

STAFF REPORT

SAUSALITO TREES AND VIEWS COMMITTEE

Project Rushford/Goff Tree / 416/420 Napa Street
Tree Removal Permit
TRP 12-293

Meeting Date December 6, 2012

Staff Alison Thornberry-Assef, Assistant Planner



REQUEST

Approval of a **Tree Removal Permit** to allow the removal of one Plum tree located at 420 Napa Street and one Douglas Fir tree located at 420 Napa Street.

PROJECT INFORMATION

Applicant Mark Rushford

Owner Mark Rushford (420 Napa Street)
Jesse Goff (416 Napa Street)

Location 420 Napa Street (APN 064-151-19) and 416 Napa Street (APN 064-151-17) (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 Issuance of Tree Removal and Alteration Permits is categorically exempt **Review** from the California Environmental Quality Act (CEQA), in accordance with Section 15301 of the CEQA Guidelines.

PROJECT DESCRIPTION

The applicant and 420 Napa Street property owner, Mark Rushford, 416 Napa Street property owner, Jesse Goff, has submitted an application for the removal of one Plum tree (*disambiguation*) located behind the residence of 420 Napa Street and one Douglas Fir tree (*Pseudotsuga menziesii*) along the property line between 416 and 420 Napa Street.

An Arborist Report was prepared on August 24, 2012 by Certified Arborist, Ken Bovero, to assess the health, structural condition, and suitability for preservation of the Plum tree and Douglas Fir tree located at 420 Napa Street/416 Napa Street.

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

Plum Tree

- Multi-stemmed tree, the trunks are 24, 16 and 16 inches in circumference at breast height (CBH);
- The tree splits into three stems at grade;
- The tree was originally removed 12 to 15 years ago and the stump resprouted creating the multiple stems;
- The roots system is applying thousands of pounds of force against the adjacent retaining wall causing it to crack;
- The tree drops plums causing an increase of rats present of the property;

The arborist states that with the ongoing damage to the retaining wall, the increase of rodents and the poor growth structure of the tree, the plum tree should be removed.

Eugenia Tree

- The tree is 75 inches in CBH', and splits into two stems at approximately 25 feet;
- The split in the trunk is threatening the 422 and 420 Napa Street residences;
- The tree has been strangled by Ivy and is killing the lower branches and negatively changing the live crown ratio and creating a hazard;
- The lack of low branches adds to the trees instability.

The arborist states that the tree should be removed immediately to eliminate the threat it poses to people the nearby residences.

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 Plum tree is continuing to damage the adjacent retaining wall, causing an increase of rats frequenting the property, and has a very poor growth structure. Since the Plum tree is causing damage to the property and has a poor structure, removal is required to insure public safety and to pursue good, professional practices of forestry, thus satisfying **Objective a and d** listed above.*

*The Douglas Fir tree is being strangled by Ivy which has caused the lower branches to die, crating and unstable tree that leans toward nearby residences. Since the Douglas Fir tree poses a hazardous threat to people and the neighboring residences, immediate removal is required to insure public safety as it relates to the potential hazard 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 of Approval that requires two replacement trees to be a 24-inch box container of desirable species, to be determined by the property owners and shall be planted in a location to be determined by the property owners. There shall be one replacement tree located on each property. The replacement trees shall be planted within 60 days of Plum tree and Douglas Fir tree removal, thus satisfying **Objective a** listed above.*

PUBLIC NOTICE AND CORRESPONDENCE

On September 27, 2012, 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 received two letters of support for the tree removals (see **Exhibit C**).

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 the removal of one Cedar tree and one Eugenia tree located between 640 Sausalito Boulevard and 56 Sunshine Avenue (TRP 12-252).

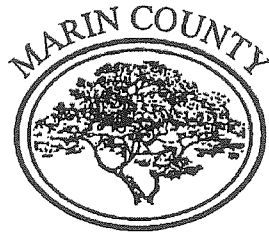
Alternatively, the Trees and Views Committee may:

- 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 D**).

EXHIBITS

- A. Vicinity Map
- B. Arborist report and photographs, date stamped November 14, 2012
- C. Criteria for Approval or Denial of Tree Removal Permits
- D. DRAFT Resolution

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ARBORISTS

CERTIFIED ARBORIST #877

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NOV 14 2012

CITY OF SAUSALITO
COMMUNITY DEVELOPMENT

August 24, 2012

Mark Rushford
420 Napa Street
Sausalito, CA 94965

Tree #1 Multi stemmed Plum tree 24"x16"x16" circumference. This tree splits into 3 stems at roughly grade and several times again as you look 4' up the trunk. This tree was removed approximately 12-15 years ago and the stump re sprouted creating all the multiple stems. This trees root system is applying thousands of pounds of force against the wall and causing cracking. This tree is also dropping plums on the ground and increasing the population of rats present on the property by providing food source they enjoy eating remains. Tree value: \$580.00 As mentioned this tree is beginning to crack the wall and has a very poor growth structure that is clearly obvious if you view the co dominant growth structure (stems growing tightly together).

Tree #2 75" CBH Douglas Fir tree: This tree splits into two stems at approximately 25', this bifurcation is threatening 422 Napa as well as 420 Napa this tree has been strangled by Ivy for over a decade, killing off the lower branches and negatively changing the live crown ratio and creating a hazard. Low branches create ballast for trees and improving their stability. This tree should be removed before November 2012, to eliminate the threat it poses. Tree value: \$3,600.00 This tree has a number of ailments as for mentioned and is posing a threat to the owner and surrounding properties.

Sincerely,

Ken Bovero
Certified Arborist WE 0877



SOUTHERN MARIN
(415) 381-TREE

P.O. Box 2538
San Rafael, CA 94912

NORTHERN MARIN
(415) 457-TREE



Exhibit B
(6 pages)

ITEM NO. 1 PAGE 4



RECEIVED

NOV 14 2012

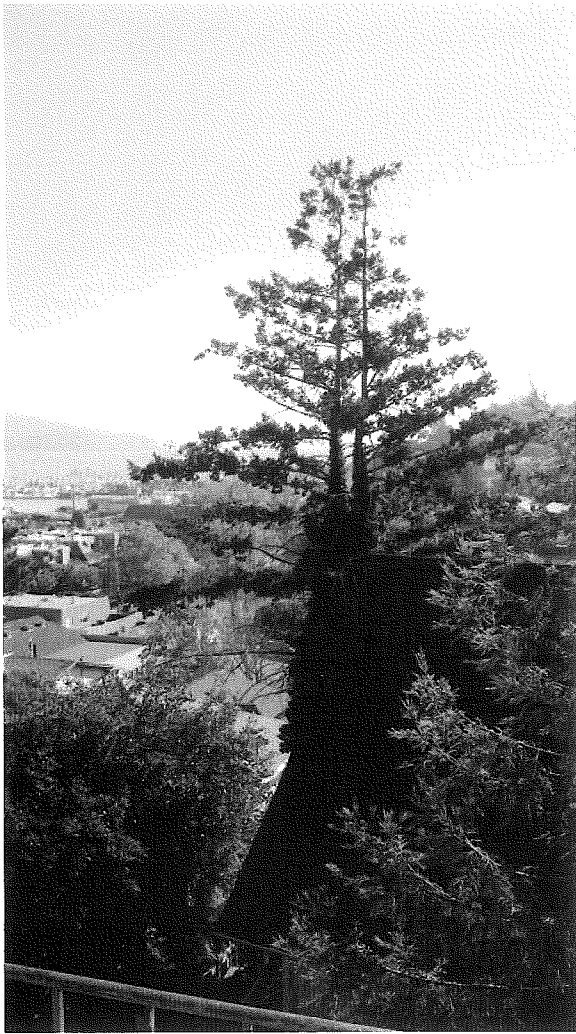
CITY OF SAUSALITO
COMMUNITY DEVELOPMENT

This is tree # 1 in the arborists report. The retaining wall is just beginning to deflect as a result of it's growth.

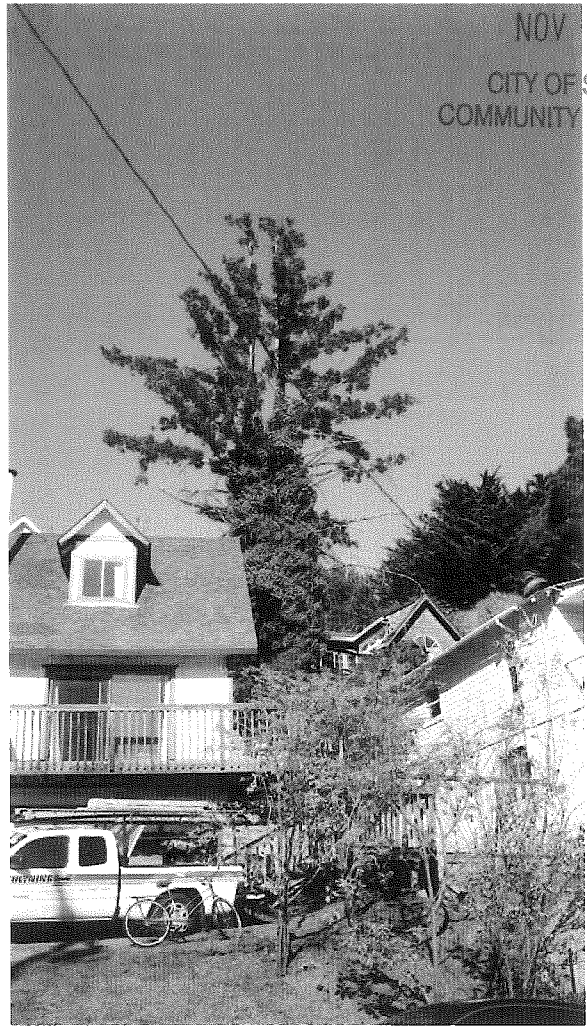
Based on the guidelines provided by the city of Sausalito—we don't believe this tree requires a permit.

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COMMUNITY DEVELOPMENT



View from 114 Filbert of the Fir Tree (tree # 2 in the arborists report).



View from Napa Street of the Fir Tree (tree # 2 in the arborists report) and how it threatens 420 & 416 Napa.



View of the Fir Tree (tree # 2 in the arborist report) from 422 Napa Street. Not only does it block the view substantially but it threatens 416 Napa Street (gray roof), 422 Napa Street (where this photo was taken) and 420 Napa Street who's roof is just visible in the lower right of the photo.

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Tree # 1, Multi-stemmed Plum, as referred to in the Arborist Report.

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a. Reason for removal.

Please see arborist report and page 3 of 3 of the pictures provided.

b. Economic value of the tree based on the ISA guide for plant appraisal.

Please see arborist report.

c. Dangers which may result by the continued existence of the tree if not removed.

Please see arborist report.

d. Effects of removal on neighboring vegetation.

There will be no effects to the neighboring vegetation.

e. Loss of soil stability that may occur if the tree is removed.

There will be no significant change to the areas around the tree.

f. Advisability of stump or root removal.

To ensure this tree does not re-grow and further affect the retaining wall this tree will be removed down to the stump at least.

g. Suggestions for replacement planting.

This is a perfect area for shrubs or even planter boxes for vegetables which is the most likely scenario.

RECEIVED

NOV 14 2012

CITY OF SAUSALITO
COMMUNITY DEVELOPMENT

Tree # 2, Douglas Fir, as referred to in the Arborist Report.

a. Reason for removal.

Please see arborist report and page 1 of 3 of the pictures provided. The tree is not healthy and it threatens the homes at 416, 420, and 422 Napa Street. It also blocks the view significantly from 422 Napa Street and 114 Filbert Street.

b. Economic value of the tree based on the ISA guide for plant appraisal.

Please see arborist report.

c. Dangers which may result by the continued existence of the tree if not removed.

The tree is not healthy and it threatens the homes at 416, 420, and 422 Napa Street.

d. Effects of removal on neighboring vegetation.

There will be no effects to the neighboring vegetation.

e. Loss of soil stability that may occur if the tree is removed.

There will be no significant change to the areas around the tree. We will be grinding the tree down to the stump and just below grade so that soil or other material can be put over the location of where the tree was located.

f. Advisability of stump or root removal.

The stump will be ground down to below grade so that soil or other material can be put over the location of where the tree was located.

g. Suggestions for replacement planting.

This tree is located at 416 Napa Street and in conversations with the owner he may plant more bamboo which is currently being used effectively or use another method to maintain a privacy barrier.

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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Exhibit C

**SAUSALITO TREES AND VIEWS COMMITTEE
RESOLUTION NO. 2012-XX**

**TREE REMOVAL PERMIT FOR A PLUM TREE LOCATED AT 420 NAPA STREET AND A DOUGLAS
FIR TREE LOCATED AT 416 NAPA STREET (TRP 12-293)**

WHEREAS, The applicant and 420 Napa Street property owner, Mark Rushford, 416 Napa Street property owner, Jesse Goff, has submitted an application for the removal of one Plum tree (*disambiguation*) located behind the residence of 420 Napa Street and one Douglas Fir tree (*Pseudotsuga menziesii*) along the property line between 416 and 420 Napa Street. (APNs 064-151-19 and 064-151-17); and

WHEREAS, a notice for the application was posted on the Tree Owners' property on November 29, 2012; and

WHEREAS, the Trees and Views Committee considered the application at a public meeting on December 6, 2012, 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 one Plum tree located behind the residence of 420 Napa Street and one Douglas Fir tree along the property line between 416 and 420 Napa Street 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

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Exhibit D
3 pages

TREES AND VIEWS COMMITTEE RESOLUTION

December 6, 2012

TRP 12-293

416/420 Napa Street

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 416/420 Napa Street.

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.
 - c. To take reasonable advantage of views.
 - d. To pursue good, professional practices of forestry or landscape design.

*The Plum tree is continuing to damage the adjacent retaining wall, causing an increase of rats frequenting the property, and has a very poor growth structure. Since the Plum tree is causing damage to the property and has a poor structure, removal is required to insure public safety and to pursue good, professional practices of forestry, thus satisfying **Objective a and d** listed above.*

*The Douglas Fir tree is being strangled by Ivy which has caused the lower branches to die, crating and unstable tree that leans toward nearby residences. Since the Douglas Fir tree poses a hazardous threat to people and the neighboring residences, immediate removal is required to insure public safety as it relates to the potential hazard to life and property, thus satisfying **Objective a** listed above.*

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.

*The project is conditioned to require two replacement trees to be in a 24-inch box container of desirable species, to be determined by the property owners and shall be planted in a location to be determined by the property owners. There shall be one replacement tree located on each property. The replacement trees shall be planted within 60 days of Plum tree and Douglas Fir tree removal, thus satisfying **Objective a** listed above.*

TREES AND VIEWS COMMITTEE RESOLUTION
December 6, 2012
TRP 12-293
416/420 Napa Street

ATTACHMENT 2: CONDITIONS OF APPROVAL

This condition of approval applies to the Tree Removal Permit submitted on November 9, 2012.

1. The two replacement trees are to be in a 24-inch box container of desirable species, to be determined by the property owners and shall be planted in a location to be determined by the property owners. There shall be one replacement tree located on each property. The replacement trees shall be planted within 60 days of Plum tree and Douglas Fir 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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