


# STAFF REPORT

## SAUSALITO TREES AND VIEWS COMMITTEE

**Project** Leitch Tree / 330 Ebbtide Avenue  
Tree Removal Permit  
TRP 11-361

**Meeting Date** December 2, 2011

**Staff** Alison Thornberry, Assistant Planner 

### REQUEST

Approval of a **Tree Removal Permit** to allow the removal of one Coast Live Oak located at the front of the residence at 330 Ebbtide Avenue.

### PROJECT INFORMATION

**Applicant** Marin County Arborists

**Owner** Kenneth Leitch TR

**Location** 330 Ebbtide Avenue (APN 052-322-02) (see **Exhibit A** for vicinity map)

**Authority** Municipal Code Section 11.12.030.A.2.b authorizes the Trees and Views Committee to review and act upon Tree Removal and Alteration Permits regarding protected trees on private developed property

**Environmental Review** Issuance of Tree Removal and Alteration Permits is categorically exempt from the California Environmental Quality Act (CEQA), in accordance with Section 15301 of the CEQA Guidelines.

### PROJECT DESCRIPTION

The applicant, Marin County Arborists, has submitted an application on behalf of the property owner, Kenneth Leitch TR, for the removal of one Coast Live Oak (*Quercus agrifolia*) located in front of the residence at 330 Ebbtide Avenue.

An Arborist Report was prepared on November 3, 2011 by Certified Arborist, Louie Brunn, to assess the health, structural condition, and suitability for preservation of the Coast Live Oaks located at 330 Ebbtide Avenue.

The Arborist's report identifies the following attributes regarding the tree proposed for removal (see **Exhibit B** for full report):

- Two trunks equaling 94 inches in Circumference at Breast Height (CBH) and 30 inches in Diameter at Breast Height (DBH);
- The trunk has twin trunks with infected bark between the trunks;
- A cavity begins at the base of the tree and extends at least 10 feet upward on the east trunk and 15 feet upward on the west trunk;
- The decay is continuous from the bottom of the tree upward to the open cavities;
- The continuous nature of these decay columns was verified by sounding the trunks with a mallet;
- Likely failure points of this tree are at the base, or at the upper end of the decay column, the hazard rating is a 10 out 12.

The arborist states that the tree is hazardous to people and the residence and must be removed.

## **PROJECT ANALYSIS**

The required determinations for approval of a Permit to remove a protected tree are as follows (per Section 11.12.030.B):

1. In order to grant a tree removal or alteration permit it must be determined that removal or alteration is necessary in order to accomplish any one of the following objectives:
  - a. To insure the public safety as it relates to the health of the tree, potential hazard to life or property, proximity to existing or proposed structures, and interference with utilities or sewers.
  - b. To allow reasonable enjoyment of the property, including sunlight, and the right to develop the property.
  - c. To take reasonable advantage of views.
  - d. To pursue good, professional practices of forestry or landscape design.

*The tree has infected bark between the trunks, with large cavities extending up through the trunks of the Oak. Due to the proximity this tree is to the residence, removal is required to insure public safety as it related to the health of the tree, and potential hazards to life and property, thus satisfying **Objective a** listed above.*

2. In order to grant a tree removal permit, it must be determined that any one of the following conditions is satisfied:
  - a. The tree to be removed will be replaced by a desirable tree.
  - b. The Tree Committee waives the above requirement based on information provided by the applicant/owner.

*Staff has created a condition that the replacement tree shall be in a 24-inch box container of desirable species, to be determined by the property owner, and shall be planted in a location to be determined by the property owner. The replacement tree shall be planted within 60 days of tree removal, thus satisfying **Objective a** listed above.*

## **PUBLIC NOTICE AND CORRESPONDENCE**

On November 22, 2011, a notice of this proposal was posted at the front of the subject property, visible to the surrounding neighborhood, and the tree has been tagged.

As of the writing of the staff report the City has not received any correspondence.

## **RECOMMENDATION**

Staff recommends the Trees and Views Committee approve the attached resolution which makes the required determinations for approval of a Tree Removal Permit to allow removal of the Coast Live Oak located at 330 Ebbtide Avenue (TRP 11-361).

Alternatively, the Trees and Views Committee may:

- Approve the Tree Removal Permit with modifications;
- Continue consideration of the item for additional information; or
- Deny the Tree Removal Permit and identify one or more of the Findings for Denial listed in Section 11.12.030.B.3 (see **Exhibit C**).

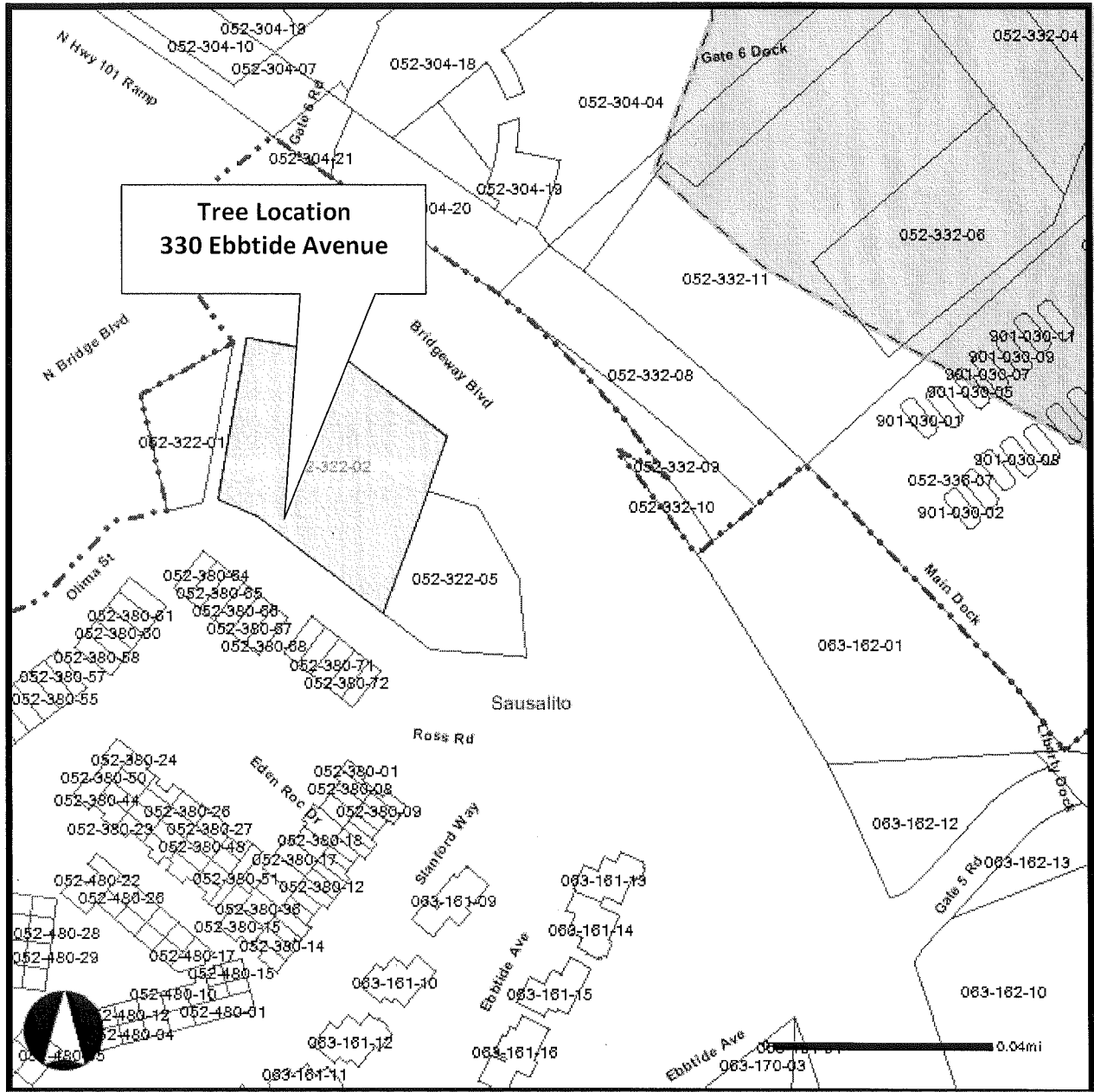
## **EXHIBITS**

- A. Vicinity Map
- B. Arborist report and photographs, date stamped November 16, 2011

C. Criteria for Approval or Denial of Tree Removal Permits  
D. DRAFT Resolution

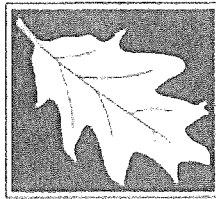
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# Vicinity Map



I:\CDD\PROJECTS - ADDRESS\E\Ebbtide 330\TRP 11-361\Vicinity Map 12.02.2011

Exhibit A



Marin County Arborists Inc  
PO Box 2538, San Rafael CA 94912  
Tel: 415-457-8733 Fax: 415-455-8110

RECEIVED

NOV 16 2011

CITY OF SAUSALITO  
COMMUNITY DEVELOPMENT

November 3, 2011

Nancy Leitch  
339 Bullock Drive  
Guilford, VT 0531

Site: 4255 Bridgeway, Sausalito, CA 94965 / 330 Ebbtide Avenue

Tree: Coast Live Oak (*Quercus agrifolia*) – Combined trunk diameter 30"

### Arborist Report

The tree is located at the upper corner of the house. (South side).

This tree has twin trunks with infected bark between the trunks. A cavity begins at the base of the tree and extends at least 10' upward on the east trunk and 15' upward on the west trunk.

The decay is continuous from the bottom of the tree upward to the open cavities. The continuous nature of these decay columns was verified by sounding the trunks with a mallet. The prior management of this tree included pruning and installation of cable support.

The likely failure points of this tree are at the base, or at the upper end of the decay column. The hazard rating is 10 points out of a high of 12 points. There is no appraised value given to hazardous trees. Removal of this tree does not increase erosion or impact soil stability

Report completed by:

Louie P. Brunn  
Marin County Arborists, Inc.  
Certified Arborist # 5695

**Legend**

- Major Road
  - Highway 101, 580
  - Major Road
- Road
  - Highway 101, 580
  - Other Highway
  - Local
  - Fire Road
  - Driveway
  - Footpath
  - Railroad
- Address
- Parcel
- Building Footprint (2004)
- City Limit Line
- County Boundary

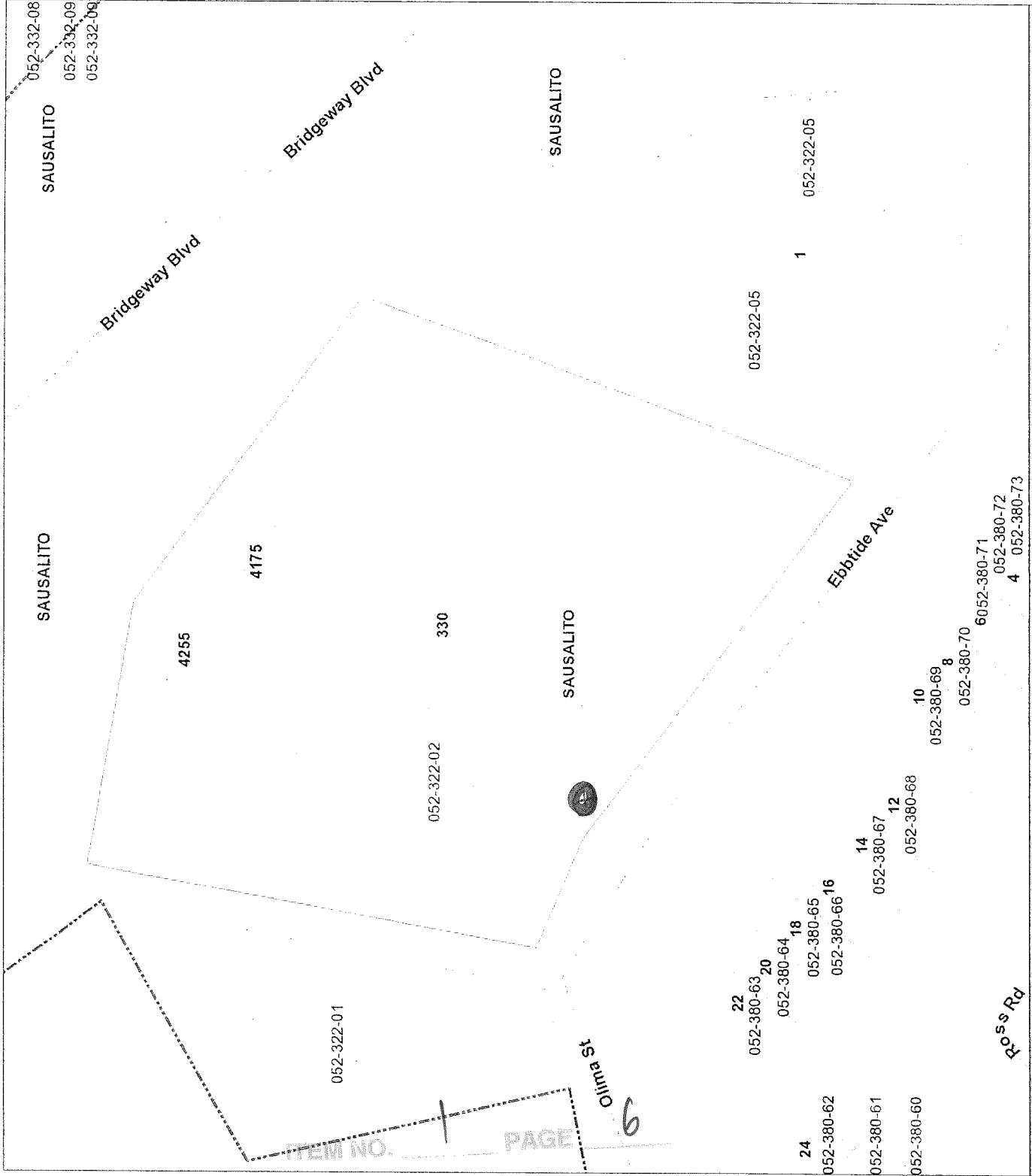


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NOV 16 2011

CITY OF SAUSALITO

COMMUNITY DEVELOPMENT  
1:550



This map is a user-generated static output from an internet mapping site and is for reference only. Data layers that appear on this map may or may not be accurate, current, or otherwise reliable. THIS MAP IS REPRESENTATIONAL ONLY. DATA ARE NOT SURVEY PRECISE.

ITEM NO. PAGE 6



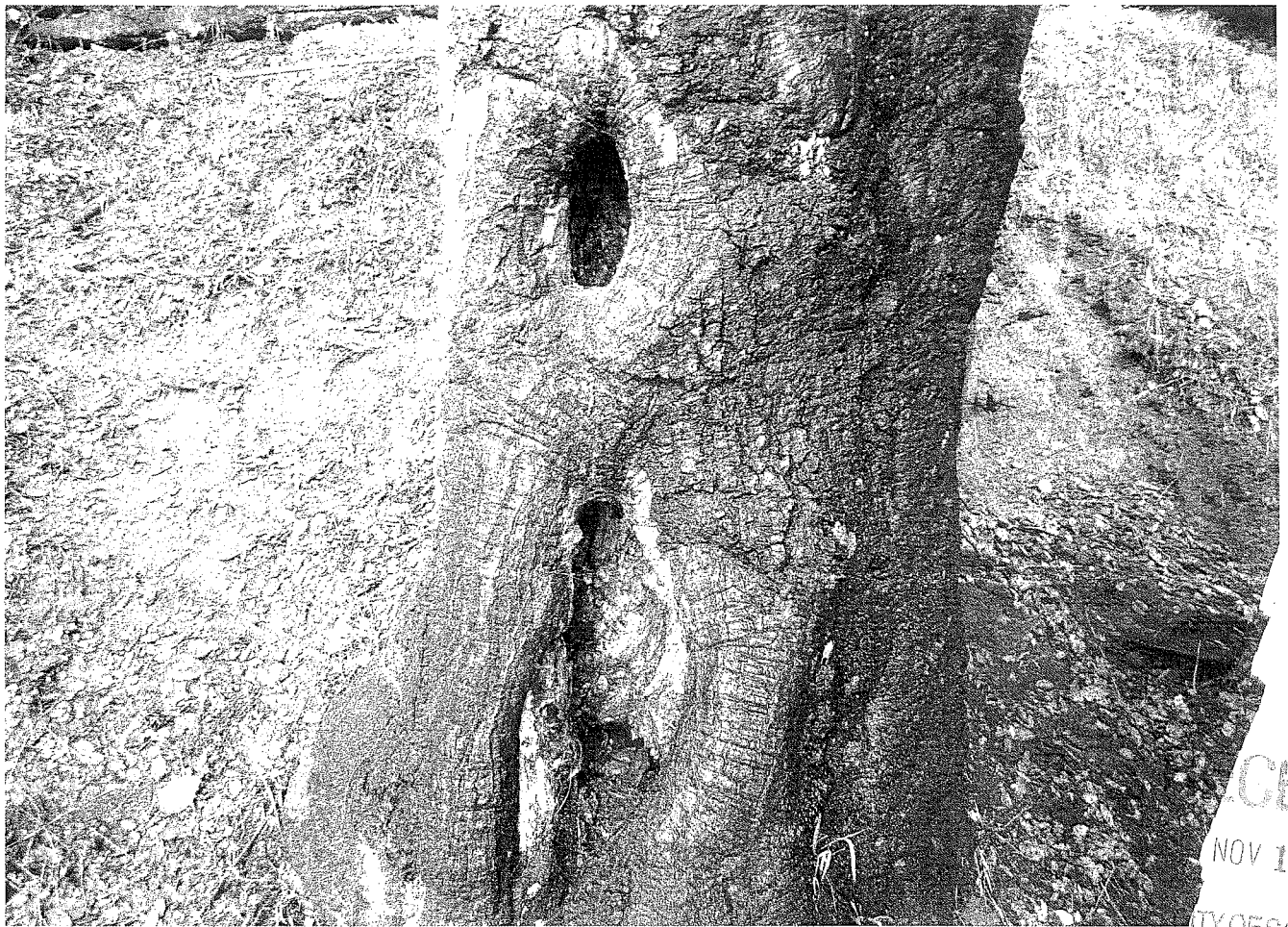
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NOV 16 2011

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COMMUNITY DEVELOPMENT







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COMMUNITY DEVELOPMENT





**Criteria for Approval or Denial of Tree Removal or Alteration Permits**  
**Municipal Code Section 11.12.030.B**

1. In order to grant a tree removal or alteration permit it must be determined that removal or alteration is necessary in order to accomplish any one of the following objectives:
  - a. To insure the public safety as it relates to the health of the tree, potential hazard to life or property, proximity to existing or proposed structures, and interference with utilities or sewers.
  - b. To allow reasonable enjoyment of the property, including sunlight, and the right to develop the property.
  - c. To take reasonable advantage of views.
  - d. To pursue good, professional practices of forestry or landscape design.
  
2. In order to grant a tree removal permit, it must be determined that any one of the following conditions is satisfied:
  - a. The tree to be removed will be replaced by a desirable tree.
  - b. The Tree Committee waives the above requirement based on information provided by the applicant/owner.
  
3. A finding of any one of the following is grounds for denial, regardless of the finding in "1." above:
  - a. Removal of a healthy tree of a desired species can be avoided by:
    1. Reasonable redesign of the site plan, prior to construction
    2. a) thinning to reduce density; e.g., "open windows"  
b) shaping to reduce height or spread, using thinning cuts only (drop crotch)  
c) heading or topping – this is the least preferable method, due to the tree's health and appearance and cost of maintenance.
  - b. Adequate provisions for drainage, erosion control, land stability, windscreen, visual screening, privacy and for restoration of ground cover and/or other foliage damaged by the tree work have not been made in situations where such problems are anticipated as a result of the removal or alteration.
  - c. The tree to be removed is a member of a group of trees in which each tree is dependent upon the others for survival.
  - d. The value of the tree to the neighborhood is greater than its convenience to the owner. The effects on visual, auditory, and wind screening, privacy and neighboring vegetation must be considered.
  - e. The need for protection of privacy for the property on which the tree is located and/or for adjacent properties.

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**SAUSALITO TREES AND VIEWS COMMITTEE  
RESOLUTION NO. 2011-XX**

**TREE REMOVAL PERMIT FOR A COAST LIVE OAK  
LOCATED AT 330 EBBTIDE AVENUE (TRP 11-361)**

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**WHEREAS**, on November 26, 2011 a Tree Removal Permit application was filed by, the applicant, Marin County Arborists, on behalf of the property owner, Kenneth Leitch TR, requesting the removal of one Coast Live Oak (*Quercus agrifolia*) located at 330 Ebbtide Avenue (APN 052-322-02); and

**WHEREAS**, a notice for the application was posted on the Tree Owner's property on November 22, 2011; and

**WHEREAS**, the Trees and Views Committee considered the application at a public meeting on December 2, 2011, at which time all interested persons were given an opportunity to be heard; and

**WHEREAS**, the Trees and Views Committee has reviewed and considered the information contained in the staff reports as well as any and all oral and written testimony on the proposed project; and

**WHEREAS**, the Trees and Views Committee finds that the application is categorically exempt from California Environmental Quality Act (CEQA) pursuant to Section 15301 of the CEQA Guidelines; and

**NOW, THEREFORE, THE TREES AND VIEWS COMMITTEE HEREBY RESOLVES:**

Removal of the Coast Live Oak located on the Tree Owner's property at 330 Ebbtide Avenue is approved. This decision is based upon the determinations provided in Attachment 1 and subject to the conditions of approval provided in Attachment 2.

**RESOLUTION PASSED AND ADOPTED**, at the regular meeting of the Sausalito Trees and Views Committee on the \_\_\_ day of \_\_\_\_\_, 20\_\_\_, by the following vote:

AYES:           Committee Member:  
NOES:           Committee Member:  
ABSENT:        Committee Member:  
ABSTAIN:       Committee Member:

\_\_\_\_\_  
Jeremy Graves, AICP  
Community Development Director

**ATTACHMENTS**

- 1- Findings
- 2- Conditions of Approval

Exhibit D  
[3 pages]

TREES AND VIEWS COMMITTEE RESOLUTION

December 2, 2011

TRP 11-361

330 Ebbitide Avenue

ATTACHMENT 1: FINDINGS

**TREE REMOVAL PERMIT FINDINGS**

In accordance with Municipal Code Section 11.12.030.B, the Trees and Views Committee makes the following findings with respect to the Tree Removal Permit for 330 Ebbitide Avenue.

**Section 11.12.030.B of the Sausalito Municipal Code**

1. In order to grant a tree removal or alteration permit it must be determined that removal or alteration is necessary in order to accomplish any one of the following objectives:
  - a. To insure the public safety as it relates to the health of the tree, potential hazard to life or property, proximity to existing or proposed structures, and interference with utilities or sewers.
  - b. To allow reasonable enjoyment of the property, including sunlight, and the right to develop the property.
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In order to grant a tree removal permit, it must be determined that any one of the following conditions is satisfied:

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*Staff has created a condition that the replacement tree shall be in a 24-inch box container of desirable species, to be determined by the property owner, and shall be planted in a location to be determined by the property owner. The replacement tree shall be planted within 60 days of tree removal, thus satisfying **Objective a** listed above.*

**TREES AND VIEWS COMMITTEE RESOLUTION**  
**December 2, 2011**  
**TRP 11-361**  
**330 Ebttide Avenue**

**ATTACHMENT 2: CONDITIONS OF APPROVAL**

This condition of approval applies to the Tree Removal Permit submitted on November 16, 2011.

1. The removed tree shall be replaced with a 24 inch box tree of desirable species, to be determined by the property owner, and shall be planted in a location to be determined by the property owner. The replacement tree shall be planted within 60 days of tree removal.

**Advisory Notes**

Advisory notes are provided to inform affected parties of Sausalito Municipal Code requirements, and requirements imposed by other agencies. These requirements include, but are not limited to, the items listed below.

1. All tree work shall be performed to the American National Standards (ANSI) A300 pruning standards.
2. Pursuant to Municipal Code Section 11.12.040.B, in the event litigation is required to enforce the decision of the Trees and Views Committee the party bringing any private civil action must promptly notify the City of Sausalito's Community Development Department in writing of such action.
3. An encroachment permit shall be obtained from the Department of Public Works prior to use of the public right-of-way for non-public purposes (e.g., materials storage, debris box storage) including any and all tree removal activities.
4. Pursuant to Municipal Code Section 12.16.140, the operation of construction, demolition, excavation, alteration, or repair devices and equipment within all residential zones and areas within a 500 foot radius of residential zones shall only take place during the following hours:  
Weekdays – Between 8:00 a.m. and 6:00 p.m.  
Saturdays – Between 9:00 a.m. and 5:00 p.m.  
Sundays – Prohibited  
City holidays (not including Sundays) – Between 9:00 a.m. and 7:00 p.m.

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