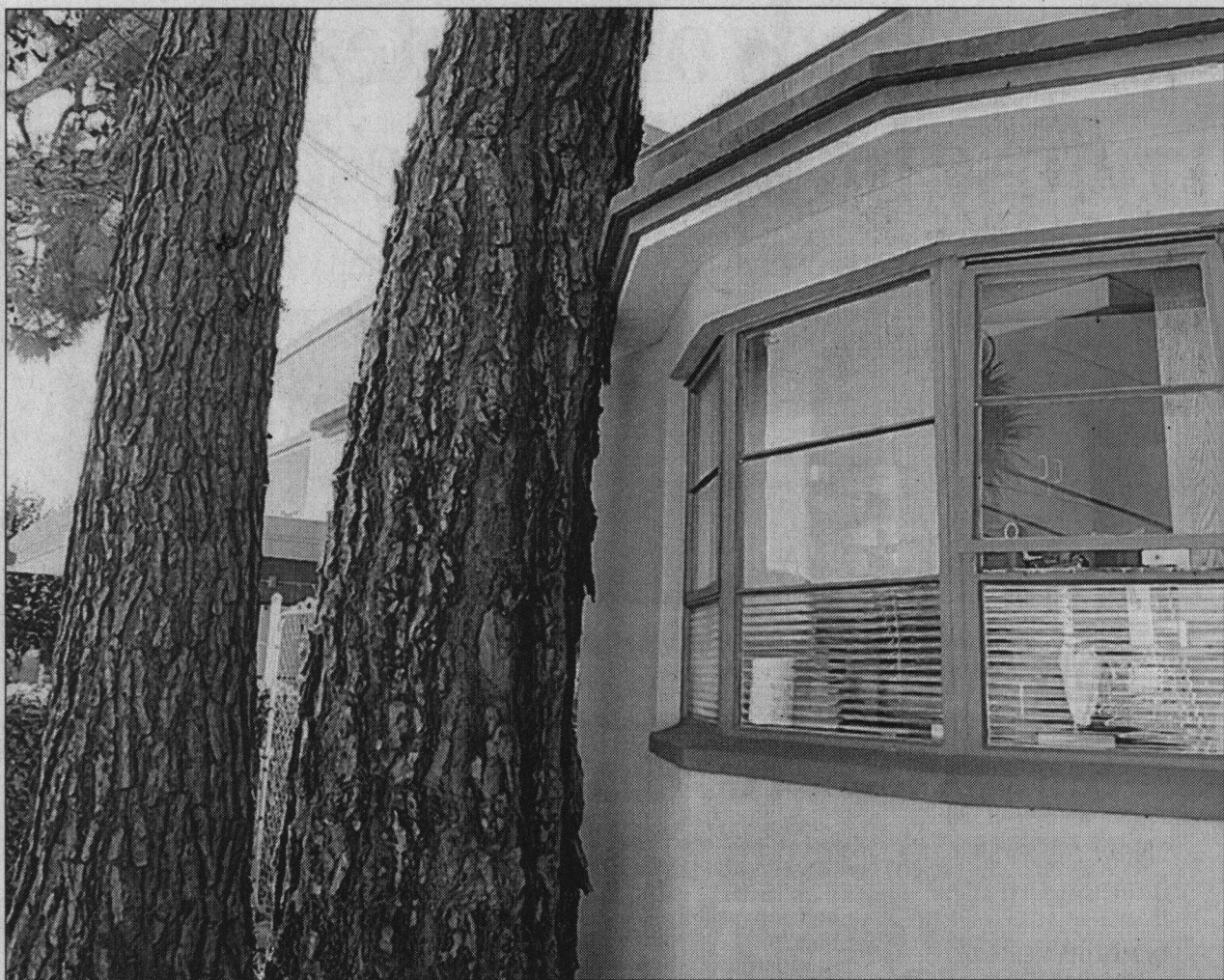
flies in the face of the fundamental requirements of CEQA," Maroney wrote, referring to the California Environmental Quality Act.

Maroney's letter said he represents a group called Save Our Big Trees.

ON THE NET

To read a letter from the Wittwer & Parkin law firm regarding changes in the heritage tree ordinance, visit www.santacruzsentinel.com and click on this story.

SEE TREES ON A4



DAN COYRO/SENTINEL

One of the Canary Island pines is cutting into Bill Christie's downtown dental office.

TREES

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The firm has a long history representing local conservationists, including suing the city over a proposed water expansion to UC Santa Cruz.

Maroney's letter questioned the city's contention that it is exempt from conducting an environmental study because it is a regulatory agency and is taking action to protect the environment by expanding the heritage tree ordinance.

City Attorney John Barisone said he had just received the letter and recommended the council postpone the meeting because the letter hinted at litigation. However, Bill Parkin, a partner in the firm, said by phone Tuesday the letter was not a threat to sue.

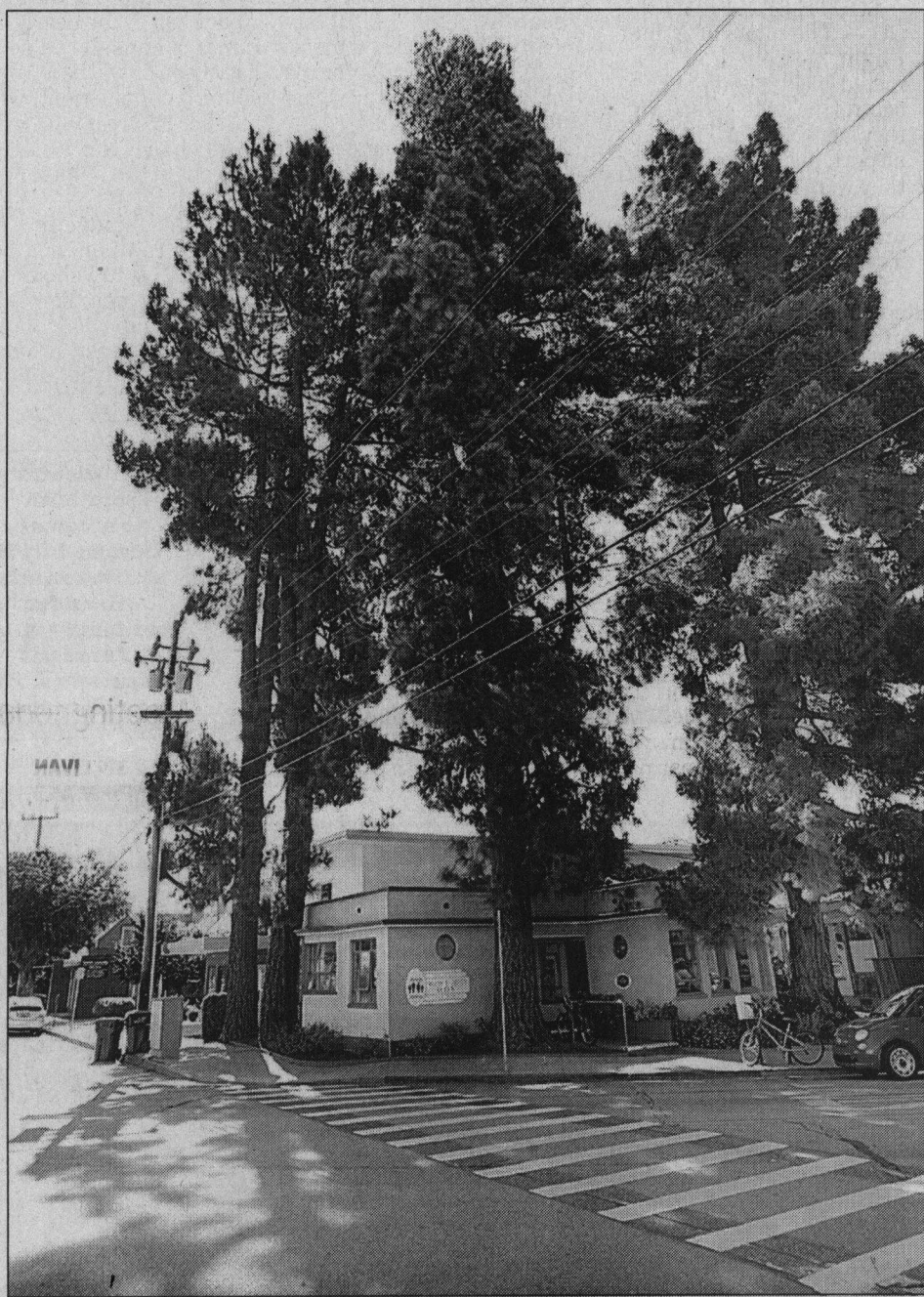
"It simply says your proposed exemption doesn't meet the straight-face test," he said. "You can't gut a tree ordinance and say it was excluded from CEQA. That is exactly what CEQA was designed to do."

Mayor Hilary Brant apologized to residents who came to speak Tuesday, saying it was "completely unexpected to receive the threat of litigation" in the middle of a meeting.

Councilman Micah Posner said the letter "seems like it interrupts the process, and I'm bummed out about that."

The ordinance changes would allow greater leeway in cutting down trees larger than 14 inches in diameter.

Under study for several years, the alterations would allow the city to approve removing trees that create an economic hardship for property owners and endanger the health of people. It also specifically says blue gum eucalyptus and acacia trees could come out just because they are non-native, a point that has raised concern among conservationists.



DAN COYRO/SENTINEL

Four 80-foot-tall Canary Island pines are overtaking Dr. Bill Christie's historical downtown dental office, built in 1942.

The council was scheduled to take up the ordinance at 7 p.m. but Barisone shepherded the council into closed session at 4 p.m. to discuss the letter.

The developments came a day after the Parks and Recreation Commission denied an appeal filed by former Mayor Christopher Krohn of a permit sought by downtown dentist Bill Chris-

tie to remove four Canary Island pine trees that the city's urban forester has determined are endangering Christie's Center Street building. Krohn can appeal to the council.

The pine trees could be taken out based on the current ordinance, which allows for removal of large trees if there is a threat to public safety or a structure. But

opponents are concerned the allowances spelled out under the proposed new rules would allow the city to approve requests from property owners or developers to take out trees that don't pose such a serious threat.

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