

- April 4, 2013, the Claimant requested Mediation per Section 10.12.040.B.2 (see **Exhibit E**), and
- May 2, 2013, the Claimant requested Binding Arbitration per Section 10.12.040.B.3 (see **Exhibit F**).

Since these steps have not resulted in a resolution of the alleged view obstruction, the Claimant has requested the Trees and Views Committee to conduct a fact finding meeting and make an advisory finding.

An Arborist Report was prepared by Registered Consulting Arborist and Board Certified Master Arborist and Certified Tree Risk Assessor, Richard Gessner, on April 4, 2013 and supplemental report prepared on June 7, 2013. The Arborist was asked to provide a report documenting the trees on the Tree Owner's property at 10 Wray Avenue obstructing the view from 18 Wray Avenue including the identification of landmarks which are obstructed by the subject trees. The Arborist originally did not have access to the Tree Owner's property, and observed the subject trees from the adjacent property. He observed that views from 18 Wray Avenue include Richardson Bay, San Francisco Bay, San Francisco-Oakland Bay Bridge, Belvedere and Angel Island. The report contains historic photographs of the view from the home at 18 Wray Avenue since 1954. The arborist reports that there is a view obstruction of views from 18 Wray Avenue from several trees at 10 Wray Avenue.

The report indicates that the view obstruction is a result of two Coast Live Oaks, one Plum and one Horsetail Pine trees location in the backyard of the 10 Wray Avenue property, to the southeast of the property at 18 Wray Avenue. The Arborist recommends removal of the northern most coast live oak, the plum, casuarinas and two small coast live oaks in addition to pruning of the middle and southern most coast live oaks for the following reasons:

1. Topping or crown reduction of the **northern most coast live oak** is required for view restoration. The northern most coast live oak is declining in health. Pruning of the tree for view restoration may cause the tree to go into irreversible decline and therefore removal of the northern most coast live oak is recommended.
2. Pruning of the **middle and southern most coast live oaks** one time every growing season up to 25% of the existing foliar density to the height of the trees below the 18 Wray Avenue deck level will restore the original views from 18 Wray Avenue.
3. Pruning the **plum tree** is necessary for view restoration. The plum does not provide visual or auditory screening and has no significant beneficial use or economic value to the property and removal of the plum is recommended.
4. The two small **coast live oaks** along the northern property boundary do not obstruct the view at this time, but may create problems in the future. Removal of the trees at this time while they are small and easily removed is recommended.

The Arborist's report is provided as **Exhibit G**. The Arborist's supplement report (provided after the site visit by the Trees and Views Committee) is provided as **Exhibit H**.

Tree Owner

Eulalie (Tyke) Glaser, property owner of 10 Wray Avenue and Tree Owner, submitted a response to the View Claim on June 17, 2013. The Tree Owner's submitted documents are attached (see **Exhibit I**)

PUBLIC NOTICE AND CORRESPONDENCE

At least 10 days prior to the public hearing date, on June 13, 2013, notice of this View Claim was posted and was mailed to all residents and property owners within 300 feet of the subject parcel.

RECOMMENDATION

Staff recommends the Trees and Views Committee to conduct a fact finding meeting and make an advisory decision regarding the view claim submitted by the Claimants at 18 Wray Avenue in regard to the trees located on the Tree Owner's property at 10 Wray Avenue. Following the Trees and Views Committee Advisory Decision, Staff will return at a following meeting with a resolution formalizing the Committee's decision. The decision of the Trees and Views Committee must:

- Address findings with respect to the following standards as detailed in Sections 10.12.040.C.3 and 4 of the Municipal Code (see **Exhibit J** for the full text):
 3. Standards for Resolution of Claims
 - a. The character of the view; and
 - b. The character of the view obstruction; and
 - c. The extent of benefits and/or burdens derived from the growth in question;
 - d. Restorative actions shall be limited to the following [*actions listed in full text*]; and
 - e. Each type of restorative action shall be evaluated based on the Findings and with consideration given the following factors [*factors listed in full text*]; and
 - f. All restorative actions shall be undertaken with consideration to the following factors [*factors listed in full text*].
 4. Implementation of Decision [*see full text for description*]
- Recommend restorative actions (if necessary)
- Recommend allocation of costs (if necessary)

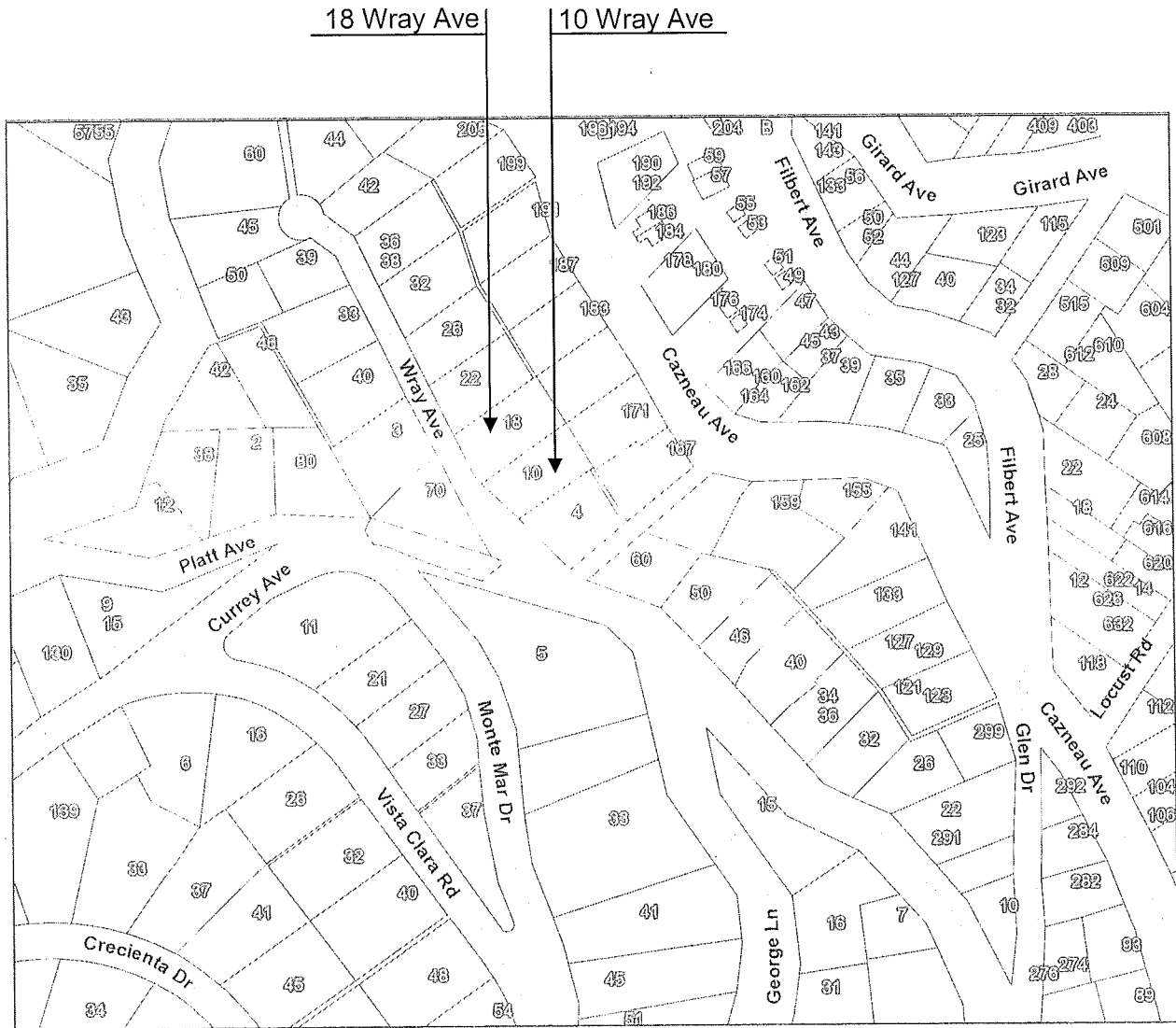
Alternatively, the Trees and Views Committee may:

- Recommend the services of other experts either or both of the parties; or
- Continue the public hearing to obtain additional information.

EXHIBITS

- A. Vicinity Map
- B. Staff Photographs, taken May 30, 2013
- C. Claimant's Cover Letter, date stamped May 13, 2013
- D. Claimant's Initial Reconciliation, date stamped June 17, 2013
- E. Claimant's requested Mediation, date stamped May 13, 2013
- F. Claimant's requested Binding Arbitration, date stamped May 13, 2013
- G. Arborist Report, date stamped May 13, 2013
- H. Supplement to Arborist Report, date stamped June 10 and June 14, 2013
- I. Tree Owner's Materials, date stamped June 17, 2013
- J. Findings and Standards for View Claim

Vicinity Map

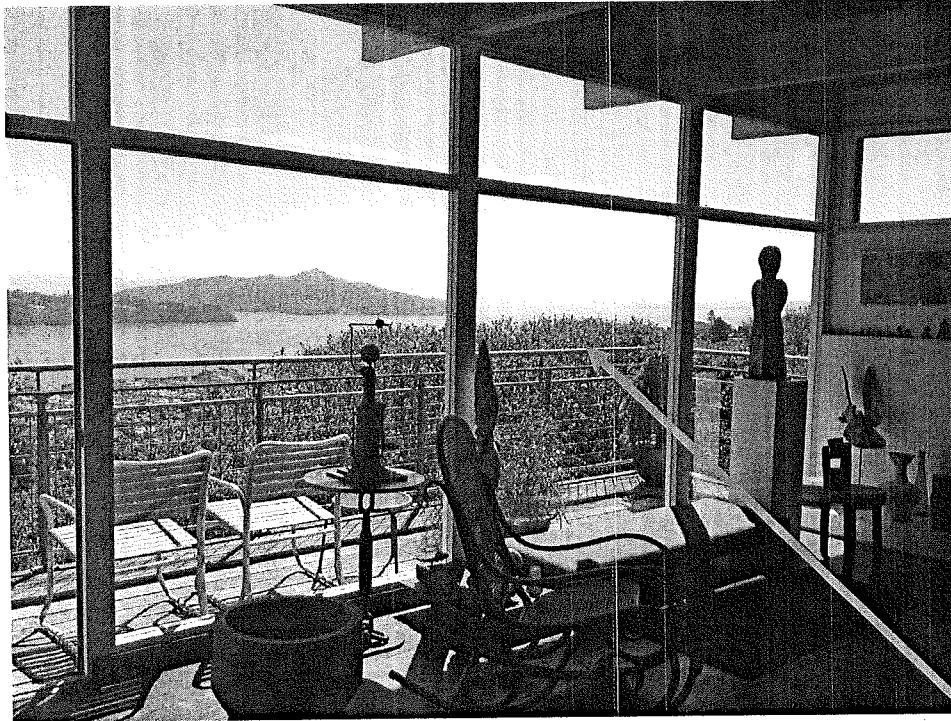


I:\CDD\PROJECTS - ADDRESS\Wray 18\TRP 13-110\Vicinity Map.docx

EXHIBIT A
(1 PAGE)

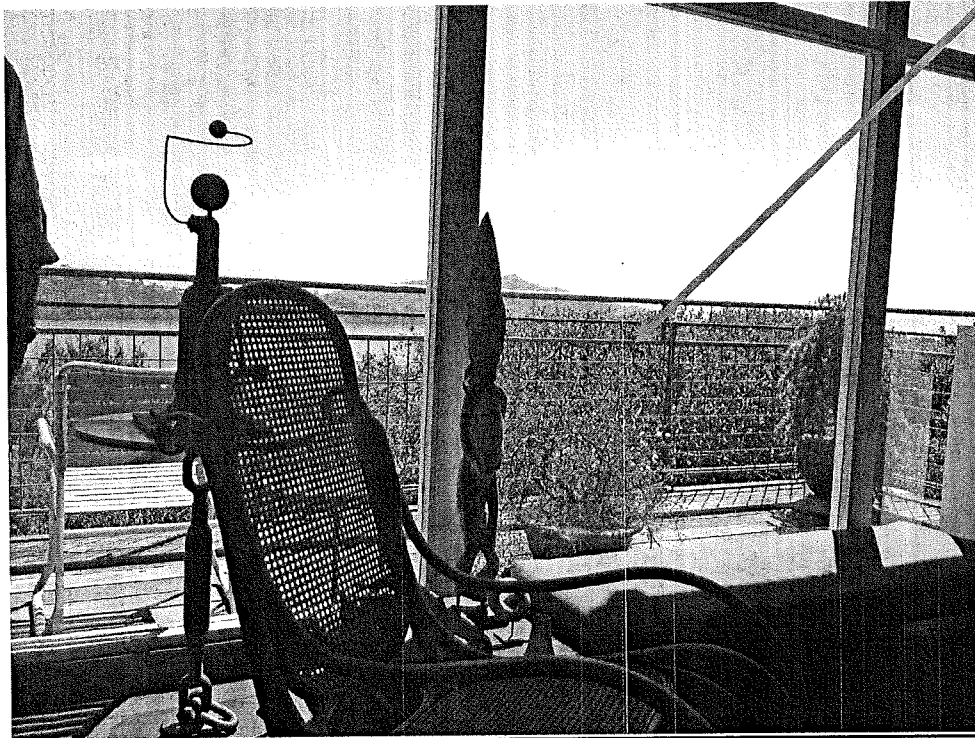
Staff Photographs

TVC Special Meeting, 18 Wray Avenue, May 30, 2013



Vantage Point: Standing in Living Room

Subject
Trees on 10
Wray
Avenue
Property



Vantage Point: Sitting in Living Room


BONAPART & ASSOCIATES
Law and Mediation

Barri Kaplan Bonapart, Esq.

Marina Office Plaza
2330 Marinship Way, Suite 302
Sausalito, CA 94965

Phone: (415) 332-3313
Facsimile: (415) 332-4603

RECEIVED

MAY 13 2013

CITY OF SAUSALITO

May 9, 2013

Trees & Views Committee
Community Development
City of Sausalito
420 Litho Street
Sausalito, CA 94965

Re: View Claim Application – Request for Advisory Decision
June Schwarcz – 18 Wray Avenue

To whom it may concern:

This office represents June Schwarcz, the owner of 18 Wray Avenue, in her application for an advisory decision on her View Claim. I enclose her application and fee.

This letter is to seek your assistance in expediting your review of Ms. Schwarcz's application. Ms. Schwarz is in her mid 90's and is suffering from a terminal illness. Given these premises and the existing established time frame for review, we hope that your department can complete its review and have this matter set no later than the June 10, 2013 Trees and Views Committee Meeting.

We believe Ms. Schwarz's application is complete as submitted. However, if you require any additional information or assistance in arranging site visits, please contact my office.

Thank you for your cooperation in this regard.

Very truly yours,


Barri Kaplan Bonapart

BKB:jp
Enclosures
Cc: Eulalie Glaser

RECEIVED

JUN 17 2013

CITY OF SAN FRANCISCO

August 1, 2007

Dear Tyke,

My daughter talked to a lawyer with the Marin Mediation Services about my problems with your trees. She was told that I am legally entitled to have my view restored to the degree it was when we bought the property. I suppose this is to protect property values.

I am enclosing a photo of our living room when we bought the house in 1954.

I have taken the first steps to get mediation. That involved having a certified arborist evaluate the situation and give me an estimate. I did that, first with Robert Morey of Marin Tree Service, and later, at Ed Gurka suggestion with Randy Harris of Artistry in Trees

In all cases Dick and I have offered to take care of the expenses, because I knew you never would.

On July 21. I started to fill out the forms for mediation. I was ready to write the letter summing up our three year dispute. when I thought to ask Ed Gurka if he would be your representative because you rarely live in your house.

I told Mr. Gurka that I had started to fill out forms for Marin County Mediation. When I told him that, he said, Not to do that because then we would have to do what ever the mediation committee decided. That was OK with me, but might not be with you.

I am living on Leroy's pension from Stanford and on what I make from my art work. I can not afford to travel. I can't afford what this will cost. But my life is here in this house./Each year I watch those trees grown, and watch those trees blot out more and more of the spacious view I had loved. Each year I know it is going to cost me more and more to pay for those additional branches that must be hauled away.

I am beyond angry.

If tree work doesn't start as soon as it is convenient for Mr. Gurka and Randy Harris, Mr. Gurka's preferred arborist, I will mail in the forms for Marin County Mediation.

I have kept all the photos and papers pertaining to this mater, including your note of November 11, 2006 telling me you would get back to me when you return from Alaska.

ENAMELS

JUNE SCHWARCZ

18 wray avenue sausalito california 94965

RECEIVED

JUN 17 2013

CITY OF SAUSALITO

May 14, 2010

Tyke,

I have been so upset by the prospect of the postponement of the pruning that I couldn't sleep.

If the trees can't be pruned next week, I would like to have a very specific date set for the earliest possible time.

Paul Johnson (716 0552) is a very conservative pruner. If he prunes the trees, they would have to be pruned every two years to maintain a view for me

Tyke, you have complained about the click of our basement door, the color of the posts in my garden, my chimney. What would you do if I blocked your lovely, spacious view of the bay? You have made certain that your tenants have a view. Your actions have cost me thousands of dollars, and I still don't have a view. If you have any kindness or consideration for other people in you, I haven't seen a speck of it. I don't know what I ever did to earn such hostility from you.

I have a very serious health problem. I'm on a liquid diet. If I die before the pruning, the children will go through the city to regain the view, as it is part of the value of this property. My son is like Leroy in protecting our rights. Arborists love trees. That is why they are arborists. The city may be more concerned with property owner's rights.

Someone from the city may look at your property and see two oak trees growing on the border between our property, and think you are not a considerate neighbor. They may think you have an inappropriate amount of trees growing on one city lot.

When you are away, I don't know how to contact you. It has added greatly to my frustration.



RECEIVED

JUN 17 2013

Tyke,

It has occurred to me that if you go to Hawaii before the pruning, you might want to arrange to have someone in your house to let Paul Johnson in see how the pruning is going so that it looks OK from your house. Let me know.

Probably 2012
She didn't let Paul Johnson finish
the pruning


BONAPART & ASSOCIATES
Law and Mediation

Barri Kaplan Bonapart, Esq.

Marina Office Plaza
2330 Marinship Way, Suite 302
Sausalito, CA 94965

Phone: (415) 332-3313
Facsimile: (415) 332-4603

April 4, 2013

RECEIVED

MAY 1 3 2013

(OFFICE SAUSALITO)

Eulalie (Tyke) Glaser
10 Wray Avenue
Sausalito, CA 94965

Re: View Obstruction From Your Trees

Dear Ms. Glaser:

This office represents your next door neighbor, June Schwarcz, the owner of 18 Wray Avenue. As you know, over the years Ms. Schwarcz has attempted to enter into good faith negotiations regarding the view obstruction created by your trees.

For years, prior to your purchase of the house, Ms. Schwarcz and her family enjoyed their views of the San Francisco Bay and its environs prior to the volunteer trees on your property growing to obstruct those views. Although you have from time to time permitted a modest amount of pruning, it has been a struggle. Last summer, you stopped the arborist in the middle of the job so that it was never completed.

As a specialist in tree and view disputes, I have been retained to assist in achieving a prompt resolution to this matter. It is our sincere hope that once you have been informed as to the applicable facts and law, you will agree to work out a mutually agreeable resolution as a way of maintaining neighborhood peace and avoiding a protracted legal battle.

FACTS

The Schwarczes bought their home in 1954 before your home was even constructed. One of the primary reasons they selected this home was for the panoramic views the home enjoyed from virtually every room. The trees currently on your property also did not exist at the time they purchased their home.

You purchased your home in 1973. For many years, the volunteer trees that sprouted in the back of your property were small enough that they did not represent a serious view obstruction from any of the major living areas. However, in recent years, your trees, and in particular two volunteer oaks, have grown to a size that they now present a significant and

unreasonable obstruction to those previously enjoyed views. The extent of the obstruction has been photo documented by a consulting arborist illustrated by the enclosed report.

Ms. Schwarcz has made multiple attempts to work with you and your arborists to come up with a pruning plan and schedule that will maintain her views. However, despite best efforts, you have not been able to agree on a satisfactory level of pruning or timing for same. Last summer, when Ms. Schwarcz paid to have a certified arborist perform modest pruning, you stopped him in the middle of the job refusing to allow its completion.

It is not clear why you are reluctant to allow Ms. Schwarcz to preserve her views. It is our hope that if we can engage in a conversation about your concerns, we will be able to adequately address them to your satisfaction while restoring Ms. Schwarcz's views.

LEGAL ANALYSIS

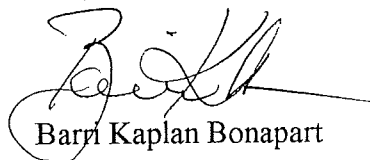
The City of Sausalito has a view ordinance which provides "A tree, shrub, hedge or other vegetation shall not be maintained in such manner as to unreasonably obstruct the view from or the sunlight reaching other property." (11.12.040 (A)). I enclose a copy of an arborist report which details the nature and extent of the obstruction. The photographs provide a dramatic illustration of the problem.

Ms. Schwarcz has already fulfilled her obligation under the ordinance to attempt resolution through "Initial Reconciliation." The next step pursuant to the ordinance is to propose mediation, which, besides being required by the ordinance before a suit can be brought, is often times the most effective way of addressing neighbor disputes such as these. I am hopeful that you will consider a collaborative process as preferable to an adversarial battle.

If, however, we are still not able to reach agreement through negotiation and/or alternative dispute resolution, we will need to commence a legal action.

I look forward to your prompt response regarding this matter but preferably by April 15, 2013. Of course, if you have any questions, please feel free to call and/or to consult your own legal counsel. I am available to negotiate directly with you or through your legal representative. Thank you in advance for your cooperation.

Very truly yours,



Barri Kaplan Bonapart

BKB:abk
Enclosure



BONAPART & ASSOCIATES

Law and Mediation

Barri Kaplan Bonapart, Esq.

Marina Office Plaza
2330 Marinship Way, Suite 302
Sausalito, CA 94965

Phone: (415) 332-3313
Facsimile: (415) 332-4603

May 2, 2013

RECEIVED

MAY 13 2013

CITY OF SAUSALITO

Eulalie (Tyke) Glaser
10 Wray Avenue
Sausalito, CA 94965

Re: View Obstruction From Your Trees

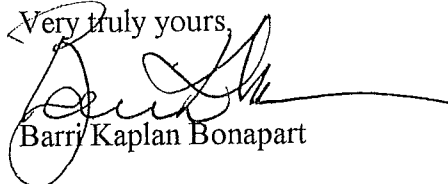
Dear Ms. Glaser:

This is to follow up on my letter dated April 4, 2013 proposing mediation of the dispute between you and your next door neighbor, June Schwarcz, over the uncontrolled growth of your trees. We received your telephone message in which you refused to participate in mediation. We are disappointed by the response since this now requires resolution through an adversarial process. Such a response seems not just unneighborly, but somewhat mean spirited given the fact that Ms. Schwarcz is in her 90's and in poor health.

This is to offer you one last chance to avoid litigation. Ms. Schwarcz proposes that you agree to submit this matter to binding arbitration before a mutually agreeable arbitrator (other than the Trees and Views Committee). If you agree, please advise in writing by May 15, 2013, and let us know if you would like to propose the names of arbitrators or if you would like us to do so. Either way, the arbitration would need to take place by June 30, 2013.

If you are not amenable to private binding arbitration, then we will proceed with filing an application with the Trees and Views Committee for a Fact Finding and Advisory Opinion. If you are agreeable to this, then sign the enclosed application where indicated and return to me by May 15, 2013. Otherwise, we will proceed with obtaining the Advisory Opinion unilaterally, and will immediately file an action in Superior Court to enforce Ms. Schwarcz's rights under Sausalito and California law.

Very truly yours,



Barry Kaplan Bonapart

BKB:abk
Enclosure

EXHIBIT F
(2 PAGES)

CITY OF SAUSALITO
VIEW CLAIM – REQUEST FOR ADVISORY DECISION

APPLICANT/CLAIMANT’S AND PROPERTY OWNER’S AUTHORIZATION AND VERIFICATION

I (We) hereby grant permission for the Trees and Views Committee members and any City Officials to enter the Property Owner’s property to inspect the tree(s) for making an advisory decision on this View Claim. If a quorum (three or more members) of the Trees and Views Committee meets on the property, a publicly-noticed meeting is required and interested parties are allowed to enter the property during the publicly-noticed meeting. I (We) grant this permission subject to the following conditions. If none, check here []

I (We) hereby declare under penalty of perjury under the laws of the State of California that the information in this application and the accompanying materials are true, complete, and correct.

SIGNATURES

Applicant/Claimant Date

Property Owner Date

For questions contact:
Community Development Department
420 Litho Street
Sausalito, CA 94965
415/289-4128 Voice
415/339-2256 Fax

Permit Fee Paid	_____
Receipt No.	_____
By (Initials)	_____
Date Stamp	

RECEIVED

MAY 13 2013

CITY OF SAUSALITO

**View Obstruction Arborist's Report
for
18 Wray Avenue
Sausalito, CA 94965**

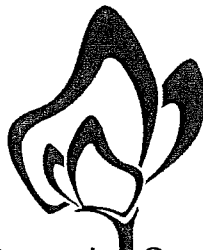
Prepared for:

**June Schwarcz
and
Barri Bonapart, Esq.**

April 4, 2013

Prepared By:

Richard Gessner
Registered Consulting Arborist® #496
Board Certified Master Arborist WE-4341B
Certified Tree Risk Assessor #904



Monarch Consulting Arborists LLC
P.O. Box 1010
Felton, CA 95018
831. 331. 8982

©Copyright - Monarch Consulting Arborists LLC, 2013

EXHIBIT G
(30 PAGES)

Table of Contents

Summary1

Introduction1

Background1

Assignment.....1

Limits to the assignment.....1

Purpose and use of the report1

Observations2

Methodology3

Discussion3

Trees Creating Obstruction3

Standards for Resolution of Claims3

A. The character of the view.....4

B. The character of the view obstruction.....4

C. The extent of benefits and/or burdens derived from the growth in question5

D. Restorative action and criteria6

Conclusion6

Recommendations for view restoration7

Tree Pruning7

Appendix A: Site Overview8

Appendix B: Photographs9

B1: 1954 after construction9

B2: 196710



***B3: 1969*11**
***B4: Livingroom*.....12**
***B5: Livingroom*.....13**
***B6: Exterior*.....14**
***B7: Tree crowns*15**
Qualifications, Assumptions, and Limiting Conditions16
Certification of Performance17



Summary

There are two coast live oaks (*Quercus agrifolia*) growing on 10 Wray Avenue in Sausalito which are obstructing the views of Richardson Bay, San Francisco Bay, San Francisco - Oakland Bay Bridge, Belvedere and Angel Island from 18 Wray Avenue. June Schwarcz has owned the house at 18 Wray Avenue since 1954 and provided historical photographs of the views from the living room during that time (Appendix B). The two coast live oaks, plum, and unknown tree can be reduced in height to restore the views previously enjoyed by the Schwarcz's.

Introduction

Background

I was contacted by attorney Barri K. Bonapart of Bonapart and Associates and asked if I could provide a report regarding a view obstruction claim at 18 Wray Avenue. The property owner, Mrs. Schwarcz, has owned the property since the 1950's and noticed the trees at 10 Wray Avenue have grown into her view corridor. I agreed to meet with Mrs. Schwarcz and document the trees and views from 18 Wray Avenue.

Assignment

- Document the trees obstructing the view from 18 Wray Avenue and what landmarks are being obstructed.
- Provide photographs of the view and trees in relation to the setting and structures.
- Provide a written report outlining my findings and recommendations.

Limits to the assignment

- The trees were only viewed from the interior and exterior of 18 Wray Avenue.
- The information in this report is limited to the condition of the trees and views during my inspection on February 26, 2013.
- Historical photographs and dates were provided by the Schwarcz family.

Purpose and use of the report

The purpose of the report is document the view obstruction and make recommendations for restoration. The report is to be used by Mrs. Schwarcz and her attorney to help resolve the view claim.



Observations

The views to the east and northeast from the living room, bedroom, and office inside the house are of Richardson Bay, San Francisco Bay, San Francisco - Oakland Bay Bridge, Belvedere and Angel Island. The views are obstructed by two coast live oaks, one plum, and one tree growing behind the live oaks in the backyard of 10 Wray Avenue.

The coast live oaks behind 10 Wray Avenue are growing along the north and eastern property boundary (Photo 1). The northern most tree has an approximate trunk diameter of 14 inches while the oak to the east has two stems with approximate diameters of 17 and 18 inches at 4.5 feet above grade. Both coast live oaks are approximately 40 feet tall and have been reduced in height by past pruning. The tops of the trees have a uniform height and there is little growth on the lower branches where cuts have been made to raise the crowns. The trees lean toward each other and are growing on a slope. The plum is growing through the crown of the oaks and the unknown tree behind the eastern most oak.

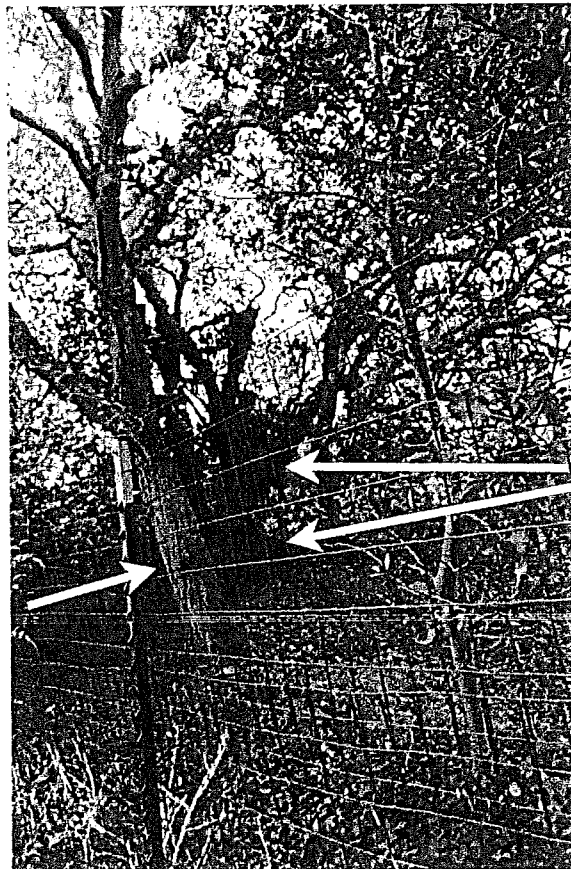


Photo1: Two coast live oaks behind 10 Wray Avenue. The arrow to the left indicates the northern most oak and the two arrows on the right indicate the two stems of the eastern most oak.



Methodology

I took interior photos of the view corridor on February 26, 2013 from the living room, bedroom, and office in the upstairs of 18 Wray Avenue. All photos were taken with a Nikon D3100 camera and AF-S VR Zoom-Nikkor 18-55mm lens. Interior photos were taken from a Vivitar 950 tripod at three different heights, 37.75 inches above the floor (sitting), and 54 and 55.5 inches above the floor (standing). The lens angle is level for all photos.

I Evaluated the historical photography to help document the current obstruction comparisons.

Discussion

City of Sausalito: Tree and View Preservation Ordinance 10.12.040 (A) states *A tree, shrub, hedge, or other vegetation shall not be maintained in such a manner as to unreasonably obstruct the view from or sunlight reaching other property.*

The Schwarcz residence is designed for panoramic views of Richardson Bay, San Francisco Bay, San Francisco - Oakland Bay Bridge, Belvedere and Angel Island from the main rooms. The picture windows and deck have views to the east and northeast. When the home was built in the 1950's there was no vegetation obstructing the views from the property (Appendix B).

Trees Creating Obstruction

There are two volunteer coast live oaks, one plum and one unknown tree I identified on 10 Wray Avenue obstructing the views from the Schwarcz's property. All four trees are growing down slope to the east of the Schwarcz property behind 10 Wray Avenue.

Standards for Resolution of Claims

City of Sausalito: Tree and View Preservation Ordinance 10.12.040 Standards of Resolution of Claims in Arbitration section C-3 lists the following standards to define the relevance of the view obstruction.



A. The character of the view

1. *The vantage point from which the view is sought.*

Discussion: View restoration is sought from all major living area including the living room, bedroom, and office located on the top floor of 18 Wray Avenue.

2. *The extent to which the view might be diminished other than growth involved in the claim.*

Discussion: No other obstructions were observed beyond the trees listed in my observations.

3. *The extent of the view that existed at the time the claimant purchased the property(is the party attempting to create, enhance, or restore a view?)*

Discussion: At the time the property was purchased and the home was built in the 1950's there was a panoramic view from the main living areas inside the residence and on the deck. The historical photographs indicate there were no nearby structures or vegetation that would have obstructed the view at the time of purchase. Photos taken from the interior living room from 1954 before the home was furnished show no trees in the background.

B. The character of the view obstruction

1. *The extent of the view obstruction as a percent of the total view (estimate).*

Discussion: The views from the interior of 18 Wray Avenue to the east and northeast are being obstructed primarily by the upper crowns of the two coast live oaks. The views of San Francisco Bay and the San Francisco - Oakland Bay Bridge are obstructed 100 percent from the vantage point of 37.75 inches above the floor, or in sitting position, and approximately 25 percent of Angel Island. From 54 and 55.5 inches above floor level, or standing position, the views of San Francisco Bay are obstructed approximately 75 percent (Appendix B4 and B5).

2. *The impact on the beneficial use, economic value and enjoyment of the claimant's property caused by the growth.*

Discussion: The impact on the beneficial use, economic value and enjoyment caused by the growth is the loss of original views from the residence, especially the living room. Property values may be impacted as views continue to diminish due to the foliar obstruction. No longer is it possible to view the San Francisco Bay and the San Francisco - Oakland Bay Bridge while sitting in the living room.



C. The extent of benefits and/or burdens derived from the growth in question

1. *The visual quality, including but not limited to species, size, growth, form and vigor.*

Discussion: The trees obstructing the view are California coast live oaks, one plum and one unknown tree. Coast live oak is a large and spreading broadleaf evergreen tree. The trees are susceptible to several insect pests and diseases including ambrosia bark beetles *Monothrum scutellare* and "Sudden Oak Death" *Phytophthora ramorum*, both of which can be detrimental. The eastern most coast live oak has undesirable codominant stems. Both trees appear to be healthy with some structural issues. The oaks can grow well on dry, well drained slopes where they can avoid root rot conditions. The plum is growing through the crown of the trees and the unknown tree is behind the eastern most coast live oak and I was not able to get a good look at either tree from the Schwarcz property.

2. *Location with respect to overall appearance, design and/or use of the tree owner's property.*

Discussion: The trees are located in the backyard of the property and their lower limbs have been pruned to create a more open understory. The area under the trees is not landscaped and their crowns have been reduced, presumably to provide views from the residence at 10 Wray Avenue. Both trees are growing near the eastern property boundary where the upper and lower properties meet. This corridor of vegetation appears to have been left to grow wild with many different species of plants growing along the property boundaries.

3. *Visual, auditory, wind screening and privacy by the growth to the owners and neighbors.*

Discussion: The trees do not provide any sound attenuation from what I observed. Because the residences are far apart and the roads are on the opposite sides of the properties it would not appear the trees are providing much in noise reduction. The trees provide no wind screening and prevailing winds usually originate in the northwest on the opposite side of the property. There may be some visual screening of the roof tops of the property below but the trees are not providing any privacy because there are other shrubs on the neighboring property to the east.

4. *Effects on neighboring vegetation provided by the growth.*

Discussion: The understory is primarily ground cover with volunteer shrubs growing along the property boundary. There is no effect on the neighboring vegetation that I observed except suppressed volunteer shrubs.



5. *The impact of the beneficial use, economic value and enjoyment of the tree owner's property caused by the growth.*

Discussion: No significant beneficial effects were observed.

D. Restorative action and criteria

1. *No action.*
2. *Thinning or reduce density.*
3. *Shaping to reduce height or spread, using thinning cuts only (drop crotch).*
4. *Heading or topping.*
5. *Tree removal with necessary replacement planting.*

Conclusion

There are four trees partially obstructing the views of San Francisco Bay from 18 Wray Avenue. Historical photographs from the 1950's, 1960's, and 1970's indicate the current views are being obstructed by the trees located on 10 Wray Avenue. Reducing the trees by selectively removing upright limbs and sprouts to appropriate sized lateral branches over a two to five year period can restore the views from 18 Wray Avenue.



Recommendations for view restoration

Tree Pruning

Scope: Prune the coast live oak trees, plum, and unknown tree a maximum of one time every growing season and annually as necessary. Pruning should maintain seventy five percent (75%) of the existing foliar density and be performed during the months between June and October. It would be best to reduce the trees over a period of two to five years by selectively removing upright branches to appropriate sized laterals. Given Ms. Schwarcz's advanced age, and the apparent lack of regular reduction pruning, it may be appropriate in this situation to exercise a more aggressive pruning program than would otherwise be recommended.

Objective: Reduce the height of the trees below the deck level to help improve the views from 18 Wray Avenue (Photo 1).

Specifications:

- Reduce the crown heights below the level of the back deck. Prune back to appropriate sized lateral limbs no less than 50 percent the diameter of the parent branch or stem at the cut. Reduction cuts shall consist of branches no greater than four inches in diameter at the point of the cut. Heading and topping cuts shall be avoided.

All tree pruning or removals should be performed by a qualified arborist with a C-61/D-49 or C-27 California Contractors License. Tree pruning should be according to the guidance provided in the ANSI A-300A standards practices and adhere to ANSI Z133.1 safety standards.

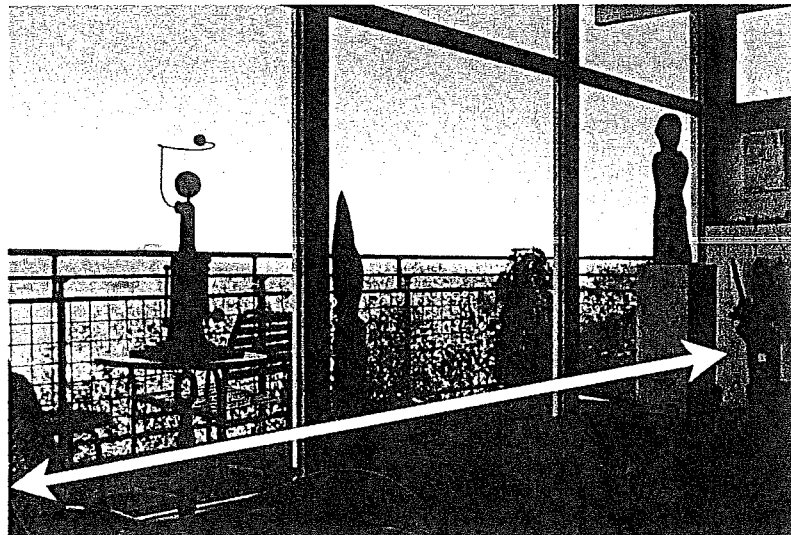


Photo 1: The arrow line in the photo above indicates the level the trees should be reduced below to restore the views.



Appendix A: Site Overview

Image courtesy of Google Earth®, image date May 6, 2012

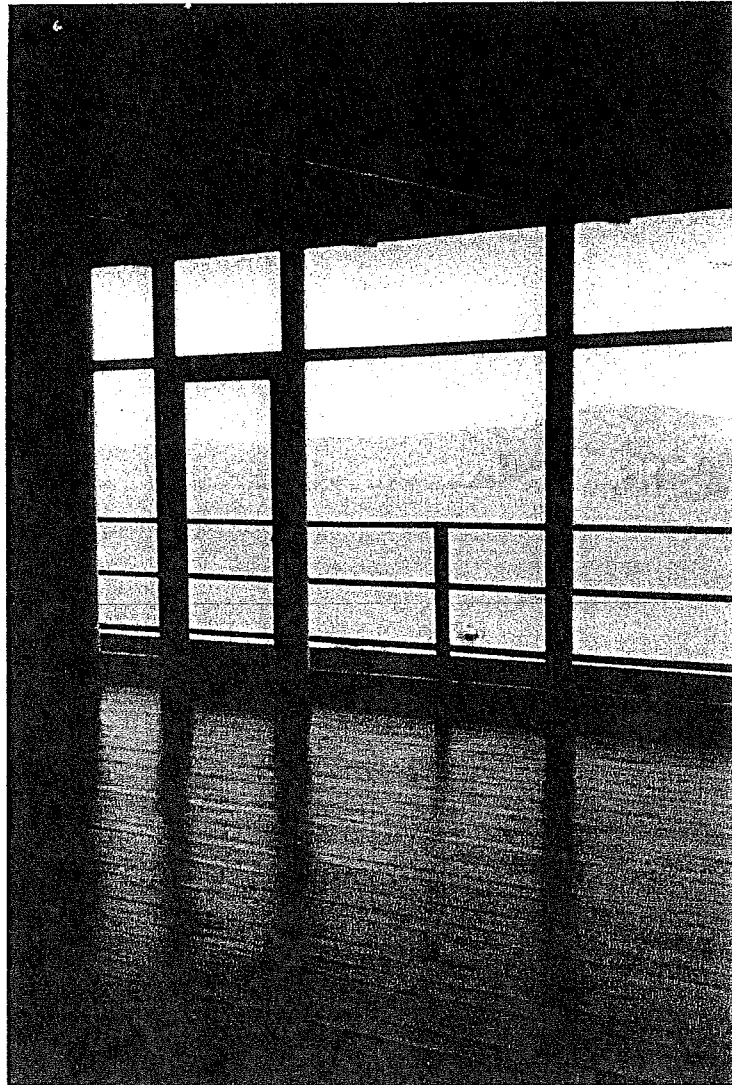


The circle in the image above indicates the trees obstructing the view. The arrows indicate the view corridor to the east and northeast.

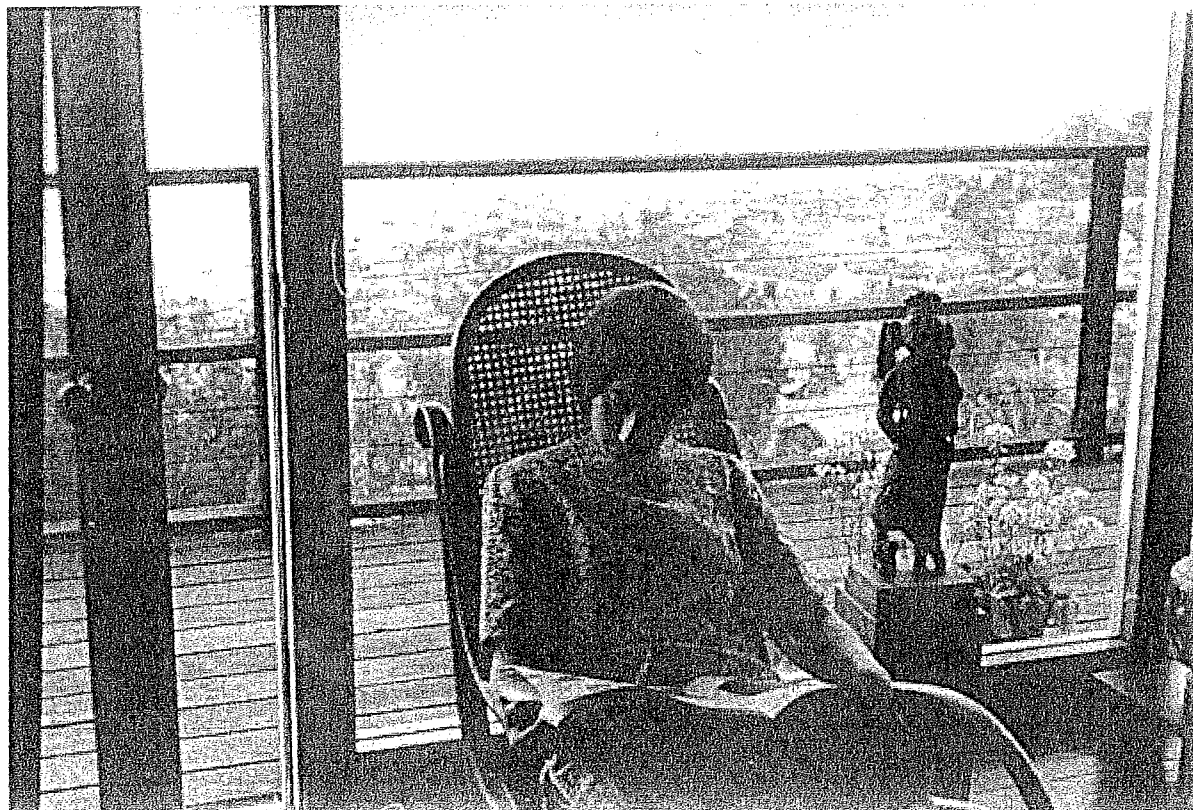


Appendix B: Photographs

B1: 1954 after construction



B2: 1967

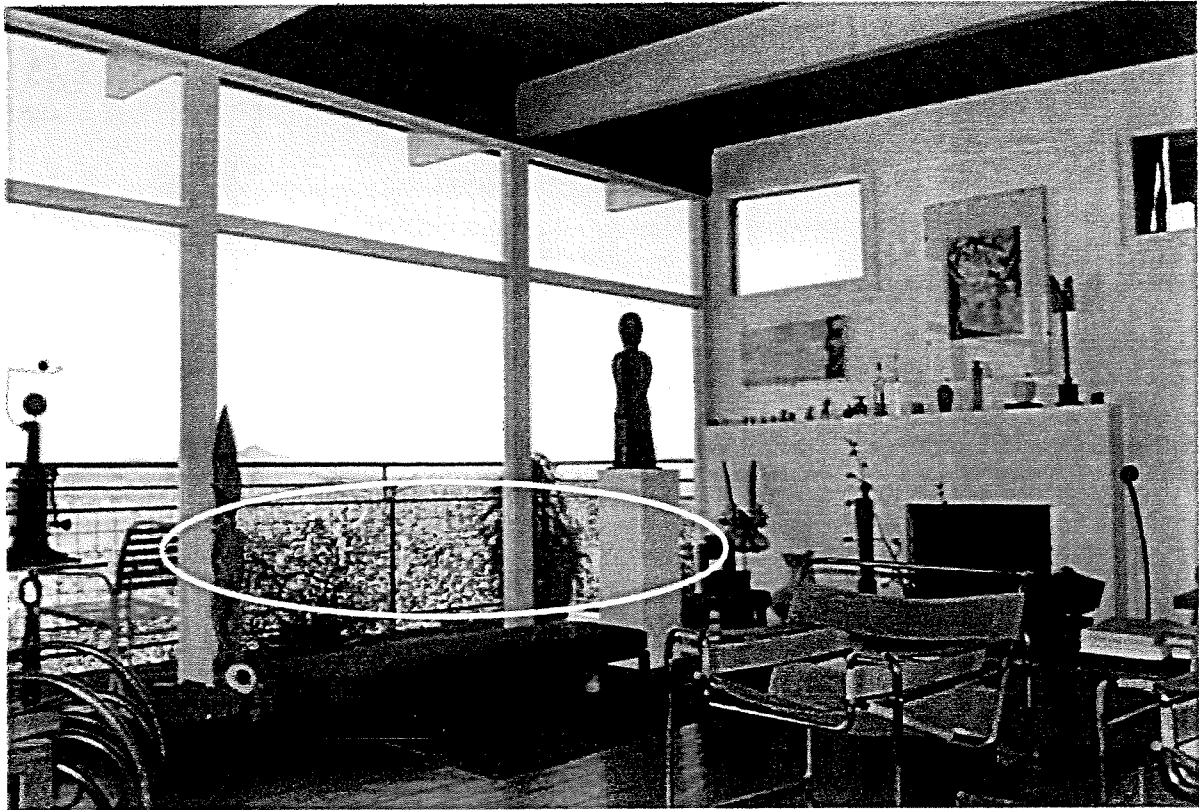


B3: 1969



B4: Livingroom

Photo below taken on February 26, 2013. Obstruction of San Francisco Bay.



The oval in the photo indicates the view corridor with San Francisco Bay behind the foliage.



B5: Livingroom



The photo above taken on February 26, 2013 from the living room. The photo shows the green foliage in the background as indicated by the oval.



The photo above taken in 1954 with no foliage in the view corridor.



B6: Exterior

Photo below of the residence in 1954 with the edge of the deck in the middle of the photo and no trees on the slope.



Photo above of the corridor between the properties today.



B7: Tree crowns

Photo below of the tree in the lower yard on 10 Wray Avenue.



Qualifications, Assumptions, and Limiting Conditions

Any legal description provided to the consultant is assumed to be correct. Any titles or ownership of properties are assumed to be good and marketable. All property is appraised or evaluated as though free and clear, under responsible ownership and competent management.

All property is presumed to be in conformance with applicable codes, ordinances, statutes, or other regulations.

Care has been taken to obtain information from reliable sources. However, the consultant cannot be responsible for the accuracy of information provided by others.

The consultant shall not be required to give testimony or attend meetings, hearings, conferences, mediations, arbitration, or trials by reason of this report unless subsequent contractual arrangements are made, including payment of an additional fee for such services.

This report and any appraisal value expressed herein represent the opinion of the consultant, and the consultant's fee is not contingent upon the reporting of a specified appraisal value, a stipulated result, or the occurrence of a subsequent event.

Sketches, drawings, and photographs in this report are intended for use as visual aids, are not necessarily to scale, and should not be construed as engineering or architectural reports or surveys. The reproduction of information generated by architects, engineers, or other consultants on any sketches, drawings, or photographs is only for coordination and ease of reference. Inclusion of said information with any drawings or other documents does not constitute a representation as to the sufficiency or accuracy of said information.

Unless otherwise expressed: a) this report covers only examined items and their condition at the time of inspection; and b) the inspection is limited to visual examination of accessible items without dissection, excavation, probing, or coring. There is no warranty or guarantee, expressed or implied, that structural problems or deficiencies of plants or property may not arise in the future.



Certification of Performance

I Richard Gessner, Certify:

That I have personally inspected the tree(s) and/or the property referred to in this report, and have stated my findings accurately. The extent of the evaluation and/or appraisal is stated in the attached report and Terms of Assignment;

That I have no current or prospective interest in the vegetation or the property that is the subject of this report, and I have no personal interest or bias with respect to the parties involved;

That the analysis, opinions and conclusions stated herein are my own;

That my analysis, opinions, and conclusions were developed and this report has been prepared according to commonly accepted Arboricultural practices;

That no one provided significant professional assistance to the consultant, except as indicated within the report.

That my compensation is not contingent upon the reporting of a predetermined conclusion that favors the cause of the client or any other party, nor upon the results of the assessment, the attainment of stipulated results, or the occurrence of any other subsequent events;

I further certify that I am a Registered Consulting Arborist® with the American Society of Consulting Arborists, and that I acknowledge, accept and adhere to the ASCA Standards of Professional Practice. I am an International Society of Arboriculture Board Certified Master Arborist® and a Certified Tree Risk Assessor. I have been involved with the practice of Arboriculture and the care and study of trees since 1998.

Richard J. Gessner



ASCA Registered Consulting Arborist® #496
ISA Board Certified Master Arborist® WE-4341B
ISA - PNW Certified Tree Risk Assessor #904

Copyright

© Copyright 2013, Monarch Consulting Arborists LLC. Other than specific exception granted for copies made by the client for the express uses stated in this report, no parts of this publication may be reproduced, stored in a retrieval system, or transmitted in any form or by any means, electronic, mechanical, recording, or otherwise without the express, written permission of the author.







