

SAUSALITO TREES & VIEWS COMMITTEE
Monday, July 8, 2013
Draft Summary Minutes

Call to Order

Chair Bickford called the meeting to order at 6:30 p.m. in the City Council Chambers of City Hall, 420 Litho Street, Sausalito.

Present: Chair Mary Lee Bickford, Vice-Chair Betsy Elliott, Committee Member Ellen Rosenstein, Committee Member Tom Wilhite

Absent: Committee Member Peter Montagne

Staff: Administrative Analyst Lilly Schinsing
City Attorney Mary Wagner

Approval of Agenda

Vice-Chair Elliott moved and Committee Member Rosenstein seconded a motion to approve the agenda. The motion passed 4-0.

Public Comments of Items Not on Agenda

None.

Approval of Minutes

None.

Public Hearings

1. **TR 13-110, View Claim, Schwarcz, 18 Wray Avenue.** View Claim regarding the obstruction of views from the Claimant's property at 18 Wray Avenue (APN 064-204-11) by trees located on the Tree Owner's property at 10 Wray Avenue (APN 064-204-10). The Claimants seek an advisory decision regarding the restoration of views from the property at 18 Wray Avenue.

The public hearing was opened.

Analyst Schinsing presented the Staff Report.

The public testimony period was opened.

Presentation was made by Barri Kaplan Bonapart, attorney:

Committee question to Ms. Bonapart:

- Are you open to negotiation regarding division of costs or do you still stand with the agreement passed by the Trees & Views Committee at the last hearing?
Mr. Bonapart responded although they will never say never, for the purposes of the hearing, that window has closed. They tried to negotiate with the Tree

Owner, who did not respond. They ask that the fact-finding and advisory opinion be 100% of the Tree Owner's responsibility.

Presentation was made by Tyke Glaser, the Tree Owner.

Committee questions and comments to Ms. Glaser:

- Who do you propose cover the future trimming for the trees? *Ms. Glaser responded she does not want to commit to anything in the future because she does know if she can do it. She may sell the house and does not want to get a binder on there that will deter the sale of the house.*
- You did not mention the plum tree in your yard. *Ms. Glaser responded she did not realize there was a plum tree there but it could be taken out.*

Leon Hunting, 10 Arana Circle, indicated the following:

- He has been a resident of Sausalito since 1970 and a past member of the City Council.
- He has never seen a view claim between neighbors where anywhere near 100% of the cost is paid by the Owner. The most he has seen is 50%.
- The Claimant's action is not merited. He has visited the property site and it does not appear the trees are encumbering that much of a view. It is expected that the trees in Sausalito will grow.
- Ms. Glaser's offer is generous. He hopes the Trees & Views Committee will see it as a good compromise.

Chuck Donald, 254 Spencer Avenue, indicated the following:

- He has lived in Sausalito for 35 years, served two terms on the Sausalito Planning Commission, and was an engineer for the City of Belvedere.
- There should be a compromise because it is important to the City for neighbors to maintain good will. The entire cost should not be allocated to one party.

The public testimony period was closed.

Committee comments:

- There should be a compromise that splits the cost between the two parties as with the Owner's proposal. It is reasonable to suggest that the Tree Owner pay for the removal of the pine, 2 small oaks, and the plum tree and the Claimant pay for the removal of the large declining oak near her property and future tree trimming.
- Pruning will need to be addressed, as the Owner does not believe the amount the Claimant wants pruned is appropriate for the health of the trees. It should be stipulated that up to but not necessarily totaling 25% of the tree will be pruned.
- It needs to be added that pruning will be allowed in the future because the trees will grow and the view will be lost again. There needs to be a compromise in that area.

1 Vice-Chair Elliott moved that the reduction of tree crown height shall be no more
2 than 25% of the existing foliage. The Tree Owner shall be responsible for paying
3 the cost of removal of 1 pine, 2 small oaks and 1 plum tree. The Claimant shall be
4 responsible for the removal of the declining oak near her property and the cost to
5 prune the middle Coast Live oak and southernmost Coast Live Oak, up to 25% of
6 the existing foliage, as needed to restore and maintain the view.
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8 The public testimony period was re-opened.
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10 Barri Kaplan Bonapart indicated the following:

- 11 • She asks the Committee to ask the Tree Owner if she will agree to the
12 proposed terms. If the Owner does not, then she asks that their original request
13 be adhered to: the costs be paid 100% by the Owner and that the
14 specifications be 36-inches below the deck with the pruning guidelines being
15 guidelines and not mandates.
16 • Twenty-five percent pruning is a guideline, not the law. Trees can survive after
17 more than 25% pruning.
18

19 Leon Hunting, 10 Arana Circle, indicated the following:

- 20 • It would be helpful to have a benchmark pruning to refer to in the future for the
21 sake of consistency.
22 • The oak tree near the Claimants property line has died because it was over-
23 pruned.
24 • The objective is to save the trees by pruning them properly and being
25 consistent.
26

27 Carl Schwarcz, 67 Cazneau Avenue, indicated the following:

- 28 • They have seen no arborist report that authoritatively points to the oak tree
29 having died due to over-pruning.
30 • It is unfair to ask his mother to pay to cut down the dying oak. The Tree Owner
31 should be responsible for her dead trees.
32 • It is important to maintain the 36-inch proposal, because otherwise there is no
33 consistent basis for pruning from one year to another and there would be
34 ongoing disputes between the two parties over what the appropriate height
35 would be.
36

37 Tyke Glaser, 10 Wray Avenue, indicated the following:

- 38 • The problem with the 36-inches below Mrs. Schwarcz's deck is that her deck is
39 4-feet lower than Mrs. Glaser's. Her arborist has told you that 36-inches below
40 Mrs. Schwarcz's deck cannot be used as a benchmark, because it is
41 significantly lower. It would mean taking 50% of the top of the tree, which would
42 kill it.
43 • The compromise she has proposed is more than fair.
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45 The public testimony period was closed.
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Chair Bickford asked Vice-Chair Elliott to amend her motion to add that once 25% of the tree is taken that it is measured by the arborist to provide a benchmark for future pruning. Vice-Chair Elliott agreed to the amendment.

Vice-Chair Elliott amended her motion to add that the Tree Owner shall be responsible for the cost of removing the dying oak tree near the Claimant's property.

Committee Member Wilhite seconded the motion, subject to the amended Conditions of Approval.

Amended Conditions of Approval:

- Condition 3 shall add to the first sentence, "The reduction of the crown height shall be no more than 25% of the existing foliage."
- Condition 3, starting with middle oak and southernmost oak the word "shall" shall be changed to "should," be pruned back, with all the "shalls" replaced with "shoulds" except for the last sentence, which would remain as shall.
- Condition 1 shall be amended in the second to last sentence to indicate that the Tree Owner shall be responsible for paying for the cost of removal of the 1 pine, 2 small oaks and 1 plum tree and the Claimant shall be responsible for the cost of the removal of the declining oak near her property and cost to prune the middle Coast Live oak and southernmost Coast Live Oak up to 25% of the existing foliage, as needed to restore and maintain the view.

The motion passed 4-0.

The public hearing was closed.

- 2. TRP 13-135, Tree Removal Permit, Whiskey Springs Condominium Association, 50 Cypress Place.** Tree Removal Permit to allow the removal of one Podocarpus Gracilior tree located at the back patio area at 50 Cypress Place (APN 064-400-24).

The public hearing was opened.

Analyst Schinsing presented the Staff Report.

The public testimony period was opened.

Presentation was made by Irene Tegelvik, the Tree Owner.

Louie Brunn, arborist, indicated the following:

- Whiskey Springs has shallow soil causing root problems with a number of tree types. There is no better choice of tree for a replacement because Podocarpus is one of the better tree choices and it is already having problems. If a

replacement tree is required, there are other areas in Whiskey Springs where it could be planted.

Committee questions to Mr. Brunn:

- How old is the Podocarpus tree? *Mr. Brunn responded probably 35 years old.*
- So it has taken up to 35 years for those roots to become a problem? *Mr. Brunn responded yes.*
- Is there any way to trim the roots of the Podocarpus and preserve it? *Mr. Brunn responded no, not with mature trees.*
- Will planting a replacement tree in the same spot do anything to mitigate the rainwater that runs toward the patio doors? *Mr. Brunn responded no, because the slope is toward the building.*
- Once the Podocarpus is removed and sunlight is let in will the Pitisporus next to it spread out and fill some of the void left and soften the look of the area? *Mr. Brunn responded yes.*

The public testimony period was closed.

Committee comments:

- It is a beautiful tree and well maintained, but clearly planted in the wrong place only inches from the fence. The case is strong for its removal, and another tree should not be planted there. Possibly a shrub could be planted there but even that is questionable.
- A replacement tree should be planted.
- That area cannot sustain another tree, but the Committee could require that a replacement tree be planted elsewhere in the complex.
- The tree must come down to protect the integrity of the building and patio.

Additional Condition of Approval:

- A 15-gallon replacement tree shall be planted elsewhere in the Whiskey Springs complex, the type of tree to be determined by the Whiskey Springs Condo Association.

Committee Member Rosenstein moved and Committee Member Wilhite seconded a motion to approve a Tree Removal Permit for 50 Cypress Place subject to the additional Condition of Approval. The motion passed 4-0.

The public hearing was closed.

Old Business

3. Tree Tip of the Month. Discussion of the August and September Tree Tip of the Month.

Analyst Schinsing presented the Staff Report.

Committee comments:

- August Tip
 - o The tip should open with a stronger statement concerning topping.
 - o The alternatives to topping should be explained in greater depth.
- September Tip:
 - o It needs to be explained that the tip is referring to native California oak trees, not all oak trees.
 - o "Favorable growing conditions" should be explained in greater depth.
 - o "Harmful landscaping and gardening practices" should be explained in greater depth.
 - o The time period of the dry season, June through October, should be listed.

New Business

4. Draft Site Visit Policy. Review of draft TVC Site Visit Policy.

Committee Member Wilhite moved and Committee Member Rosenstein seconded a motion to approve the resolution to approve the Draft Site Visit Policy. The motion passed 4-0.

5. Schedule Special Site Visit for View Claim at 218 Second And 411 Richardson.

Analyst Schinsing presented the Staff Report.

The Committee decided by consensus to schedule the Site Visit at 218 Second and 411 Richardson for July 31, 2013 at 4:00 p.m.

Committee Communications

- The Trees & Views Committee's Tree Tip of the Month was recently in the Marin Independent Journal.
- The arborist who spoke regarding Item 2 is right that 24-inch box trees are less desirable in most cases than 15-gallon trees.

Staff Communications

- The Department of Public Works has hired a biologist to do a biological assessment of the Cypress Ridge open space area. A separate report recommends the treatment for the area, including trimming and removing trees. The reports will go to the City Council at their meeting on July 9, 2013. The City will solicit public response to the reports through Open Town Hall.

Adjournment

Vice-Chair Elliott moved and Committee Member Rosenstein seconded a motion to adjourn the meeting.

The meeting was adjourned at 8:23 p.m.

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Submitted by
Lilly Schinsing
Administrative Analyst

Approved by
Chair Mary Lee Bickford