

## STAFF REPORT

**DATE:** November 3, 2011  
**TO:** Trees and Views Committee  
**FROM:** Alison Thornberry-Assef, Assistant Planner  
**SUBJECT:** Replacement Trees – Bank of America Public Right-Of-Way

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### **Discussion**

At the September 27, 2011 City Council meeting, Director of Public Works, Jonathon Goldman, presented the Council members with notice of the upcoming removal of undesirable pine trees and sidewalk replacement in the 700 block of Bridgeway fronting the Bank of America building in the public right-of-way. Mr. Goldman reported that an arborist report prepared by Certified Arborist, Ed Gurka confirmed that the three trees must be removed to replace the adjacent sidewalk with a sidewalk segment that complies with the required accessibility regulations. One of the three trees was also identified as hazardous due to poor limb attachment and bark inclusion (see **Exhibit A** for Staff Report).

At the meeting the Council voted to proceed with the removal of the three undesirable pine trees, with a condition that City Staff would solicit feedback from the Trees and Views Committee regarding the type of permanent replacement tree the TVC would like to see in this location (see **Exhibit B** for meeting minutes). Arborist, Ed Gurka has also supplied his recommendations for replacement trees in the attached Arborist Report (see **Attachment of Exhibit A**).

### **Recommendation**

Review the attached materials and provide a recommendation to the City Council for suitable replacement trees to be located in the Bridgeway public right-of-way fronting the Bank of America building.

### **Attachments**

- A. City Council Staff Report, dated September 27, 2011
- B. City Council Meeting Minutes, dated September 27, 2011

I:\CDD\Boards & Committees\TVC\Admin\Replacement Trees-BOA ROW



# STAFF REPORT

CITY COUNCIL OF THE CITY OF SAUSALITO

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## AGENDA TITLE:

Notice of removal of undesirable trees and replacement of a portion of the sidewalk on Bridgeway between Anchor Street and the existing Downtown Restrooms

## RECOMMENDED MOTION:

No action necessary.

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## SUMMARY

In 2005 the City was sued in the matter of Lieber v. City of Sausalito due to alleged violations of Title II of the 1990 Americans with Disabilities Act (ADA) because the City made improvements to the Plaza Viña del Mar without making necessary changes to provide disabled access. The plaintiff alleged (among other things) that the City engaged in the denial of civil rights by not providing public facilities to physically disabled persons. On September 19, 2006, the City Council approved a settlement agreement in the matter. As part of the settlement agreement, the City agreed to make the public restrooms next to Lot 2 compliant with ADA guidelines and to ensure that an accessible path of travel between Plaza Viña del Mar and the restrooms was constructed.

During the course of preparing the necessary plans and other information necessary for discretionary approvals associated with the restroom building<sup>1</sup>, an August 3, 2011 report from the City's consulting arborist on the project, Mr. Ed Gurka was prepared. Mr. Gurka evaluated the Monterey Pines between the entry to the Bank of America branch and Bridgeway. These trees must be removed no matter what the resolution of the restroom facility is because the sidewalk fronting Bridgeway at that location must be replaced with a segment that complies with the code for slope and cross-slope for accessibility. Doing so will result in root damage to the trees that will be a significant harm to the trees and create a potential liability for the City. Also note that Monterey Pine is identified as an undesirable tree in Sausalito Municipal Code Section 11.12.020 and that the arborist's report recommends immediate removal of one of the Pines due to, "...poor limb attachment and bark inclusion," (August 3, 2011 Arborist's Report, p.4). This specific tree, the one closest to Anchor Street, dropped a limb recently that could have done significant harm were the plaza to have been occupied.

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<sup>1</sup> Romtec "Sierra IV Kiosk," approved with Council adoption of Resolution No. 5234 on May 3, 2011 authorizing the City Manager to expend up to \$330,000 for fabrication and installation of modular replacement restrooms and related site work once the proposed modular replacement restrooms receive appropriate design review approvals and if there is no significant change to the design or budget.

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Exhibit A  
8 pages

Staff is confident that the area available for new landscaping once the building and hardscape construction is complete will provide ample opportunity to mitigate for the loss of trees. Given the fact that one of the trees has been identified as a hazard, that the other two are undesirable and will have to be removed in any event, and that even with the recent award of a contract for accessibility improvements throughout the City, funds are available sufficient to remove and replace the curb ramp, certain gutter sections and the sidewalk between Anchor and the existing restroom building with code-compliant sections in an amount within the City Manager's approval authority, Staff intends to make these improvements in October, 2011 once quotations have been received from responsive, responsible contractors.

**ISSUES**

None identified. As a ministerial action, the project is statutorily exempt from the California Environmental Quality Act (CEQA) (14 CCR § 15268). To the extent the project is discretionary, it is categorically exempt from CEQA under 14 CCR § 15301, Existing Facilities, in that it consists of an improvement to an existing public facility involving negligible or no expansion of use. Further, Staff recommends that the Council find the project exempt from the Zoning Ordinance inasmuch as it consists of a maintenance project as defined in SMC Section 10.54.050 (B) (13), will have no affect on the appearance of the area being maintained and is consistent with the General Plan.

**FISCAL IMPACT**

The total estimated cost for tree removal, disposition, sidewalk demolition, disposition and replacement is less than \$50,000. Based on the expected \$211,000 carryforward from the ADA Improvements in the Right of Way FY11 budget line item, the \$70,000 in additional budget approved for that item in the FY12 budget, and taking into account the approximately \$160,000 in funds encumbered with the July 26, 2011 award of the ADA Improvements Project, adequate funding is available in the adopted budget to complete this project.

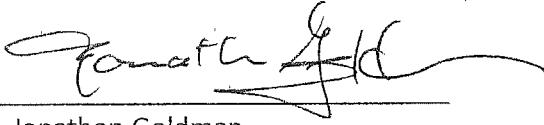
**STAFF RECOMMENDATIONS**

Questions of Staff, public comment, no action necessary.

**ATTACHMENTS:**

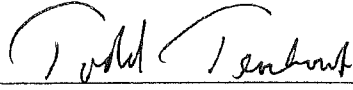
- Copy of August 3, 2011 Arborist's Report

PREPARED BY:



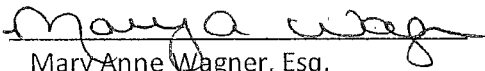
Jonathon Goldman  
Director of Public Works

REVIEWED BY:




Todd Teachout  
City Engineer

REVIEWED BY:



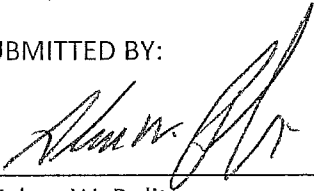
Mary Anne Wagner, Esq.  
City Attorney

REVIEWED BY:



Charlie Francis  
Administrative Services Director/Treasurer

SUBMITTED BY:



Adam W. Politzer  
City Manager

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Ed Gurka, Consulting Arborist  
 Member, American Society of Consulting Arborists

Member, International Society of Arboriculture  
 Certified Arborist, Western Chapter, # 0418

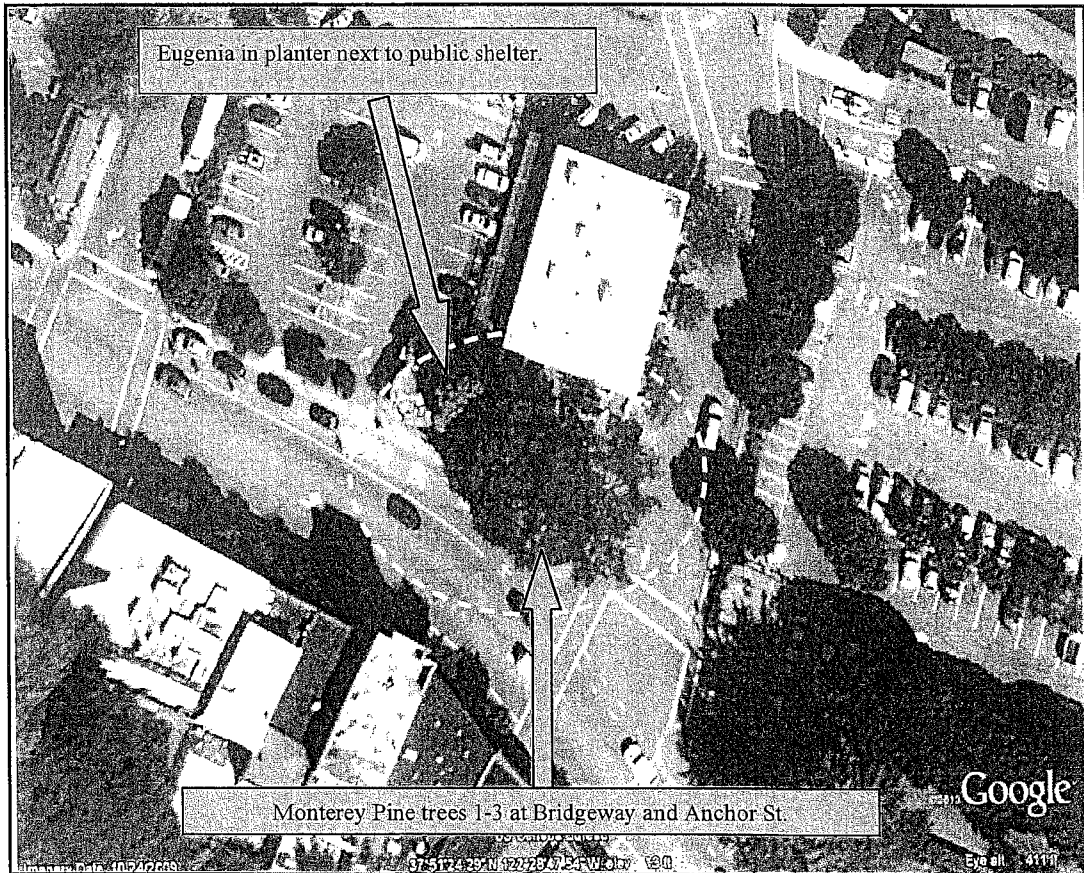
August 3, 2011

**ASSIGNMENT:**

I received a request to prepare an Arborist Report that will describe trees located within a proposed public works construction project on the public right of way in front of 750 Bridgeway, Sausalito, California. A report is necessary because the trees are located in the construction area and will affect the planning and outcome of the project. This report will provide information on the trees' condition, their compatibility for the location, and make a recommendation based on the information and knowledge of the species.

**OBSERVATIONS and DISCUSSIONS:**

There were a total of four site visits made to collect information in preparation for this report. The site visits were made July 7<sup>th</sup>, July 13<sup>th</sup>, and July 27<sup>th</sup> 2011. A preliminary appointment occurred June 27<sup>th</sup>, 2011, with the Sausalito Director of Public Works, Jonathan Goldman to provide information and trees within the project site. The second and fourth visits were on July 7<sup>th</sup> and July 27<sup>th</sup> to collect specific



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information on these trees. The third visit was made July 13<sup>th</sup>, after a large limb failure on one of the trees.

The trees are identified as three mature *Pinus radiata*, Monterey Pine and a *Syzygium paniculatum*, Eugenia paniculata, Australian Brush Cherry. The three Monterey Pine trees are located in a planter area bordered by a brick plaza and Bridgeway sidewalk. The Eugenia tree is located just to the left in a small planter that is next to and below the ramp leading from the bus shelter portion of the structure to the public restrooms. See aerial photograph page 1. The circle indicates the three pine trees in the planter and the Eugenia tree by the bus stop and restrooms.

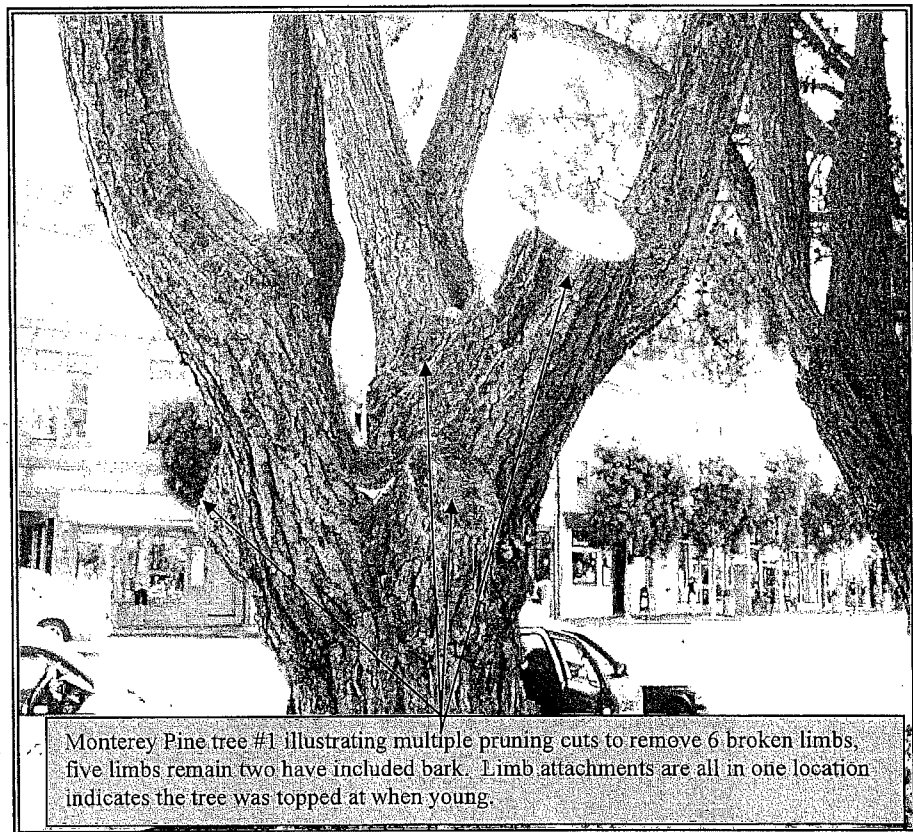
The Monterey Pine trees are numbered M. Pine 1-3 with aluminum tree tags attached to the trunks beginning from the Tree closest to Anchor Street and proceeding west towards the public restrooms and bus shelter. They are described as follows:

### Monterey Pine tree #1

Circumference measurement at just below the lowest attachment point is 12.9 feet. Measuring at this location gives a more accurate measurement of the trunk size than if taken where limb attachments are because the attachments bulge there. The status of Monterey Pine trees is described as **undesirable** in the Sausalito Trees and Views Preservation Ordinance, 11.12.030, DEFINITIONS, Undesirable Tree. The tree has several larger diameter pruning cuts including one recent event when a large-diameter limb (16 inches in diameter) fell and damaged a street tree located on Anchor Street approximately 30 feet away from the trunk of the Monterey Pine. A count of remaining and removed limbs was made during the last site visit July 27, 2011. On this tree, there are five of eleven limbs remaining. A total of six large-diameter limbs were removed because of limb breakage. Two of the remaining limbs have very acute angles at their point of attachment to the trunk.

At the point of attachment, the two limbs have a condition referred to in arboricultural terms as bark inclusion, (bark that becomes embedded in a crotch (union) between branch and trunk or between codominant stems; causing a weak structure, ISA Glossary of Arboricultural Terms.)

This condition presents a very high-risk failure of one of the two limbs because of the extreme pressure of the two limbs against each other. The brick plaza where these trees are located is a very high density of pedestrian traffic. The bank entrance is located here, and the plaza is the location of a self-service bicycle rental location.



Monterey Pine tree #1 illustrating multiple pruning cuts to remove 6 broken limbs, five limbs remain two have included bark. Limb attachments are all in one location indicates the tree was topped at when young.

A close examination of the lower trunk revealed Pine Bark Beetle attacks very likely to be Red Turpentine Beetle, an important pest that introduces Pine Pitch Canker especially common in Monterey Pine trees. Bark Beetle is an indication

of environmental related stress. Monterey Pine trees are more vulnerable to beetle attacks when weakened by unfavorable environmental conditions.

**Monterey Pine Tree #2**

The trunk circumference is 8.75 feet. The height is 40.5 feet with a canopy spread of 57 feet. The live crown ratio is 30 percent. The tree has very sparse foliage because it is competing with the two other Monterey Pines to either side. A rust color sap was visible on the lower trunk. The tree has signs of a fungal disease known as Western Pine Rust. This fungal disease is not treatable and will continue to reduce the health of the tree. The status of Monterey Pine trees is described as **undesirable** in the Sausalito Trees and Views Preservation Ordinance, 11.12.030, DEFINITIONS, Undesirable Tree.

**Monterey Pine Tree #3**

The trunk circumference is 12.6 feet measured at 24 inches above grade. Height is 44.5 feet, and canopy spread is 57 feet. The canopy structure consists of the main trunk, which divides into six main scaffold limbs attached to the main trunk beginning at 32 inches above grade to a height of 6 feet above grade. The condition rating is 50 percent of normal. The status of Monterey Pine trees is described as **undesirable** in the Sausalito Trees and Views Preservation Ordinance, 11.12.030, DEFINITIONS, Undesirable Tree.

***Syzygium paniculatum*, *Eugenia paniculata*, Australian Brush Cherry**

The tree consists of 4 main upright stems that originate at four feet above grade. The average Circumference at Breast Height (CBH) is 24 inches the combined CBH is 8.1 feet. Tree height is 35 feet and canopy spread is 26 feet. The tree is in good condition located in a small planter bed that is 26 inches in width and 16 feet in length, directly next to a walkway that leads to a multi-use building that is the Bus Shelter and Public Restrooms. The restrooms and building are planned to be renovated soon and the tree is located within the path of the proposed renovation. Removing and transplanting the tree would be a difficult labor intensive job and transplant survival is unpredictable. The impact from construction work is unknown at this point. The removal of the main root system of this tree would produce a negative impact and cause a long-term decline.

**RECOMMENDATIONS:**

The three Monterey Pine trees should be considered in the renovation plan for the area. The three trees have developed poor canopy structure because of topping cuts when they were young, Monterey Pine trees. They genetically belong to a group of trees with an excurrent pattern, (tree growth habit



Monterey Pine #1 has large extended scaffold limb leaning over a brick Plaza. This tree has several large diameter pruning cuts due to limb failures caused by poor structure the result of topping when the tree was in its early growth stage.

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characterized by a central leader and a pyramidal crown.) Topping pruning cuts have created a tree with multiple leaders and all origination at the same location on the trunk.

These multiple leaders all compete for space and eventually fail because of their structure. In a location with infrequent traffic, risk would be reduced because potential for injury would be limited. The location of these Pine trees on Bridgeway in the down town business district has constant activity, the frequency of activity, the bicycle rental station, bank, bus shelter, public restrooms, and tourist traffic increase the risk of personal injury exponentially when limb failures occur. There are a poor canopy structure and history of limb failure, especially on Monterey Pine tree #1. There is very little that can be done to correct the trees' structure at this stage of the trees' growth. All three pines have either Pine pitch canker or Western Pine Rust fungal diseases most likely introduced by Pine Beetles. These compound conditions will very likely cause more limb failure that may cause personal injury if the heavy weight limbs strike a pedestrian. Monterey Pine tree #1 should be removed immediately. The Bridgeway corridor is a windy location and wind influence on heavy end-weighted limbs with poor attachments increases limb failure. The two limbs with bark inclusion are high failure potentials. These multiple factors are the basis of the recommendation for removal.

The three Monterey Pine trees are a group of trees that developed to maturity together. Removal of one will impact the remaining two trees. These two trees have the same structure and heavy end weight on each limb. Based on these factors and the fungal symptoms, removal of the two remaining trees is recommended.

The Eugenia tree would be difficult to preserve if proposed construction work requires additional space for the bus shelter and public restroom expansion. The tree is directly against the existing walkway, and any change would require removal of the tree. It would be more practical to replace the tree because relocating the tree would not have successful results.

### SUMMARY:

The information and recommendations collected for this report are made to provide an independent study to assist with the decision for the trees as a component of the project. The green space that the Monterey Pine trees create is a benefit to the Sausalito Down Town Business District. If the recommendation made in this report is accepted, and decision granted for removal the approval process should recommend replacement plants with equal mature canopy cover as a requirement for the project. Replacement trees will require additional site improvements to be successful. Soil analysis and addition to existing soil should have adequate organic matter and amendments to be compatible with the surrounding soil. Irrigation to establish newly planted trees is necessary for proper growth and development. Training young trees for structure and health is necessary to grow into maturity. Tree species, container size, and location are necessary for the tree replacement plan.

### Suggestions for Replacement Trees:

#### **In Ground Installations:**

<b>Botanical Name</b>	<b>Common Name</b>	<b>Comments</b>
<i>Tristiana laurina</i>	Tristiana	Evergreen tree, standard growth
<i>Metrosideros excelsus</i>	New Zeland Christmas Tree	Evergreen, ht. 30 ft. spread 35ft.
<i>Pinus nigra</i>	Austrian Pine	Evergreen ht. 35-50ft. spread 25-40 ft
<i>Melaleuca leucadendron</i>	Cajeput or <i>Paper</i> bark tree	Evergreen ht. 40ft. spread 15ft.
<i>Ceratonia siliqua</i>	Carob Tree	Evergreen, ht. 20-45ft. spread 20-55ft.
<i>Pyrus calleryana</i> , 'Chanticleer'	Pyrus	Deciduous ht.40 spread 16 ft.
<i>Maytenus boaria</i>	Mayten Tree	Evergreen, ht.20-30 spread 10-20

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**Container Installations suitable for 24 inch box:**

<b>Botanical Name</b>	<b>Common Name</b>	<b>Comments</b>
Podocarpus gracilior	Fern Pine	Native to East Africa to 60 ft. 40 ft if in container.
Thuja occidentalis	American Arborvitae	Height 40-60 ft.
Cupressus sempervirens	Italian Cypress	narrowly columnar to 60 ft in containers 40 ft. 5 varieties depend on shade of green.
Cupressocyparis leylandii	Leyland Cypress	20-25 ft. tall x 6-8 ft wide.

**Contact Information:**

Ed Gurka  
Independent Services  
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San Rafael, CA. 94901  
Mobile: 415 601-5337  
Email: [Egurka1@aol.com](mailto:Egurka1@aol.com)

**Affiliations and Licenses:**

International Society of Arboriculture, Certified Arborist # 418, 1984 to present.  
American Society of Consulting Arborists, Member, 2000 to present.  
California Department of Pesticide Regulation, Pest Control Advisor PCA 74846, 1989 to present.  
City of Sausalito, Municipal Arborist, 1989-2004  
Independent Consulting Arborist Services, 2004-present.

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1 portion of the City's General Obligation Bonds, 2006 Series A (Police and Fire  
2 Buildings). The measure was unanimously approved by a voice vote.

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4 **6C. Approval of Conceptual Design for Robin Sweeny Park Improvements (Parks and**  
5 **Recreation Director Mike Langford)**

6  
7 Parks and Recreation Director Mike Langford began the presentation on this item. He  
8 provided a background on Robin Sweeny Park and also on the current project.

9  
10 Vince Lattanzio, of Carducci and Associates, continued the presentation. He described the  
11 various presentations that had been given to the citizens at several different workshops. He  
12 described the different schemes and how they had molded them into the conceptual design  
13 before Council. He noted that the total cost could run approximately \$1,150,000.

14  
15 Council questions followed.

16  
17 **Public Comment:**

18  
19 **Ann Arnott** suggested moving forward with the bid, as many times, especially in this  
20 economy, the bids come in much lower.

21  
22 **Susan Cleveland-Knowles** noted that the park is definitely in a sad state. She was excited  
23 to see the progress and highly recommended moving forward.

24  
25 **Carol Peltz** complimented the process that this project has gone through and then  
26 suggested some changes to the pathway that runs along Caledonia Street.

27  
28 **John Sweeny** noted that the park has to be upgraded. He noted that he would like to see  
29 the lawn area kept as is.

30  
31 **Doreen Gounard** wanted the Council to move forward. She noted that this project has  
32 taken into account all public comments. She felt that this was a wonderful approach for  
33 making a park/playground.

34  
35 **Susan Frank** commended the designers. She noted how she had followed this process  
36 online, and doesn't want to see this get lost.

37  
38 **Councilmember Leone** moved, seconded by Vice Mayor Kelly, to approve the  
39 conceptual design for Robin Sweeny Park improvements and authorize work to  
40 continue. The motion was unanimously approved by a voice vote.

41  
42 Mayor Weiner called for a break.

43  
44 **6D. Notice of removal of undesirable trees and replacement of a portion of the**  
45 **sidewalk on Bridgeway between Anchor Street and the existing Downtown**  
46 **Restrooms (Director of Public Works Jonathon Goldman)**

47  
48 Director of Public Works Jonathon Goldman presented the staff report on this item. He  
49 described the project and why it needed to be completed. Mr. Goldman expanded on the

1 immediate need to remove the trees, as limbs are breaking off due to disease. He noted  
2 that temporary landscaping could be added to the area where the trees are to be removed.

3  
4 Council questions followed.

5  
6 **Public Comment:** There was no Public Comment on this item.

7  
8 Council comments followed.

9  
10 Councilmember Leone moved, seconded by Vice Mayor Kelly, to proceed with the  
11 removal of the undesirable trees and replacement of a portion of the sidewalk on  
12 Bridgeway between Anchor and the existing downtown restrooms, with the  
13 understanding that staff will conduct appropriate site and tree investigation for  
14 wildlife and other issues, and come back to Council with a recommendation for  
15 temporary landscaping to replace those on an interim basis and incorporate the  
16 design for permanent replacement in the scope of work for the bathroom project.

17  
18 Councilmember Pfeifer requested an amendment to the motion to include that City  
19 Staff would work with the Trees and Views Committee in some capacity seeking  
20 feedback in that process for the replacement.

21  
22 Councilmember Leone felt that that would be more appropriate when it comes to the whole  
23 design of the permanent layer which would come with the bathroom project and that it  
24 should be left to the discretion of staff to what goes in on a temporary basis.  
25 Councilmember Pfeifer was in agreement with this.

26  
27 The motion was unanimously approved by a voice vote.

28  
29 **6E. Contingent Award of Contract to Construct Priority 1 Sewer Replacement,**  
30 **Project 1B, Spinnaker/Humboldt Street Sewer and Anchor Pump Station**  
31 **Rehabilitation** *(Director of Public Works Jonathon Goldman)*

32  
33 Director of Public Works Jonathon Goldman presented the staff report on this item. He  
34 described the funding process that has been involved with the State Water Resources  
35 Control Board and how this has delayed the contract award. He further described why staff  
36 was requesting this be a contingent award.

37  
38 Council questions followed.

39  
40 **Public Comment:** There was no Public Comment on this item.

41  
42 Vice Mayor Kelly moved, seconded by Councilmember Leone, to adopt Resolution  
43 No. 5265, 1) finding the project exempt from the application of CEQA; 2) finding the  
44 project exempt from the Sausalito Zoning Ordinance Design Review procedure; 3)  
45 contingently awarding a contract to WR Forde, Inc. for construction of Priority 1  
46 Sewer Replacement, Project 1B, Spinnaker/Humboldt Street Sewer and Anchor Street  
47 Pump Station Rehabilitation; and 4) authorizing the City Manager to execute a  
48 contract on behalf of the City once the City receives approval of award from the State

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