

STAFF REPORT

SAUSALITO TREES AND VIEWS COMMITTEE

Project Lowenthal Trees / 104-106 Glen Drive
Tree Removal Permit
TRP 13-024

Meeting Date March 7, 2013

Staff Alison Thornberry-Assef, Assistant Planner

REQUEST

Approval of a **Tree Removal Permit** to allow the removal of two hazardous California Bay trees on the southwest corner of the site at 104/106 Glen Drive.

PROJECT INFORMATION

Applicant/Owner Kathleen Lowenthal

Location 104/106 Glen Drive (APN 065-103-30) (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 property owner, Kathleen Lowenthal, has submitted an application for the removal of two hazardous Bay trees (*Umbellularia californica*) located near the southeast corner of the site at 140 Glen Drive.

An Arborist Report was prepared on December 9, 2012 by Certified Arborist, Kent Julin, to assess the health, structural condition, and suitability for preservation of the two California Bay trees located near the southwest corner of the site at 104/106 Glen Drive.

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

- The subject trees are California Bays measuring 38 inches and 45 inches in diameter as measured at breast height (DBH), and stand approximately 50 feet tall;
- Decay has developed in the lower, ivy covered trunks of the trees, and more than 90 percent of their wood has been consumed by the artist conk fungus (*Ganoderma applanatum*);
- Both trees have been previously topped for view purposes and the pruning cuts have introduced decay and given rise to branches that are weakly attached and prone to failure;
- The trees present a high failure hazard to people using a nearby garden path and to other trees in the area;
- The trees should be removed as soon as possible.

The arborist states that the tree is hazardous, will fail 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.

*Both trees have severe decay in their lower trunks, causing 90 percent of their wood to be consumed by the artist conk fungus, because of this the trees are hazardous and will fail if not removed. Removal of the two California Bay trees are required to insure public safety as it related to the health of the tree, and potential hazards to life and property, thus satisfying **Objectives a and d** 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.

*The arborist has stated that no replanting is warranted since the bays will re-sprout from their root collars and the surrounding area is densely forested. However, Staff has created a condition that two replacement trees of 24-inch box container size, of a desirable species, be planted in a location to be determined by the property owner. The replacement trees shall be planted within 60 days of California Bay trees removal, thus satisfying **Objective a** listed above.*

PUBLIC NOTICE AND CORRESPONDENCE

On March 1, 2013, 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 two California Bay trees located at 104/106 Glen Drive (TRP 13-024).

Alternatively, the Trees and Views Committee may:

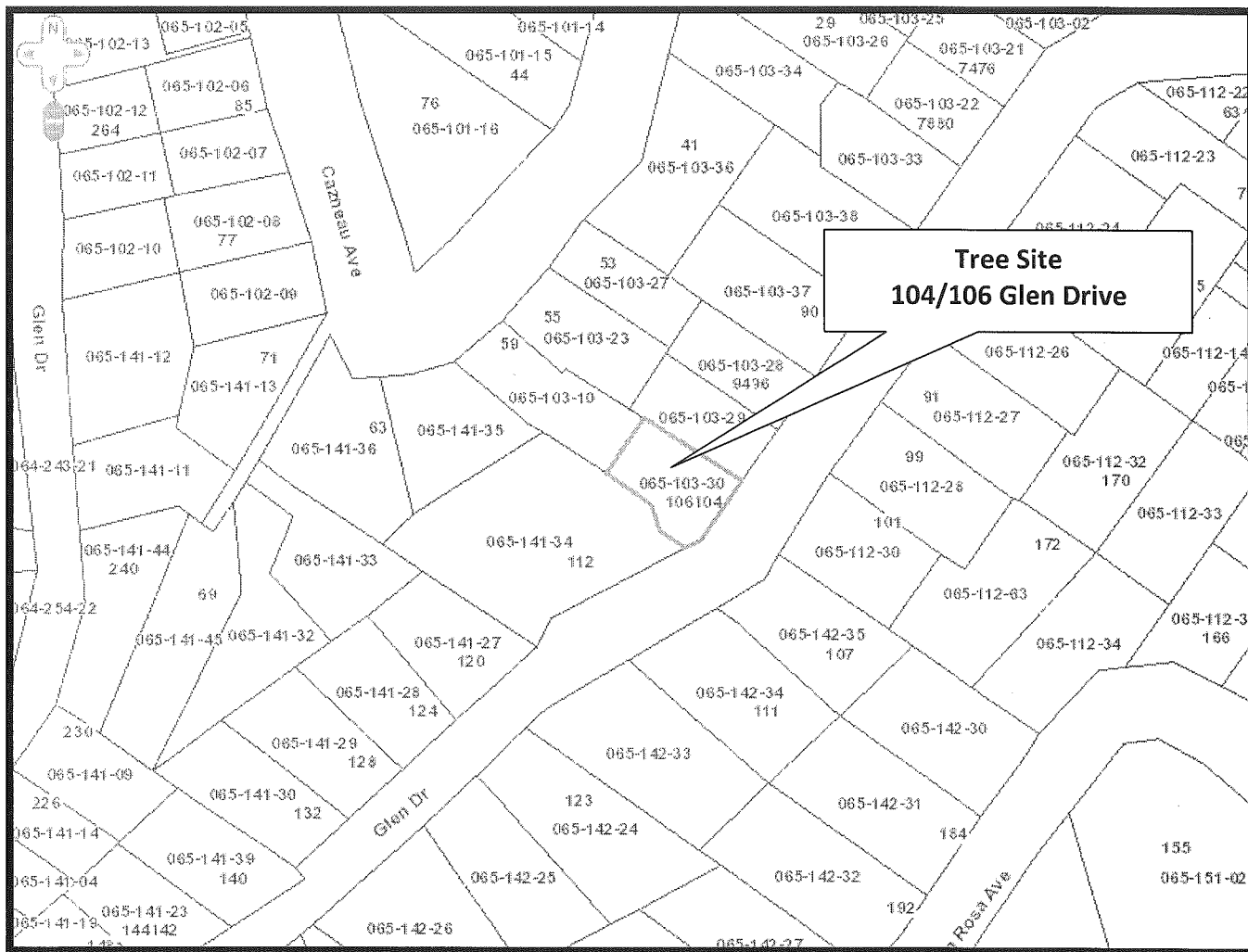
- Approve the Tree Removal Permit with modifications;
- Continue consideration of the item for additional information; or
- Deny the Tree Removal Permit and identify one or more of the Findings for Denial listed in Section 11.12.030.B.3 (see **Exhibit C**).

EXHIBITS

- A. Vicinity Map
- B. Arborist report and photographs, date-stamped received January 31, 2013
- C. Criteria for Approval or Denial of Tree Removal Permits
- D. DRAFT Resolution

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Vicinity Map



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Exhibit A

ARBORIST REPORT

RECEIVED

JAN 31 2013

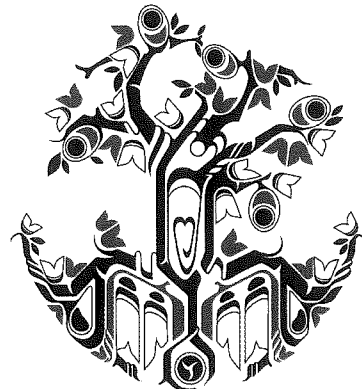
CITY OF SAUSALITO
COMMUNITY DEVELOPMENT

**California Bay Trees
106 Glen Drive, Sausalito
(APN: 065-105-30)**

Prepared for:
**Kathleen Lowenthal
P.O. Box 646
Woodacre, CA 94973-0646**

Prepared by:
**ARBORSCIENCE
Post Office Box 111
Woodacre, CA 94973**

December 9, 2012



**Exhibit B
[4 pages]**

ASSIGNMENT

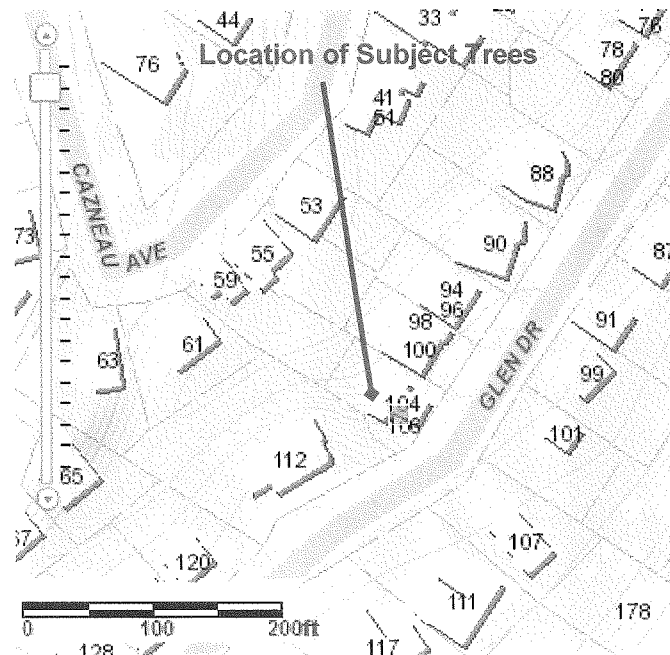
ARBORSCIENCE was hired by Kathleen Lowenthal to examine two (2) California bays (*Umbellularia californica*) growing downslope of her 106 Glen Drive home in Sausalito. This arborist report was prepared to support a City of Sausalito application to remove the subject trees. I conducted my inspection on December 3, 2012.

SCOPE OF WORK AND LIMITATIONS

Information regarding property boundaries, land and tree ownership were obtained using Marinmap data.¹ I have neither personal nor monetary interest in the outcome of this matter. All determinations reflected in this report are objective and to the best of my ability. Observations and conclusions regarding subject trees and site conditions were made by me, independently, based on my education, experience, and inspection of the site. Unless expressed otherwise, information contained in this report covers only those items examined and reflects the condition of those items at the time of inspection. The inspection is limited to visual examination of accessible tree components without dissection or root crown excavation. There is no warranty or guarantee, expressed or implied, that problems or deficiencies of the trees in question may not arise in the future.

LOCATION

The subject California bays are rooted about 30 feet downslope of the southwest corner of the home at 106 Glen Drive (APN: 065-105-30). See the figure at right for the approximate location of the subject trees.



¹ <http://marinmap.org>

DESCRIPTIONS OF SUBJECT TREES

The subject trees are California bays measuring 38" DBH² (119" CBH) and 45" DBH (141" CBH) and standing about 50 feet tall. These bays are most likely daughter sprouts from a common mother bay tree that was probably cut in 1923 when the house was built. Decay has since developed in the lower, ivy covered trunks of the subject trees, where more than 90% of their wood has been consumed by the artist conk fungus (*Ganoderma applanatum*). Both trees have been previously topped at 25' to 40' for view; these pruning cuts have introduced decay and given rise to branches that are weakly attached and prone to failure. The subject trees present a high failure hazard to people using a nearby garden path and other trees rooted downslope including a prized cherry (*Prunus* sp.).

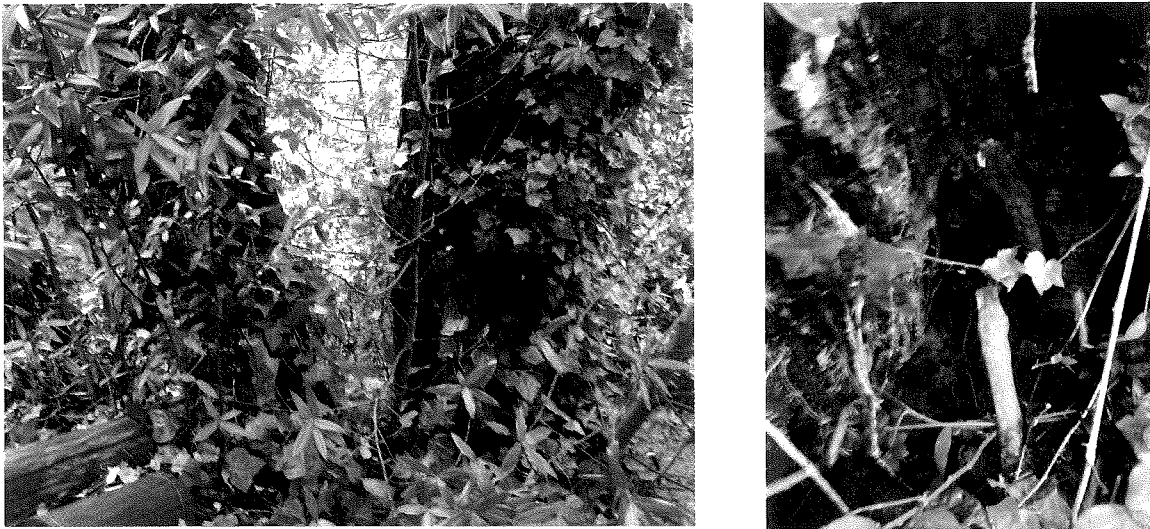


Figure 1. Ivy-covered lower trunks of the subject California bays (left). Openings on both trunks reveal the loss of more than 90% of the wood near the root collar (right).

CITY OF SAUSALITO REQUIRED ELEMENTS

Following are report elements required by the City of Sausalito for tree removal applications:

- A. Reasons for removal. Both trees present a high falling hazard to people using a garden path and other nearby trees on the property.
- B. The economic value of the tree based on the ISA Guide for Plant Appraisal. A negative value equal to the cost of tree removal is warranted for the subject trees.

² DBH is diameter at breast height measured 4.5' above grade. CBH is circumference at breast height.

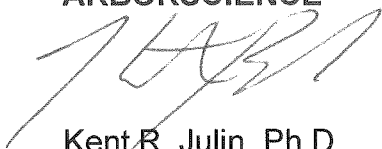
- C. Dangers which may result by the continued existence of the tree if not removed. Smaller trees downslope of the subject trees would likely be damaged if the subject trees were to fail.
- D. Effects of the removal on neighboring vegetation. Nearby trees and shrubs would benefit from the additional light created by removal of the subject trees.
- E. Loss of soil stability that may occur if the tree is removed. No loss in soil stability will result from the proposed work. The existing root biomass will remain in place,
- F. Advisability of stump or root removal. Stump removal is not advisable because it would decrease slope stability and would not allow the bay stumps to re-sprout.
- G. Suggestions for replacement planting. No replanting is warranted since the bays will re-sprout from their root collars and the surrounding area is densely forested.

RECOMMENDATIONS

I recommend that the subject trees be removed as soon as possible. No mitigation measures (e.g., tree protection fencing, slope stability treatments, or replanting) are warranted for the proposed work.

Sincerely,

ARBORSCIENCE



Kent R. Julin, Ph.D.
ISA Certified Arborist #WE-8733A
ISA Certified Tree Risk Assessor #1392

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. 2013-XX**

**TREE REMOVAL PERMIT FOR TWO CALIFORNIA BAY TREES
LOCATED AT 104/106 GLEN DRIVE (TRP 13-024)**

WHEREAS, on January 31, 2013 a Tree Removal Permit application was filed by the property owner, Kathleen Lowenthal, requesting the removal of two California Bay trees (*Umbellularia californica*) located at 104/106 Glen Drive (APN 065-103-30); and

WHEREAS, a notice for the application was posted on the Tree Owner's property on March 1, 2013; and

WHEREAS, the Trees and Views Committee considered the application at a public meeting on March 7, 2013, 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 two California Bay trees located on the Tree Owner's property at 104/106 Glen Drive 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 _____, 2013, 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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TREES AND VIEWS COMMITTEE RESOLUTION

March 7, 2013

TRP 13-024

104/106 Glen Drive

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 47 Girard 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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*Both trees have severe decay in their lower trunks, causing 90 percent of their wood to be consumed by the artist conk fungus, because of this the trees are hazardous and will fail if not removed. Removal of the two California Bay trees are required to insure public safety as it related to the health of the tree, and potential hazards to life and property, thus satisfying **Objectives a and d** 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.

*Staff has created a condition that the two replacement trees 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 the two California Bay trees removal, thus satisfying **Objective a** listed above.*

TREES AND VIEWS COMMITTEE RESOLUTION

March 7, 2013

TRP 13-024

104/106 Glen Drive

ATTACHMENT 2: CONDITIONS OF APPROVAL

This condition of approval applies to the Tree Removal Permit submitted on January 31, 2013.

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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