

CITY OF SAUSALITO
VIEW CLAIM – REQUEST FOR ADVISORY DECISION

APPLICATION INSTRUCTIONS

Sausalito Municipal Code Section 11.12.040 states that “A tree, shrub, hedge or other vegetation shall not be maintained in such a manner as to unreasonably obstruct the view from or the sunlight reaching other property.”

In order to file a request for a Fact Finding and Advisory Decision by the Trees and Views Committee for a View Claim, the affected property owner (aka, Claimant) must take several steps in an attempt to resolve the view obstruction with the owner of the tree (aka, Tree Owner).

PRE- APPLICATION STEPS

The following Steps 1 and 2 must be completed prior to submitting an application for a View Claim. Step 3 is optional.

1. Initial Reconciliation: The Claimant must send the Tree Owner a written notice which outlines the concerns and includes an arborist report with a recommended solution. The arborist report must be prepared in accordance with the "Arborist Report Requirements." The Claimant is also encouraged to conduct personal discussions of the matter with the Tree Owner, if possible.
2. Mediation: If the Initial Reconciliation is unsuccessful, the Claimant must send a written notice to the Tree Owner requesting that the matter be submitted to mediation. The Tree Owner has 30 days to accept or reject the mediation request. The use of a professional mediation service is recommended. The City can provide a list of mediation services upon request. The mediation is not binding.
3. Binding Arbitration (Optional): If the Initial Reconciliation and Mediation are unsuccessful, either party can make a written offer to the other party to submit the matter to Binding Arbitration in front of the Trees and Views Committee. Failure by either party to execute an agreement for Binding Arbitration is deemed to be a rejection of Binding Arbitration.

APPLICATION STEPS

4. Submit Application Materials to the Community Development Department:
 - Application Form
 - Arborist Report prepared in accordance with the "Arborist Report Requirements"
 - Application Fees
5. Review for Completeness. Upon submittal of the application materials, the Community Development Department staff will review the materials to ensure the application is complete. While this process may take up to 30 days, staff will typically notify the Claimant in writing in less than 30 days if any materials are missing or incomplete.
6. Scheduling of Public Meeting. Upon a determination that the application is complete, staff will schedule the View Claim for consideration by the Trees and Views Committee at the next available Committee meeting. The Committee generally meets once per month. Staff will mail public meeting notices to the Claimant, Tree Owner, and property owners within 300 feet of the Claimant's and Tree Owner's respective properties. In addition, a public notice will be posted in the vicinity of the site.

CITY OF SAUSALITO
VIEW CLAIM – REQUEST FOR ADVISORY DECISION

APPLICATION INSTRUCTIONS
CONTINUED

REVIEW AND DECISION

7. Site Visit. Upon a determination that the application is complete, staff will also attempt to schedule a site visit by the Trees and Views Committee. The regulations encourage the Committee to inspect the premises of the Claimant and Tree Owner prior to the public meeting. Submittal of an application grants permission for the Committee and any City officials to enter the Claimant's property to inspect the tree(s) as part of the Fact Finding and Advisory Decision-making process. If a quorum (three or more members) of the Committee meets on the property, public noticing is required and the public or interested parties must be allowed to enter the Claimant's property. Staff will notify the Claimant and Tree Owner of any publicly-noticed site visit meetings. Entry upon the Tree Owner's property is only possible with the permission of the Tree Owner.
8. Decision. The Trees and Views Committee will consider the requested View Claim Fact Finding and Advisory Decision at a public meeting. The Community Development Department staff will present a staff report on the request. The Committee will accept testimony from the Claimant, Tree Owner, neighbors, and interested parties. The Claimant and Tree Owner (or their respective representatives) are encouraged to attend the meeting to address concerns of the Committee or neighbors. The Committee may recommend the services of other experts to any and all parties. The Committee's proceedings do not need to be postponed if any party refuses permission to inspect the premises or to participate in the proceedings. The Committee will make an Advisory Decision, which includes the Committee's finding with respect to standards listed in the Trees and Views Regulations, as well as restorative actions and a recommended allocation of costs.
9. Distribution of Decision. The Community Development Department staff will provide copies of the Advisory Decision to the Claimant and Tree Owner.

QUESTIONS?

The above descriptions are a summary of the procedural requirements for View Claims. For additional information and a complete description of the procedural requirements, please refer to the Trees and Views Regulations in Municipal Code Chapter 11.12 or contact the Community Development Department at 289-4128.

I:\CDD\Forms\Planning\Applications\Trees\View Claim Application Instructions-1.doc Revised September 23, 2010