

STAFF REPORT

SAUSALITO TREES AND VIEWS COMMITTEE

Project Smiley Tree / 504 Turney Street
Tree Removal Permit
TRP 13-127

Meeting Date June 24, 2013

Staff Lilly Schinsing, Administrative Analyst 

REQUEST

Approval of a **Tree Removal Permit** to allow the removal of one English Walnut Tree located near in the rear of the site at 504/506 Turney Street.

PROJECT INFORMATION

Applicant Treemasters

Owner Bill Smiley

Location 504/506 Turney Street (APN 065-081-10) (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

Treemasters, on behalf of property owners Bill and Mitzi Smiley, has submitted an application for the removal of one English Walnut tree (*Juglans regia*) located at the rear of the site at 504/506 Turney Street. An Arborist Report was prepared on April 8, 2013 by ISA Certified Arborist, David Hill, which provides a summary of an inspection for health conducted on the backyard English Walnut.

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

- The subject tree is a English Walnut standing approximately 25 feet tall with a tree spread of approximately 25 feet;
- The subject tree measures 44 in diameter as measured at breast height (DBH);
- The tree has been repeatedly topped over the years to keep the canopy small in order to allow light into the back yard and to keep limbs from growing over the roof;
- The tree's roots have recently become an issue with the retaining wall and steps leading up to the back yard terrace;
- Walnuts are known for releasing toxins from the roots and leaf litter that are growth inhibitors that effect surrounding plants;
- The backyard at the subject property is approximately 600 square feet;
- As the Walnut grows toward the sunlight toward the South the limbs will grow over the roof of the home.
- Removal of the English Walnut is recommended.

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 property at 504/506 Turney Street supports a duplex structure on a less than 3,000 square foot parcel. The backyard area of the subject property is approximately 600 square feet. The roots of the English Walnut are compromising a retaining wall, flower pots, and rear yard steps. The tree limbs grow over the roof of the home. Sunlight on the property is reduced. Removal of the tree would reduce hazard to property and allow reasonable enjoyment of the property, including sunlight, satisfying **Objectives a and b** 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 property owner will replace the tree with a desirable tree of 24-inch box or 15 gallon container size. The replacement tree shall be planted within 60 days of the subject tree's removal, thus satisfying **Objective a** listed above.*

PUBLIC NOTICE AND CORRESPONDENCE

On June 14, 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 (**Exhibit E**) which makes the required determinations for approval of a Tree Removal Permit to allow removal of the English Walnut Tree located near in the rear of the site at 504 Turney Street (TRP 13-127).

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 received May 28, 2013
- C. Criteria for Approval or Denial of Tree Removal Permits
- D. Draft Resolution

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Vicinity Map

504 Turney Street

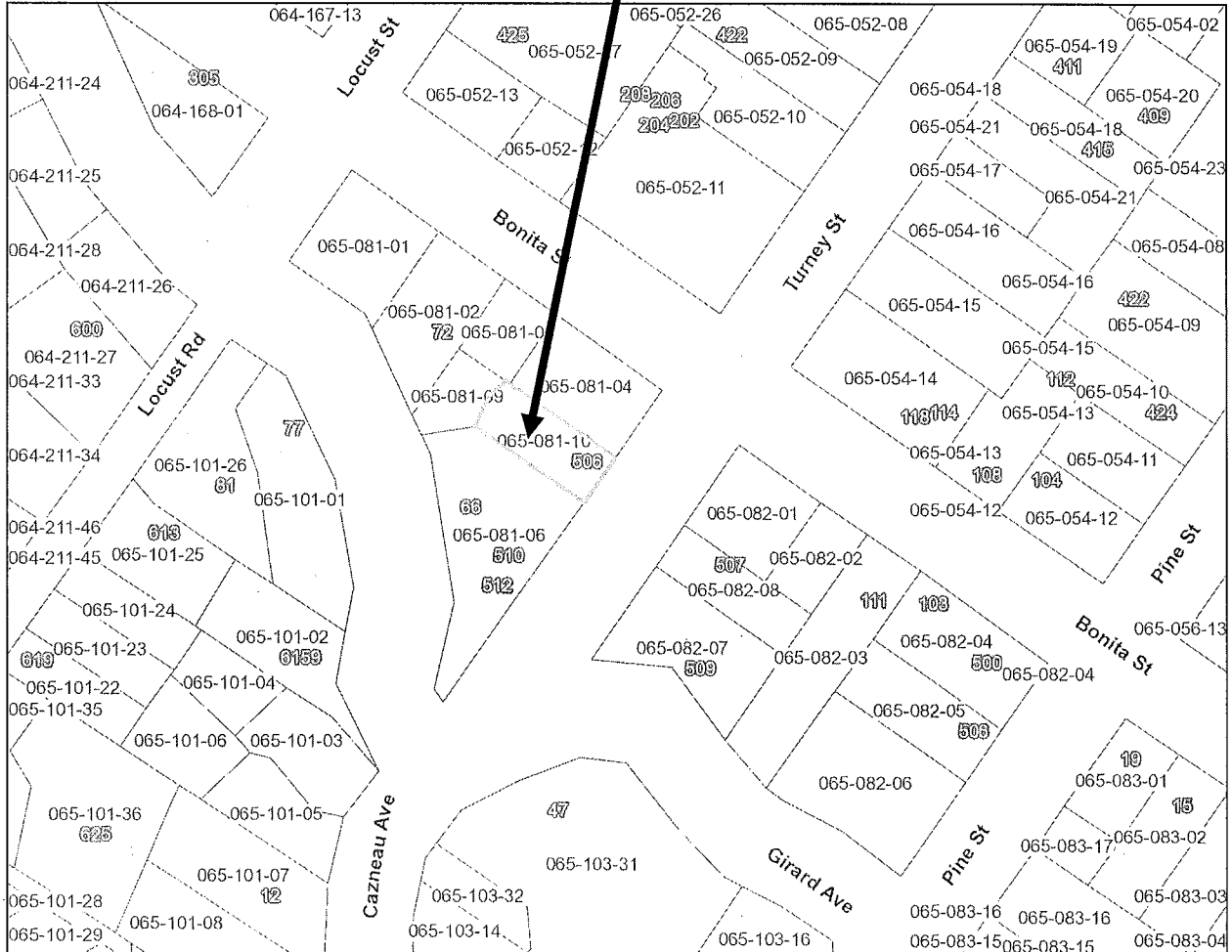


EXHIBIT A
(PAGE)

TREEMASTERS

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San Rafael, CA 94901
(415) 455-9933 Main
(415) 455-9934 Fax



WWW.TREEMASTERS.COM
Email: treemail@treemasters.com

RECEIVED
MAY 28 2013



April 8, 2013

Bill & Mitzi Smiley
504 Turney St.
Sausalito CA 94965

Arborist Report

Bill & Mitzi Smiley requested TREEMASTERS to inspect one back yard English Walnut *Juglans regia*. The tree has been a concern of theirs for several years because of limited growing room both for roots & crown.

On March 26th I visited the site and would like to report:

- The tree is a English Walnut *Juglans regia*
- The tree measures 44in. CBH (Circumference at Breast Height)
- The tree is approximately 25ft. tall.
- The tree spread is approximately 25ft.
- The tree has been repeatedly topped over the years to keep the canopy small for the limited growing space & to keep limbs from growing over the roof & also to allow light into the back yard for Mitzi's flowers & smaller plants.
- The roots have recently started becoming an issue with the retaining wall & steps leading up to the back yard terrace. Also they are growing up thru the bottoms of Mitzi's flower pots, placed along the retaining wall.
- Walnuts are known for releasing toxins from the roots & leaf litter that are growth inhibitors that effect surrounding plants
- The back yard at #504 Turney St. is very small, approximately 600 square ft. So as the Walnut tree grows toward the sunlight (South) the limbs grow out over the roof of the home. The home is on a north south orientation with the tree and back yard to the north of the home.

Discussion: Based on the inspection of this tree & the site, this is a yard that is perfect for a smaller slow growing tree like a Japanese Maple *Acer palmatum*. The selection of a replacement tree would be up to Bill and Mitzi, with stong recommendations from the Arborist on a site appropriate tree.



EXHIBIT B
(3 PAGES)



Conclusion: TREEMASTERS recommends removal of the back yard Walnut *Juglans*

Economic value: ISA Guide for Plant Appraisal 9th Edition

Trunk Formula Method

Species: English Walnut *Juglans regia*

Condition: Fair 50%

Trunk Circumference at grade: 48in. Diameter: at stump cut, 15in.

Location = [Site 50 % +Contribution 40 % +Placement 40 %] divided by 3 = 43%

Species rating: 50 %

Installed Tree Cost: (Replacement with 2in. caliper Japanese Maple *Acer palmatum* = \$560.00)

Unit Tree Cost: \$178 / sq.in.

Appraised Trunk Area: 177 sq.in.

Basic Tree Cost: 177sq.in. x \$178/sq.in. + \$560 = \$32,066.00

Appraised Value: \$32,066 x 50% x 50% x 43% = **\$3447.00**

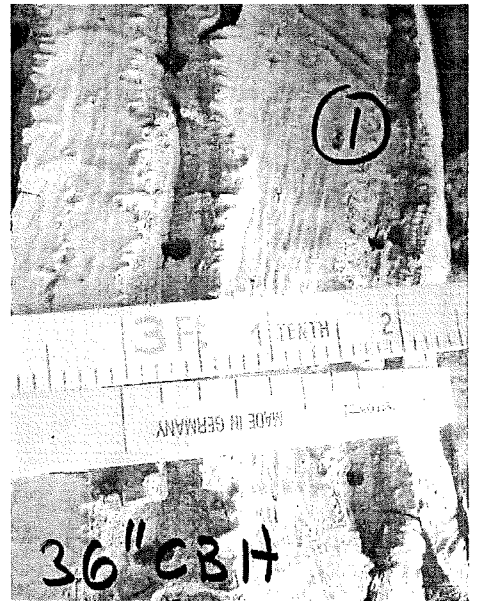
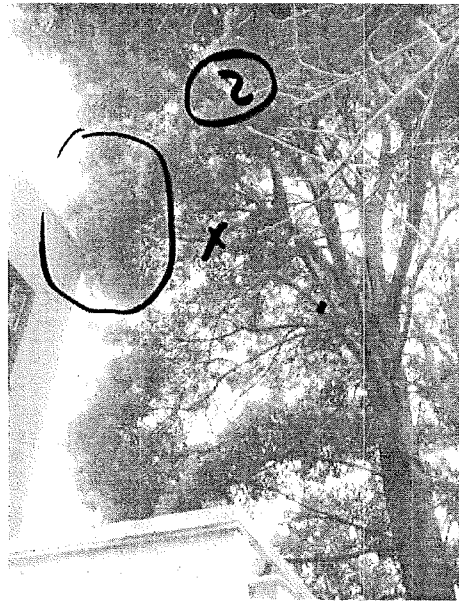
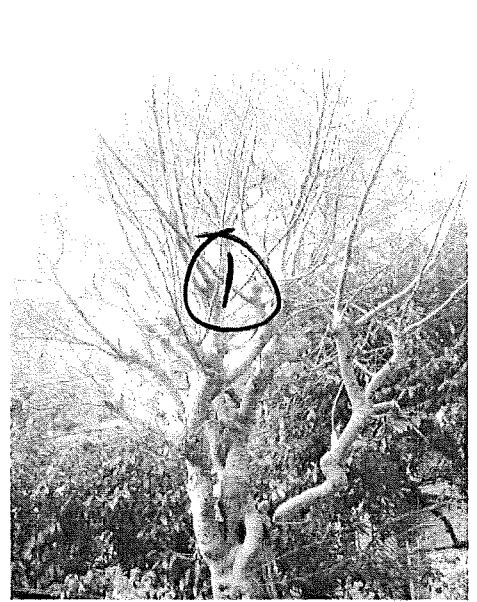
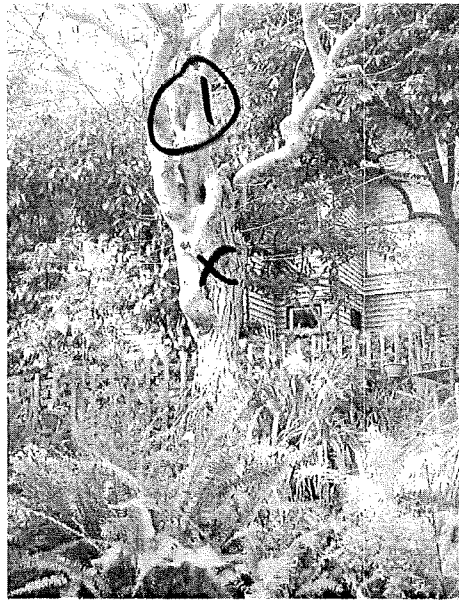
Limitations

The health and hazard assessments in this report are limited by the visual nature of the assessment. No trees were climb to obtain an up-close examination of the exact nature of branch or trunk leader attachments. Aerial defects maybe obscured by foliage, branches or other trees. No trees were examined using invasive techniques. Structurally sound, healthy trees are wind thrown during severe storm events. Consequently, a conclusion that a tree that does/does not require corrective surgery or removal is not a guarantee of risk, hazard or sound health.

Sincerely,

David Hill

ISA Certified Master Arborist MW-0355BT



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
(1 PAGE)

**SAUSALITO TREES AND VIEWS COMMITTEE
RESOLUTION NO. 2013-XX**

**TREE REMOVAL PERMIT FOR ONE ENGLISH WALNUT TREE
LOCATED AT 504/506 TURNEY STREET (TRP 13-127)**

WHEREAS, on May 28, 2013 a Tree Removal Permit application was filed by the applicant, Treemasters, on behalf of the property owner, Bill and Mitzi Smiley, requesting the removal of one backyard English Walnut Tree (*Juglan regia*) located at 504 Turney Street (APN 065-081-10); and

WHEREAS, a notice for the application was posted on the Tree Owner's property on June 14, 2013; and

WHEREAS, the Trees and Views Committee considered the application at a public meeting on June 24, 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 Coast Live Oak located on the Tree Owner's property at 504 Turney 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. A Site Plan is provided in Attachment 3.

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:

Lilly Schinsing
Administrative Analyst

ATTACHMENTS

- 1- Findings
- 2- Conditions of Approval
- 3- Site Plan

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EXHIBIT D
(4 PAGES)

TREES AND VIEWS COMMITTEE RESOLUTION

June 24, 2013

TRP 13-127

504/506 Turney 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 504/506 Turney 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 property at 504/506 Turney Street supports a duplex structure on a less than 3,000 square foot parcel. The backyard area of the subject property is approximately 600 square feet. The roots of the English Walnut are compromising a retaining wall, flower pots, and rear yard steps. The tree limbs grow over the roof of the home. Sunlight on the property is reduced. Removal of the English Walnut tree is required reduce hazard to property and allow reasonable enjoyment of the property, including sunlight, satisfying Objectives a and b 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 project is conditioned to require one replacement tree 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 owner. The replacement tree shall be planted within 60 days of the English Walnut tree removal, thus satisfying **Objective a** listed above.*

TREES AND VIEWS COMMITTEE RESOLUTION

June 24, 2013

TRP 13-127

504/506 Turney Street

ATTACHMENT 2: CONDITIONS OF APPROVAL

This condition of approval applies to the Tree Removal Permit submitted on May 28, 2013.

1. One replacement tree of a 24-inch box or 15 gallon container of desirable species shall be planted on the subject property in a location to be determined by the property owner and within 60 days of the removal of the English Walnut tree.
2. Documentation of the planting of the replacement tree (such as photographs) shall be provided to the Community Development Department within 30 days of the planting of the replacement tree.

Advisory Notes

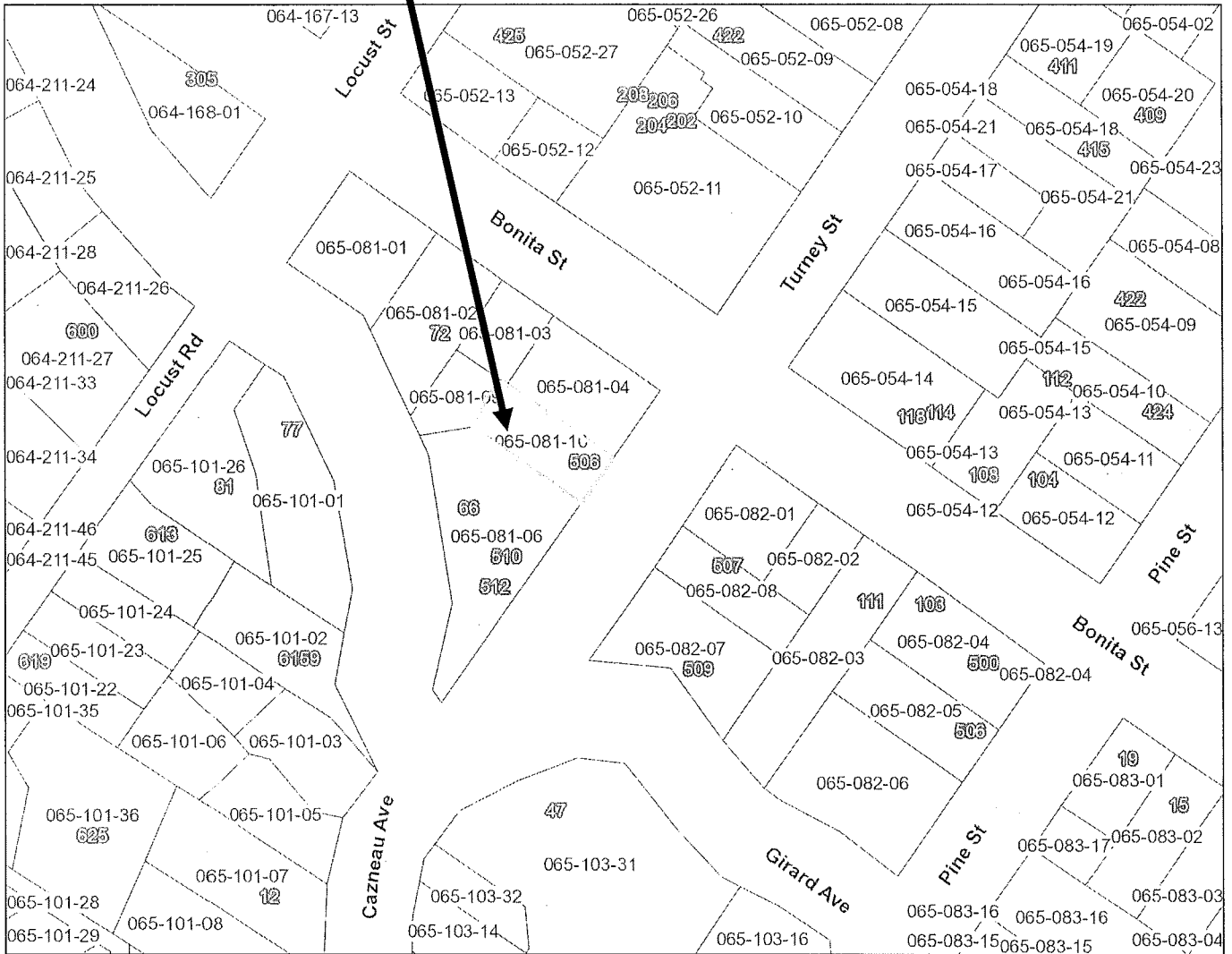
Advisory notes are provided to inform affected parties of Sausalito Municipal Code requirements, and requirements imposed by other agencies. These requirements include, but are not limited to, the items listed below.

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.

TREES AND VIEWS COMMITTEE RESOLUTION
June 24, 2013
TRP 13-127
504/506 Turney Street

ATTACHMENT 3: SITE PLAN

Location of subject English Walnut Tree



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