

STAFF REPORT

TREES AND VIEWS COMMITTEE

Project Patterson View Claim
218 Fourth Street and 411 Richardson Street
View Claim TRP 13-149

Public Hearing Date August 12, 2013

Staff Lilly Schinsing, Administrative Analyst 

REQUEST

Hold a fact finding meeting and make an advisory decision for restoration of views from 218 Fourth Street.

PROJECT INFORMATION

**Claimant/
Address** Carolyn Patterson
218 Fourth Street (APN 065-237-19) (**Exhibit A** for vicinity map)

**Tree Owner/
Address** Wen Huang (owner) and Grace Hawthorne (proxy)
411 Richardson Street (APN 065-237-21), (**Exhibit A** for vicinity map)

Authority Section 11.12.040.B.4 of the Municipal Code authorizes the Trees and Views Committee to make a Fact Finding and Advisory Decision regarding view claims.

BACKGROUND

On July 31, 2013, the Trees and Views Committee held a publically noticed, Special Meeting, to view the claim and the subject trees from the Claimant's property at 218 Fourth Street and from the Tree Owner's property at 411 Richardson Street. Photographs from the Claimant's and Tree Owner's property taken by staff at the Special Meeting are provided as **Exhibit B**.

PROJECT DESCRIPTION

Claimant

The Claimant, Carolyn Patterson, requests the Trees and Views Committee to conduct a fact finding meeting and make an advisory decision in favor of the restoration of views for her property located at 218 Fourth Street. According to the Claimant, restoration of the view would entail tree, shrub and vine pruning to the height perceived from a standing position on the Patterson deck to be the height of trees, shrubs and vines when the house was purchased by the Claimant in May 2011. Two letters from the Claimant to the Trees and Views Committee are provided in **Exhibits C and D**.

As noted in the materials submitted by the Claimant, she has undertaken the following steps in an effort to reach a solution for the alleged view obstruction:

- November 10, 2012 through November 27, 2013 the Claimant attempted Initial Reconciliation per Section 10.12.040.B.1 (see **Exhibit F**), and

- March 5, 2013, the Claimant requested Mediation per Section 10.12.040.B.2 (see **Exhibit G**).

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 Urban Forester/Fire Ecologist and Certified Tree Risk Assessor Ray Moritz on June 3, 2013. The Arborist was asked to provide a report addressing the nature of the views and vantage points, the nature and extent of view obstruction, the arboricultural feasibility of view restoration, the benefits and burdens of the subject trees and the potential impacts of the tree work required for view restoration.

The report documents trees, shrubs and vines on the Tree Owner's property at 411 Richardson Street which currently allegedly obstruct, or have the potential to obstruct, the view from 218 Fourth Street 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 218 Fourth Street include Richardson Bay, San Francisco Bay, East Bay shoreline, the East Bay hills, Angel Island, the eastern span of the San Francisco-Oakland Bay Bridge, Treasure Island, Alcatraz Island, Buena, downtown Oakland, and the Port of Oakland, Belvedere and Angel Island. The report contains photographs of the view from the home at 218 Fourth Street from when the Claimant bought the property. The arborist reports that there is a view obstruction of views from 218 Fourth Street from several trees, shrubs and vines on the property at 411 Richardson Street. The arborist estimates the percentage of view obstruction and potential view obstruction.

The report indicates that the view obstruction is a result of a Princess Plant (*Tibouchina urvillena*) (**Tree 1**), jasmine vine (*Jasminum officinale*), an unknown shrub (**Tree 2**), three hopseed bushes (*Dodonea viscosa 'Purpurea'*) (**Tree 3**), two apple trees (*Malus domestica*) (**Trees 4 and 5**) and a palm or fern (either *Cyatheales* or *Dicksonia Antarctica*) in the backyard of the 411 Richardson Street property, to the east of the property at 218 Fourth Street. The Arborist recommends tree, shrub and vine pruning to the height perceived from a standing position on the Patterson deck to be the height of trees, shrubs and vines when the house was purchased by the Claimant in May 2011 according to the following specifications:

- 1- The Princess Plant and the unknown shrub should be trimmed to maintain open views of Raccoon Strait and Angel Island. They may be pruned twice or more per growing season.
- 2- The hopseed bushes should be maintained at an elevation to preserve views of Berkeley to Emeryville and the East Bay hills. The shrubs may be pruned at anytime during the growing season or dormancy, twice or more per growing season.
- 3- The apple trees should be trimmed annually in October to the base of the chimney on the roof of the home at 219 Third Street. Watersprouts and non-fruiting upright sprouts that are obstructing the view can be removed at anytime.
- 4- The palm/fern can be maintained small by root pruning with a sharp trench shovel during the dormant season or removed when it begins to obstruct views. The arborist report indicates that palms cannot be crown reduced.

The Arborist's report is provided as **Exhibit H**.

Tree Owner and Tenant

Grace Hawthorne, proxy property owner of 411 Richardson Street and Tree Owner, submitted a response to the View Claim on June 30, 2013 and August 7, 2013. Cristina Woolrich, tenant of 411 Richardson Street (Tenant) submitted a response to the View Claim on July 31, 2013 and August 7, 2013. The Tree Owner and Tenant's submitted documents are attached (see **Exhibits J, K, L, M and N**).

The Tree Owner and Tenant's documentation indicate that vegetation in the backyard area of 411 Richardson Street is maintained at a level that provides the Tenant privacy, quiet, wind and sun protection in addition to maintaining the health of the vegetation. During the fact finding meeting these factors should be considered as required by Section 11.12.040.C.3.c and 11.12.040.C.3.e.4.

PUBLIC NOTICE AND CORRESPONDENCE

At least 10 days prior to the public hearing date, on July 30, 2013, notice of this View Claim was posted and was mailed to all residents and property owners within 300 feet of the subject parcel. Correspondence is provided in **Exhibit N**.

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 Claimant at 218 Fourth Street in regard to the trees located on the Tree Owner's property at 411 Richardson Street. 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 11.12.040.C.3 and 4 of the Municipal Code (see **Exhibit O** for the full text):

Standards for Resolution of Claims (C.3)

a) The character of the view:

- 1- The vantage point from which the view is sought
- 2- The extent to which the view might be diminished by factors other than growth involved in the claim
- 3- The extent of the view that existed at the time claimant purchased the property (is the party attempting to create, enhance or restore a view?)

b) The character of the view obstruction:

- 1- The extent of the alleged view obstruction as a percentage of the total view (estimate)
- 2- The impact on the beneficial use, economic value and enjoyment of the claimant's property caused by the growth

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

- 2- Location with respect to overall appearance, design and/or use of the tree owner's property
- 3- Visual, auditory, wind screening and privacy provided by the growth to the owner and the neighbors
- 4- Effects on neighboring vegetation provided by the growth
- 5- The impact of the beneficial use, economic value and enjoyment of the tree owner's property caused by the growth

d) Restorative actions shall be limited to the following:

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

e) Each type of restorative action shall be evaluated based on the Findings and with consideration given the following factors:

- 1- The effectiveness of the restorative action in restoring the view
- 2- Any adverse impact of the restorative action on the benefits derived from the growth in question
- 3- The cost of the restorative action as obtained from the view claim. The tree committee may determine that additional estimates are required
- 4- The effects upon the privacy of the tree owner. Values or quiet and privacy should receive equal consideration with values of view and sunlight

f) All restorative actions shall be undertaken with consideration to the following factors:

- 1- All restorative actions must be consistent with "d" and "e"
- 2- Restorative actions shall be limited to shaping, thinning and/or heading of branches where possible
- 3- When shaping and/or thinning of branches is not a feasible solution, heading or topping shall be preferable to tree removal if it is determined that the impact of topping does not destroy the visual proportions of the tree, adversely affect the tree's growth pattern or health, or otherwise constitute a detriment to the tree in question (arborist's advice required)
- 4- Tree removal shall only be considered when all other restorative actions are judged to be ineffective. Replacement planting can be required on the property of the parties

- 5- An arborist's report is required in determining the nature and cost of replacement plant materials, installation of such plant materials, and time required for such plant materials to become well established
- 6- In those cases where tree removal eliminates or significantly reduces the tree owner's benefits of visual screening, windscreening or privacy, replacement screen planting shall, at the tree owner's option, be established prior to tree removal; notwithstanding the provisions of "e" above, the tree owner may elect tree removal with replacement planting as an alternative to shaping, thinning, heading or topping
- 7- All shaping, thinning, heading, topping and tree removal required under this Chapter must be performed under the daily supervision of an Arborist

- ❖ 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.

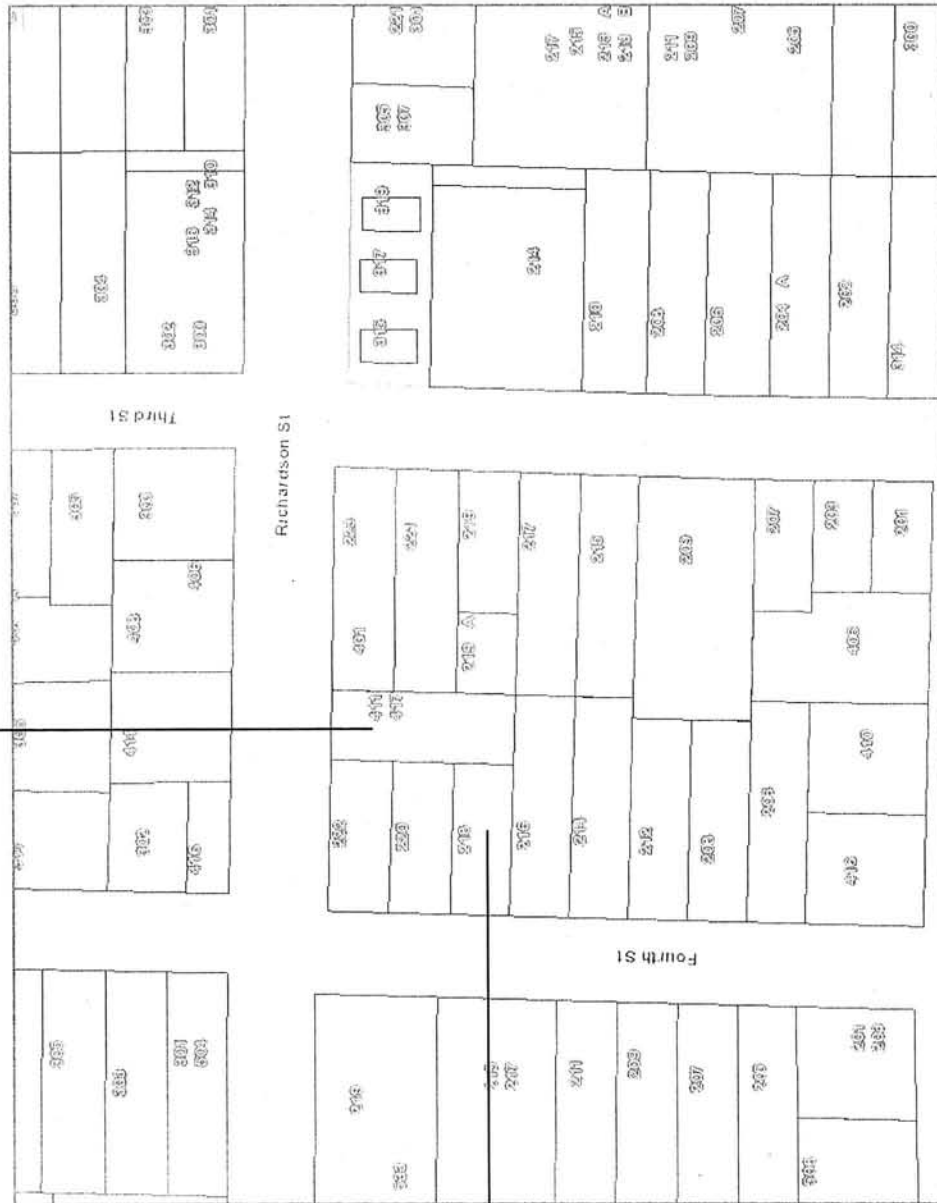
EXHIBITS

- A. Vicinity Map
- B. Staff Photographs, taken July 31, 2013
- C. Claimant's Letter to TVC, date stamped June 20, 2013
- D. Claimant's Supplemental Letter, date stamped July 8, 2013
- E. Claimant's Home Purchase Information, date stamped July 31, 2013
- F. Claimant's Initial Reconciliation, date stamped June 20, 2013
- G. Claimant's requested Mediation, date stamped June 20, 2013
- H. Arborist Report, date stamped July 25, 2013
- I. Claimant's Photographs, date stamped August 8, 2013
- J. Tree Owner's Letter to TVC, date stamped July 30, 2013
- K. Tree Owner's Supplemental Letter, date stamped August 7, 2013
- L. Tenant's Letter to TVC, date stamped July 31, 2013
- M. Tenant's Response to Arborist Report, date stamped August 7, 2013
- N. Kramlich Correspondence, date stamped July 23, 2013
- O. Findings and Standards for View Claim

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Vicinity Map

218 Fourth Street (Claimant's property—Patterson) → 411 Richardson Street (Tree Owner's Property—Hawthorne)

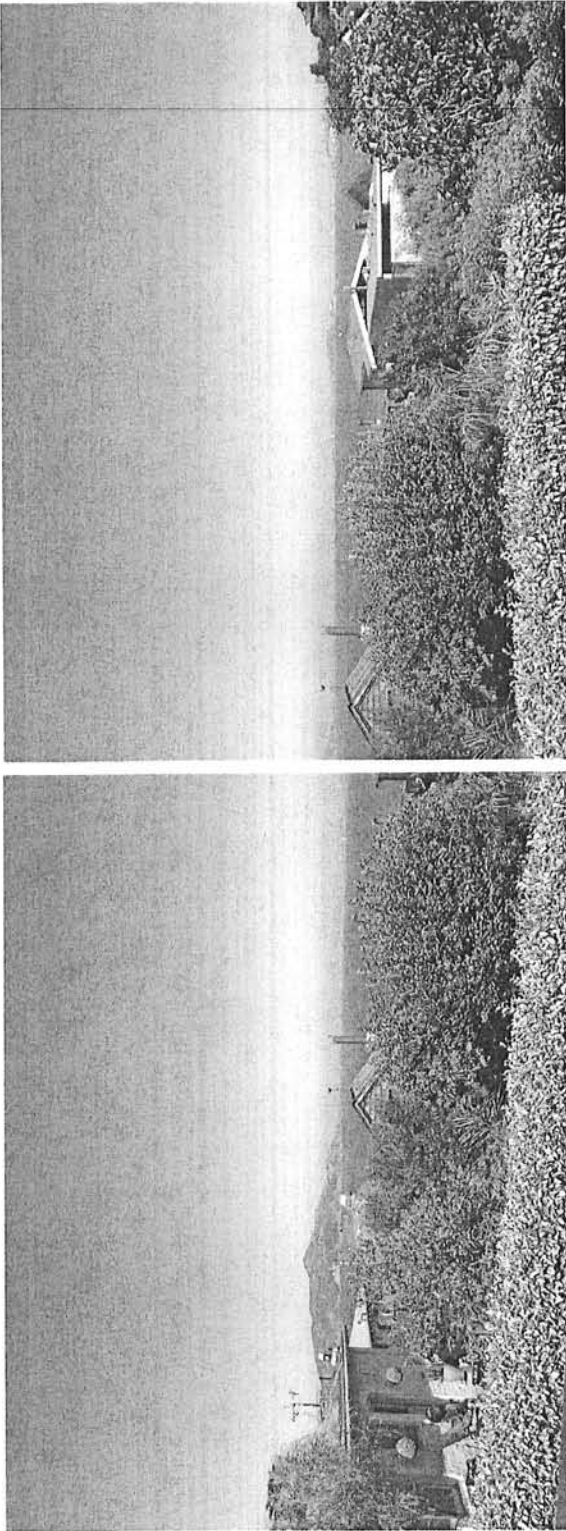


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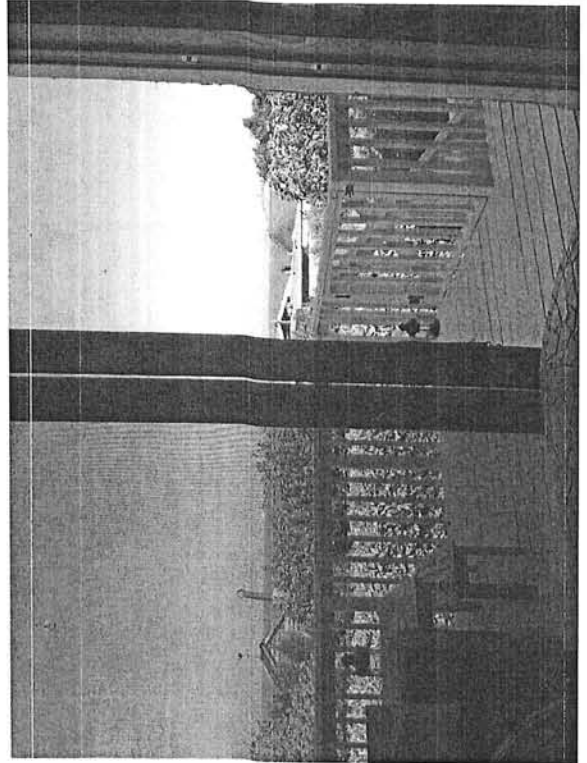
EXHIBIT A
(1 PAGE)

July 31, 2013
Staff Site Visit Photos - 218 Fourth Street

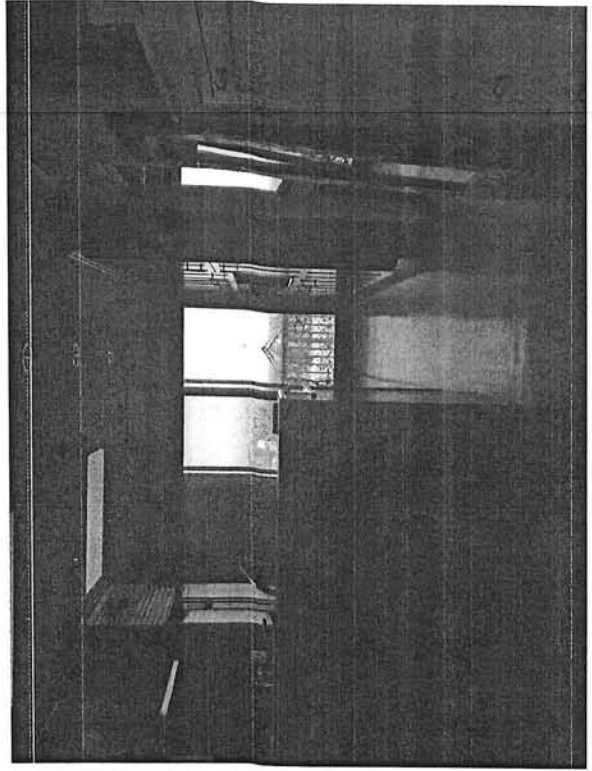
View from standing on deck



View from sitting at kitchen table

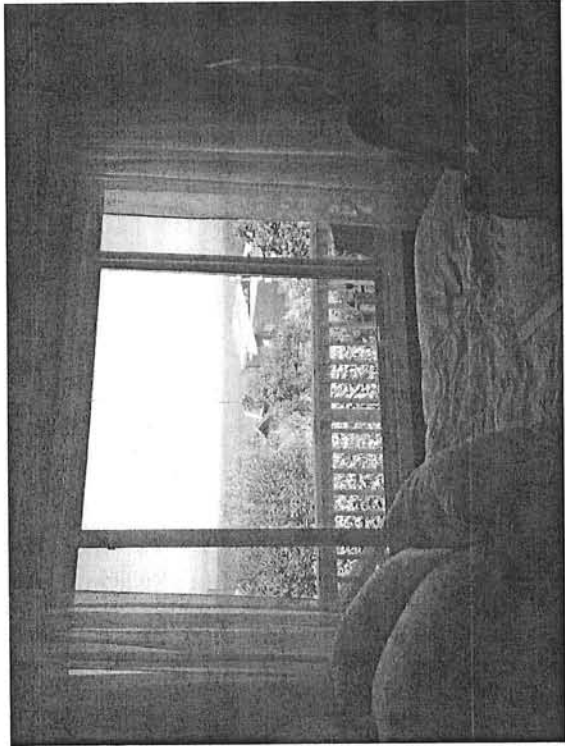


View from sitting in Living Room

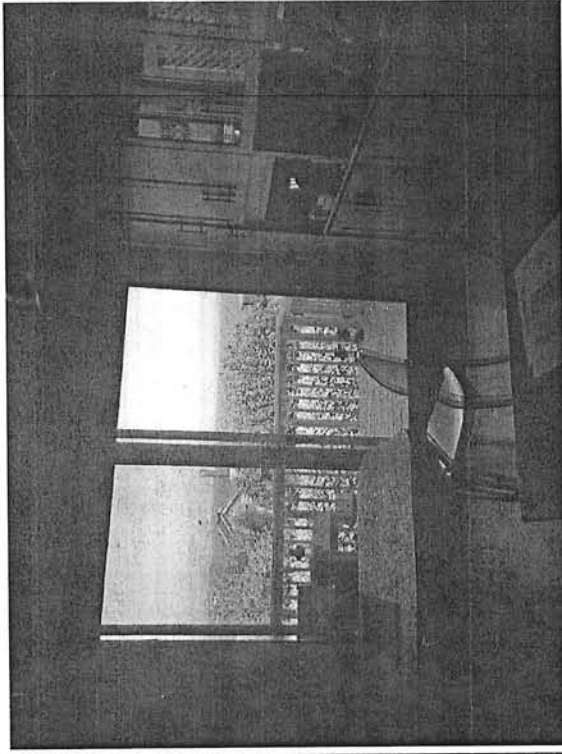


July 31, 2013
Staff Site Visit Photos - 218 Fourth Street

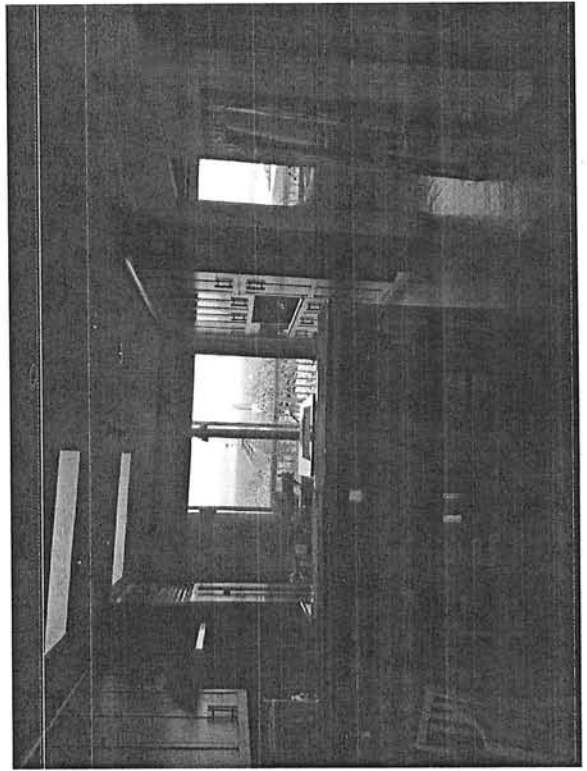
View from standing in Master Bedroom



View from standing at food prep counter in Kitchen



View from standing in Living Room



July 31, 2013
Staff Site Visit Photos – 411 Richardson Street

Princess Plant on Deck



Cherry Tree



July 31, 2013
Staff Site Visit Photos – 411 Richardson Street

Apple Tree

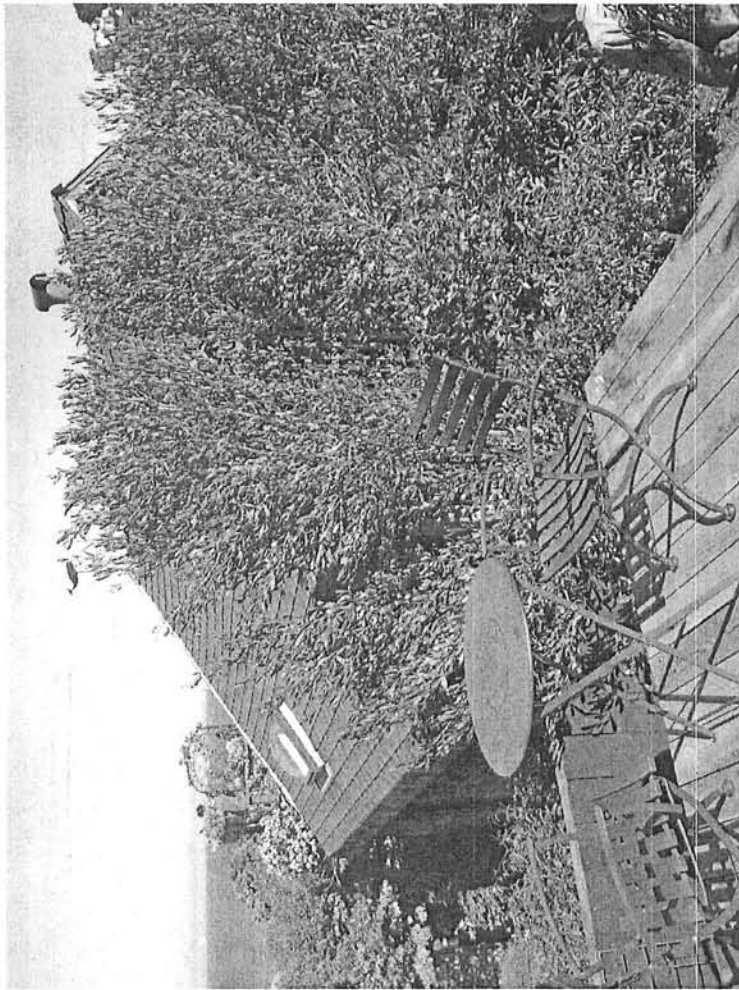


View of Backyard



*July 31, 2013
Staff Site Visit Photos – 411 Richardson Street*

Edge of Deck View



June 18, 2013

To: Sausalito Trees and Views Committee

RECEIVED
JUN 20 2013
CITY OF SAUSALITO
COMMUNITY DEVELOPMENT

Re: Restore view for 218 Fourth Street via tree crown reduction and on-going maintenance

I am requesting that the Sausalito Trees and Views Committee review my claim to restore the original view from my home at the time that I contracted to purchase my home in May 2011. Attached please find the following:

1. Correspondence with tree owner and tenant: requests to restore view and offer to pay and summary of those emails
2. Proof of certified mail to tree owner requesting mediation (no response)
3. Arborist Report from Ray Moritz , Urban Forestry Associates
4. Application
5. Application Fee

Timeline:

May 2011: Contract to purchase home: 218 Fourth Street

June 2011: Fruit trees obstructing view. Offered to pay for the trees to be trimmed and offer was declined. Trees were not trimmed

July 2011: All non-fruit trees obstructing view were trimmed. Fruit trees obstructed more of view

Oct. 3, 2011: Fruit trees pruned at owners expense. Dropped off thank you note, wine and mini pumpkin as a thank you

Summer 2012: New trees and tall trellis planted.

Oct 2012: Contacted tenant (at owners request) to trim trees. Series of delayed responses from tenant with no time commitment to trim trees

Nov 2012- Jan 2013: Several correspondences with tree owner requesting tree trimming and offering to pay.

Dec 14, 2012: Called tree owner to request trimming. She said tenant handles that and she would contact tenant.

Dec 2012: As requested, placed a check for \$295 for tree trimming in tenant's mailbox. Tenant claimed she never received it.

Dec 28, 2013: Only the fruit trees were trimmed. Other view blocking trees were said to be "not up for discussion" and she will consider it Dec/Jan of 2014

Feb 2013: Email from tree owner with conflicting reasons why she won't cut the trees: 1) not the season, 2) privacy/safety and 3) she would be accommodating about tree trimming if I reached out to the tenant (which I have, as per email attached - many times she never replied)

March 7, 2013: Owner received certified mail requesting mediation. No response

Summary: Fruit trees have been trimmed twice in 23 months, non-fruit trees have been trimmed once in 23 months. All primary views while seated are blocked and a significant amount of standing views are blocked.

As per the Arborist Consultant: "If not regularly maintained, all together the neighbors vegetation has the potential of obstructing almost all of the available views. The landmark views are partially or completely obstructed by the neighbor's plants from various vantage points."

Summary of attached email correspondence:

Cristina Woolrich – tenant

Grace Hawthorne – tree owner

Carolyn Patterson – view claim

Note that in 2011 the tree/home owner notified me that the tenant made all of the tree decisions

Email #1, Nov 6, 2012: Emailed tenant (Cristina) asking about trimming the trees since it had been well over 1 year and offered to contribute to cost.

Email #2, Nov 10, 2012: Tenant replies and says she will schedule tree trimming and let me know cost

Email #3, Nov 19, 2012: I emailed tenant asking for an update. No reply

Email #4, Nov 21, 2012: I emailed tenant and offered to call my tree trimmer so I would have a view for my moms Thanksgiving visit

Email #5, Nov 21, 2012: Tenant replies that she will get her tree trimmer

Email #6, Dec 3, 2012: I emailed tenant asking for update on scheduling the tree trimmer. No response

Email #7, Dec 4, 2012: I emailed tenant again asking for update. No reply

Email # 8, Dec 6, 2012: I emailed tenant asking for update

Email #9, Dec 6, 2012: Tenant said trees would be trimmed by Dec 13 and to drop off a check in her mailbox in the amount of \$295 and she would provide a receipt. I dropped off check # 5167 in tenants mailbox on Dec 8, 2012

Email #10 Dec 9, 2012: I emailed tenant to say thanks and asked her to confirm that all trees would be cut as in the previous year.

Email #11 Dec 9, 2012: Tenant emailed to say she is only trimming fruit trees and that "nothing else is up for discussion"

Email #12 Dec 16, 2012: I emailed the tree owner (after having called her) asking to get into a regular pattern of trimming the trees and letting her know that the tenant does not want to discuss cutting the trees (Note tree owner specifically asked me to request tree trimming with the tenant).

Email #13, Dec 16, 2012: Tree owner emailed requesting email conversation with tenant

Email #14, Dec 18, 2012: I emailed tree owner with timeline of previous tree trimmings, asked her to honor the city ordinance and trim all of the view blocking trees (not just the fruit trees) and again offered to pay.

Email #15, Dec 18, 2012: Tree owner emailed to say that the tenant had already scheduled the tree trimming for the following week.

Email #16, Dec 18, 2012: I emailed the tree owner with a thank you and asked her to confirm that all of the trees that block the view will be trimmed not just fruit trees

Email #17, Dec 21, 2012: Email from tree owner stating trimming is delayed to Dec 28. No confirmation of which trees will be trimmed.

Email #18: Jan 5, 2013: I emailed tree owner and thanked her. I asked when the rest of the trees would be cut to restore the view

Email #19, Jan 11, 2013: Tree owner emailed to say tenant did not find the check I out in her mailbox on Dec 8, 2011, over a month after I dropped it off.

Email #20, Jan 11, 2013: I emailed the tree owner and said I am happy to reissue a check. I also asked when the rest of the view would be restored

Email #21, Jan 11, 2013: Tree owner replied to say she would come by and look at the trees in the next two weeks.

Email #22, Jan 24, 2013: Tree owner emailed requesting replacement check. No response about trimming the rest of the trees

Email #23, Jan 25, 2013: I responded and said I would send a new check. I again asked that she would confirm when the rest of the view blocking trees would be trimmed

Email #24, Jan 31, 2013: Tree owner emailed asking about the only the money. No response to my question about the rest of the trees

Email #25, Feb 4, 2013: I emailed the tree owner asking if we could discuss the trees over coffee or wine. I explained that it had been over 17 months since the view was restored. I also provided my phone number and said I am happy to pay.

Email #26, Feb 4, 2013: One line response from tree owner – where is the check?

Email #27 Feb 15, 2013: I emailed the tree owner stating that the check was resent on Feb 6, did she have it?

Email #28, Feb 15, 2013: Tree owner responded saying she got the check. No word about trimming the rest of the trees.

Email #29 Feb 22, 2013: I emailed the tree owner asking when the rest of the trees would be cut so that the view would be restored

Email #30, Feb 22, 2013: Tree owner emailed to say trees should only be cut in Dec or Jan and she would check back next year in 2014

Email #31, Feb 22, 2013: I replied to tree owner asking again for the balance of the trees to be cut at my expense

Email #32, Feb 22, 2013: Tree owner replied saying that the window for cutting (Dec/Jan) is past and when it “rolls around again” she would consider it. She goes on to say that she defers to the tenant and “if you and Cristina could be friendly, then she would be more than accommodating about the trees.

Email #33 Feb 25, 2013: I replied back to the Tree owner with the history of correspondence with the tenant and the tree owner. I acted in good faith trying to communicate with both the tenant and tree owner and asked once again to honor the ordinance.

Email #34 Feb 25, 2013: Tree owner asked that I not contact her about the trees.

Email #35, Feb 27, 2013: I emailed the tree owner to let her know that I would be starting the View Claim Process

Tree owner never acknowledged my request to have the full view restored.

Tree owner's perspective:

Tree owner wants the trees for privacy and security. That said, the parts of the trees that are blocking my view are above her roof line and have historically been trimmed. Additionally, since they have not been trimmed, the branches that would be blocking viewing into her window are now thin at the bottom and you can see right through.

As per the Arborist report, the trees would be healthy and thicker if properly maintained. As far as her desire for security, Law Enforcement does advice to prune trees back away from the home to prevent crimes from occurring with the vegetation as a shield. Lastly, the hopseed bushes are apparently a fire hazard.

Lastly, I am simply trying to restore the view that I had when I purchased the property. I have offered to pay for the trimming from the beginning. At this point, I have invested almost \$2000.00 in the claim process which could have been avoided.

Thank you,



Carolyn Patterson
218 Fourth Street
Sausalito, Ca 94965
415.254.4762

July 7, 2013

To: Sausalito Trees and Views Committee

RECEIVED

JUL 08 2013

CITY OF SAUSALITO

Re: Restore view for 218 Fourth Street via tree crown reduction and on-going maintenance: Update

To further update my request, several things have occurred since I filed my claim and request for assistance. The owner of 411 Richardson has removed a tree and built a deck, without permits. The project was red tagged and began without any review by city planning. It appears now that the Tree owner/Tenant will claim the trees will never be trimmed, as she needs them for privacy for this new unpermitted deck. The owner also removed one tree, entirely, from their property. As a result of these two changes to the property, the tree owner has secured a bay view but refuses to restore my view. I have attached new photos as well as the historic photos of the view and landscape so you may see the difference. Thank you.

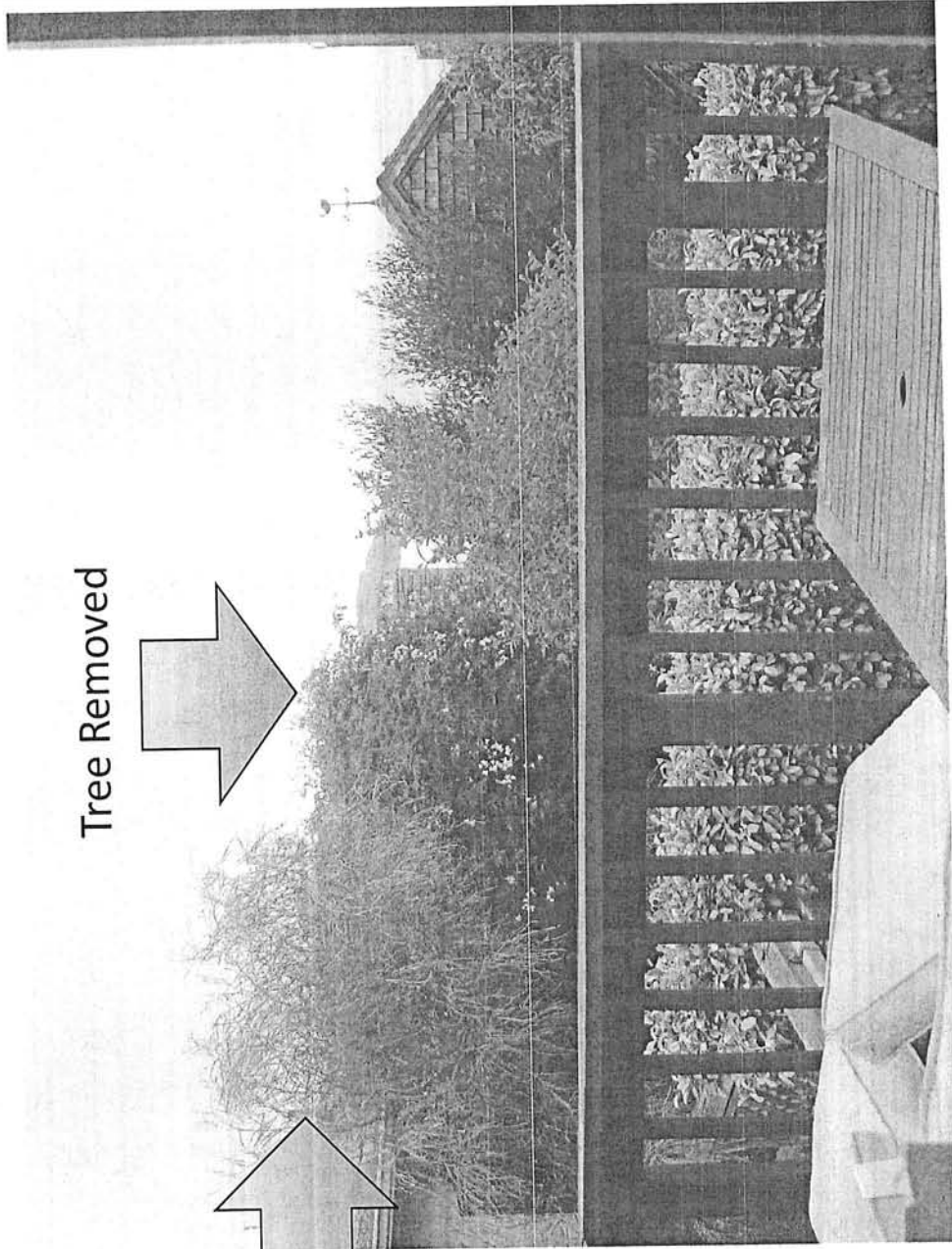
Carolyn Patterson

218 Fourth Street

Sausalito, CA 94965

EXHIBIT D
(5-PAGES)

411 Richardson Prior to June 24, 2013 tree removal and view deck



Tree
Trimmed

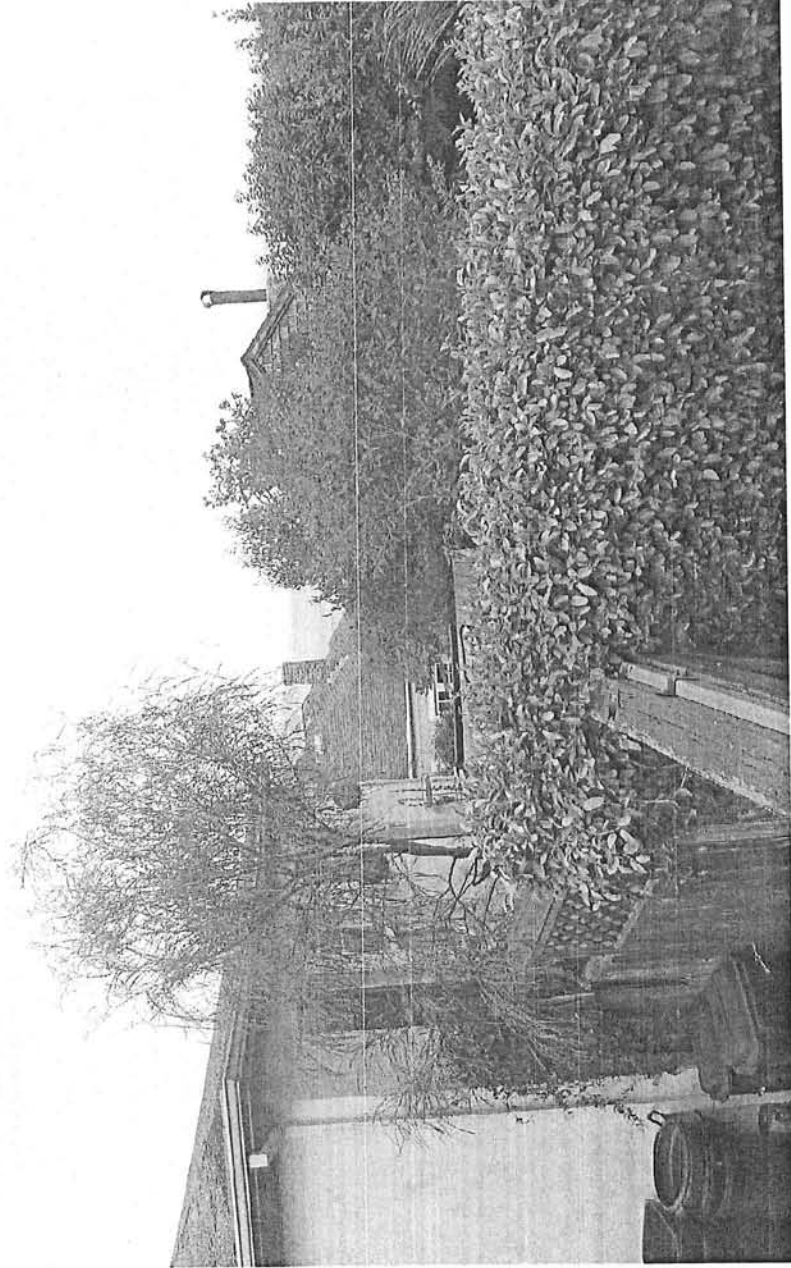
Tree
Removed

RECEIVED

JUL 08 2013

CITY OF SAUSALITO

411 Richardson After June 26, 2013

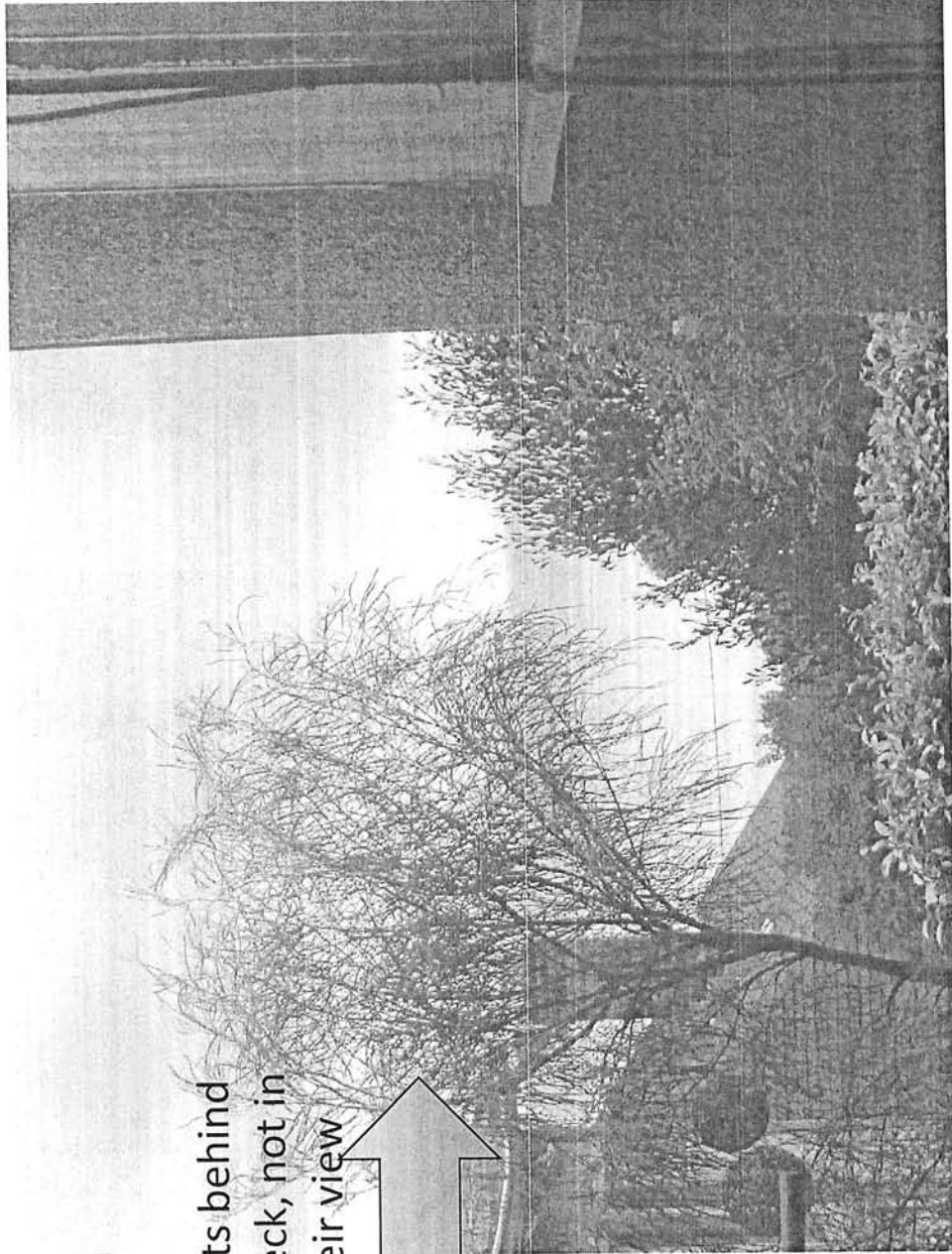


RECEIVED

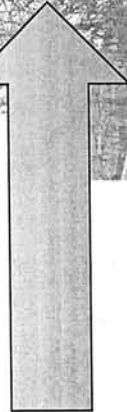
JUL 08 2013

CITY OF SAUSALITO

View from New 411 Richardson Deck



This tree sits behind
the new deck, not in
front of their view

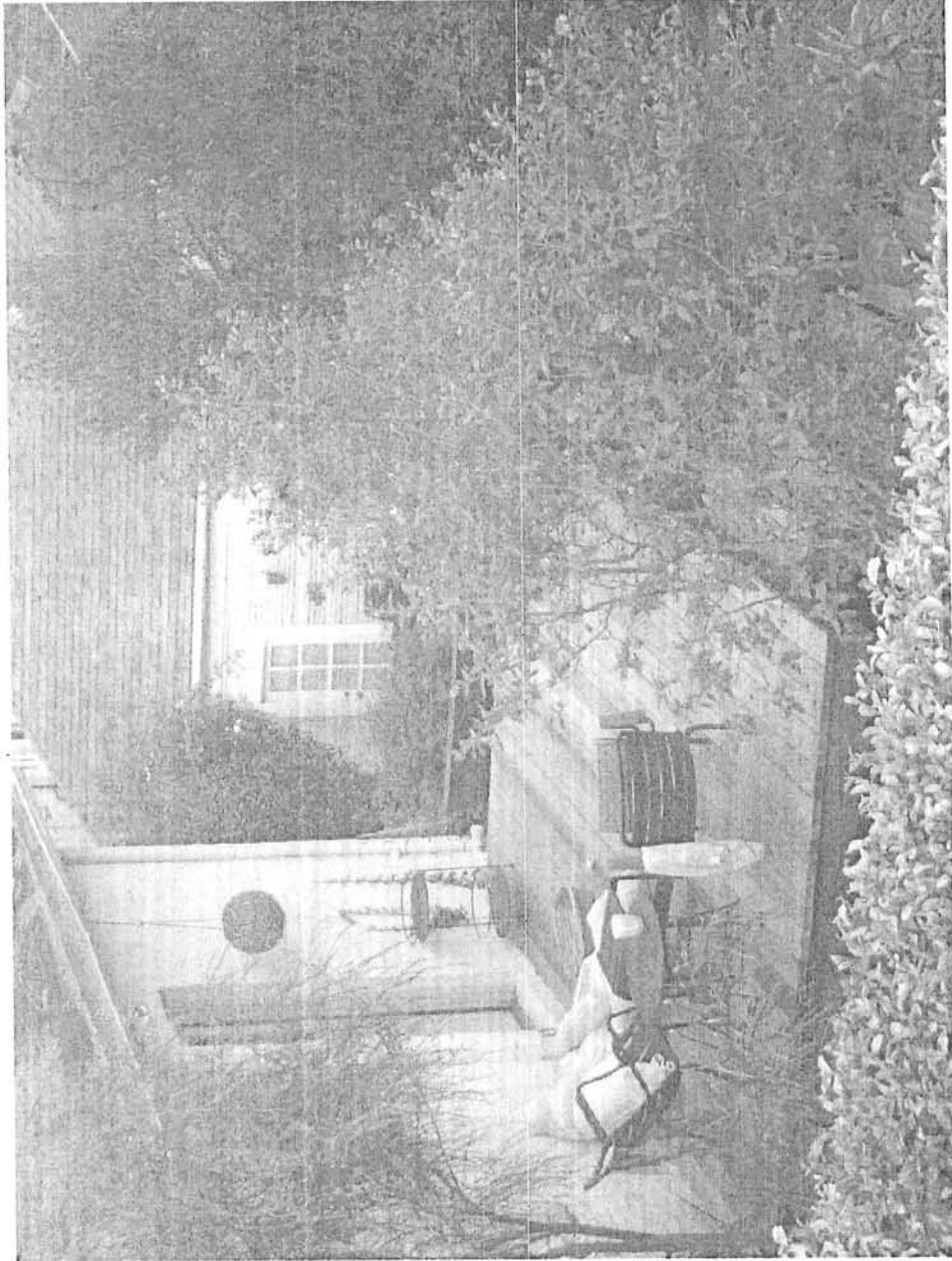


RECEIVED

JUL 08 2013

CITY OF SAUSALITO

Privacy tree removed. New deck. Trees that block my view will not be trimmed to restore my view



RECEIVED

JUL 08 2013

CITY OF SAUSALITO

Lilly Schinsing

From: Carolyn Patterson [carolyn.patterson@att.net]
Sent: Wednesday, July 31, 2013 2:22 PM
To: Lilly Schinsing
Subject: Proof of Purchase
Attachments: Screen shot 2013-07-28 at 5.50.57 PM.png; ATT00001.txt; Screen shot 2013-07-28 at 5.50.47 PM.png

RECEIVED

JUL 31 2013

CITY OF SAUSALITO

Hi Lilly

Attached is proof that I contracted to purchase my home at 218 Fourth on April 22, 2011

Thanks
Carolyn

EXHIBIT E
(3 PAGES)

CALIFORNIA
ASSOCIATION
OF REALTORS®

**CALIFORNIA
RESIDENTIAL PURCHASE AGREEMENT
AND JOINT ESCROW INSTRUCTIONS**

For Use With Single Family Residential Property — Attached or Detached
(C.A.R. Form RPA-CA, Revised 4/10)

Date April 17, 2011

OFFER:

- A. THIS IS AN OFFER FROM Carolyn Patterson ("Buyer").
- B. THE REAL PROPERTY TO BE ACQUIRED is described as 218 4th Street, Sausalito CA 94965, Assessor's Parcel No. 065-237-19, situated in Sausalito, County of Marin, California, ("Property").

The foregoing terms and conditions are hereby agreed to, and the undersigned acknowledge receipt of a copy of this document.

Date APR 20, 2011
Buyer/Tenant [Signature]
Buyer/Tenant Carolyn Patterson.

Date 4/22/2011
DocuSigned by: Stan Hales
DocuSigned by: Stanley Hales
DocuSigned by: Lori Hales

Seller/Landlord
Seller/Landlord

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Cristina

RECEIVED

JUN 20 2013

CITY OF SAUBALITO
COMMUNITY DEVELOPMENT

From: Carolyn Patterson <carolynp@fb.com>

Date: Saturday, November 10, 2012 9:28 AM

To: Carolyn Patterson <carolyn.patterson@att.net>, Cristina Woolrich <cristina@artcastproductions.com>

Subject: Re: hi from next door

Hi Cristina

Sorry for the duplicate –resending from my work address as sometimes my att.net email gets stuck in spam....

Thanks

Carolyn

From: Carolyn Patterson <carolyn.patterson@att.net>

Date: Tue, 6 Nov 2012 15:20:21 -0800

To: <Cristina@artcastproductions.com>

Cc: s <carolynp@fb.com>

Subject: hi from next door

email #1

Hi Cristina, (tenant)

I keep thinking I will run into you but our schedules seem to be off. I wanted to check in about trimming trees for the winter. I am happy to contribute.

let me know what you think

Here is my number if that is easier 415.254.4762

Thanks

Carolyn

To: Cristina Woolrich <cristina@artcastproductions.com>
Subject: Re: hi from next door

email #7

Is there a date?

From: s <carolynp@fb.com>
Date: Mon, 3 Dec 2012 19:44:49 -0800
To: Cristina Woolrich <cristina@artcastproductions.com>
Subject: Re: hi from next door

email #6

Any word?

From: Cristina Woolrich <cristina@artcastproductions.com>
Date: Wed, 21 Nov 2012 09:42:08 -0700
To: s <carolynp@fb.com>
Subject: Re: hi from next door

email #5

No Carolyn, I don't. My guy will do it, he is out for the holiday. He'll get back to me as soon as he returns.

Cristina

From: Carolyn Patterson <carolynp@fb.com>
Date: Wednesday, November 21, 2012 8:52 AM
To: Cristina Woolrich <cristina@artcastproductions.com>
Subject: Re: hi from next door

email #4

Hi Cristina
Would like you me to contact my tree ppl – Harmony Landscape. They do a great job. It was such a bummer not to have the view for Thanksgiving w/ my mom here.

Thanks
Carolyn

From: s <carolynp@fb.com>
Date: Mon, 19 Nov 2012 06:54:22 -0800
To: Cristina Woolrich <cristina@artcastproductions.com>
Subject: Re: hi from next door

email #3

Hi Cristina
Any luck getting the tree guy?
Thanks
Carolyn

From: Cristina Woolrich <cristina@artcastproductions.com> *Tenant*
Date: Sat, 10 Nov 2012 10:01:49 -0700
To: s <carolynp@fb.com>
Subject: Re: hi from next door

email #2

No problem, I got it. Wasn't on the computer much this week. I'll ring my tree guy and get on his schedule and let you know what it will cost.

From: Carolyn Patterson <carolynp@fb.com>
Subject: FW: hi from next door
Date: December 9, 2012 10:29:57 AM PST
To: Carolyn Patterson <carolyn.patterson@att.net>

From: Cristina Woolrich <crisrina@artcastproductions.com>
Date: Sun, 9 Dec 2012 09:52:30 -0800
To: s <carolynp@fb.com>
Subject: Re: hi from next door

email # 11

Carolyn, the two fruit trees to the right are the only ones I have ever trimmed as a courtesy for Lori and Stan. Nothing else is up for discussion.

Cristina

From: Carolyn Patterson <carolynp@fb.com>
Date: Sunday, December 9, 2012 8:56 AM
To: Cristina Woolrich <crisrina@artcastproductions.com>
Subject: Re: hi from next door

email # 10

Thanks. This is probably not worth mentioning since you did it last year too but I wanted to make sure the trees by your deck (I am terrible at tree identification) the one with purple flowers and the two next to it going toward your house).

Thanks again. Really appreciate it
Carolyn

From: Cristina Woolrich <crisrina@artcastproductions.com>
Date: Thu, 6 Dec 2012 19:15:07 -0800
To: s <carolynp@fb.com>
Subject: Re: hi from next door

email # 9

Hi Carolyn,

He's going to try to fit me in sometime next week. Please leave a check in my mailbox for \$295 before next Wednesday. I'll be sure to get you a receipt.

Cristina

From: Carolyn Patterson <carolynp@fb.com>
Date: Thursday, December 6, 2012 7:03 PM
To: Cristina Woolrich <crisrina@artcastproductions.com>
Subject: Re: hi from next door

email # 8

Cristina,
Any update on when the trees will be trimmed?
Carolyn

From: s <carolynp@fb.com>
Date: Tue, 4 Dec 2012 19:23:19 -0800

From: Grace Hawthorne1 <grace@paperpunk.com>
Subject: **Re: Contact Info**
Date: December 16, 2012 8:19:47 PM PST
To: Carolyn Patterson <carolyn.patterson@att.net>

email # 13

Hi Carolyn

Yes, if you could kindly forward you communication string with Cristina, that would be helpful.

Many thanks-
g

On Dec 16, 2012, at 10:05 AM, Carolyn Patterson <carolyn.patterson@att.net> wrote:

email # 12

Hi Grace

Just wanted to make sure you got this -sometimes my att.net email address goes to spam. Also, please let me know if you would like me to forward the email thread between Cristina and I regarding the view and trees. In her latest message, she says she will not cut the trees by the deck. They were cut last year in Oct along with the fruit trees as they too block my view. I would love to just get into a regular annual rhythm to restore the view as per the city ordinance. And again, I am happy to contribute.

Thanks
Carolyn

On Dec 14, 2012, at 5:13 PM, Carolyn Patterson wrote:

Hi Grace

Just following up w. my contact info.

Thanks so much
Carolyn
415.254.4762

From: Carolyn Patterson <carolyn.patterson@att.net>
Subject: **Trees**
Date: December 18, 2012 11:01:52 AM PST
To: graciexh@gmail.com
Cc: carolyn.patterson@att.net



email 14

Hi Grace, (treeowner)

I talked to someone from the Sausalito Trees and Views committee to get some advice. They stated that the homeowner, not the tenant, is responsible for restoring the view at least once every 12 months. Since the view was restored last October and we are past the 12 month mark without any signs of honoring the city ordinance, they suggested that the committee be formally looped in if a reasonable date cannot be set today. I am sorry to have to pull you into this but after over 6 weeks of emailing with Cristina, I feel like I am stuck in an endless loop and as a result have had my view spoiled for far too long for no apparent reason.

I would love for this not to be an issue and that we plan on honoring the ordinance by restoring the view every October. As stated before, I am happy to contribute to the cost and have already given Cristina a check.

Looking forward to hearing back from you.

Carolyn

From: Grace Hawthorne1 <graciehh@gmail.com>
Subject: **Re: Trees**
Date: December 18, 2012 8:53:08 PM PST
To: Carolyn Patterson <carolyn.patterson@att.net>

email 15

Hi C-

Connected with Cristina today. She said she already has a date booked in the next week or two and that she communicated that date to you. It sounds like you are all set. Let me know if this is not the case.

vbest-
g

On Dec 18, 2012, at 11:01 AM, Carolyn Patterson <carolyn.patterson@att.net> wrote:

Hi Grace,

I talked to someone from the Sausalito Trees and Views committee to get some advice. They stated that the homeowner, not the tenant, is responsible for restoring the view at least once every 12 months. Since the view was restored last October and we are past the 12 month mark without any signs of honoring the city ordinance, they suggested that the committee be formally looped in if a reasonable date cannot be set today. I am sorry to have to pull you into this but after over 6 weeks of emailing with Cristina, I feel like I am stuck in an endless loop and as a result have had my view spoiled for far too long for no apparent reason.

I would love for this not to be an issue and that we plan on honoring the ordinance by restoring the view every October. As stated before, I am happy to contribute to the cost and have already given Cristina a check.

Looking forward to hearing back from you.

Carolyn

From: Carolyn Patterson <carolyn.patterson@att.net>
Subject: **Re: Trees**
Date: December 18, 2012 9:06:49 PM PST
To: Grace Hawthorne1 <graciehh@gmail.com>, graciexh@gmail.com



email # 16

Hi Grace

Thanks. The only date Cristina communicated was for last week as per the email thread that I forwarded to you. Given how long this has gone on and the impact on the view, I would like this done before Christmas (especially since I am paying). Will you also please confirm that all of the trees that block the view will be trimmed (as was done last year) not just the fruit trees as per Cristina's email.

Thanks
Carolyn

On Dec 18, 2012, at 8:53 PM, Grace Hawthorne1 wrote:

Hi C-

Connected with Cristina today. She said she already has a date booked in the next week or two and that she communicated that date to you. It sounds like you are all set. Let me know if this is not the case.

vbest-
g

On Dec 18, 2012, at 11:01 AM, Carolyn Patterson <carolyn.patterson@att.net> wrote:

Hi Grace,

I talked to someone from the Sausalito Trees and Views committee to get some advice. They stated that the homeowner, not the tenant, is responsible for restoring the view at least once every 12 months. Since the view was restored last October and we are past the 12 month mark without any signs of honoring the city ordinance, they suggested that the committee be formally looped in if a reasonable date cannot be set today. I am sorry to have to pull you into this but after over 6 weeks of emailing with Cristina, I feel like I am stuck in an endless loop and as a result have had my view spoiled for far too long for no apparent reason.

I would love for this not to be an issue and that we plan on honoring the ordinance by restoring the view every October. As stated before, I am happy to contribute to the cost and have already given Cristina a check.

Looking forward to hearing back from you.

Carolyn

From: Grace Hawthorne <graciehh@gmail.com>
Subject: **Re: Trees**
Date: December 21, 2012 9:36:05 AM PST
To: Carolyn Patterson <carolyn.patterson@att.net>

email # 17

Hi C-
Wanted to let you know that I heard the tree guy was supposed to come today but bc of the weather will come next Friday instead.

thx-g

On Dec 18, 2012, at 9:06 PM, Carolyn Patterson <carolyn.patterson@att.net> wrote:

Hi Grace

Thanks. The only date Cristina communicated was for last week as per the email thread that I forwarded to you. Given how long this has gone on and the impact on the view, I would like this done before Christmas (especially since I am paying). Will you also please confirm that all of the trees that block the view will be trimmed (as was done last year) not just the fruit trees as per Cristina's email.

Thanks
Carolyn

On Dec 18, 2012, at 8:53 PM, Grace Hawthorne1 wrote:

Hi C-

Connected with Cristina today. She said she already has a date booked in the next week or two and that she communicated that date to you. It sounds like you are all set. Let me know if this is not the case.

vbest-
g

On Dec 18, 2012, at 11:01 AM, Carolyn Patterson <carolyn.patterson@att.net> wrote:

Hi Grace,

I talked to someone from the Sausalito Trees and Views committee to get some advice. They stated that the homeowner, not the tenant, is responsible for restoring the view at least once every 12 months. Since the view was restored last October and we are past the 12 month mark without any signs of honoring the city ordinance, they suggested that the committee be formally looped in if a reasonable date cannot be set today. I am sorry to have to pull you into this but after over 6 weeks of emailing with Cristina, I feel like I am stuck in an endless loop and as a result have had my view spoiled for far too long for no apparent reason.

I would love for this not to be an issue and that we plan on honoring the ordinance by restoring the view every October. As stated before, I am happy to contribute to the cost and have already given Cristina a check.

Looking forward to hearing back from you.

Carolyn

email 18

From: Carolyn Patterson <carolyn.patterson@att.net>
Subject: **Re: Trees**
Date: January 5, 2013 7:52:07 AM PST
To: Carolyn Patterson <carolyn.patterson@att.net>, Grace Hawthorne <graciehh@gmail.com>
Cc: Grace Hawthorne <graciehh@gmail.com>



Hi Grace - just following up on my note from below from Tuesday... Thanks Carolyn
On Jan 1, 2013, at 10:05 AM, Carolyn Patterson wrote:

Thanks Grace - the fruit trees have been trimmed - very much appreciated as it makes a huge difference. When will the rest of the trees that block the view be trimmed? Last year they were all cut in the same week and now a few new trees have been planted since last year along that new lattice fence that need a trim too. Would love to have the view restored all at once and then just have to maintain going forward. Again, I am happy to contribute.

thanks
Carolyn

On Dec 21, 2012, at 9:36 AM, Grace Hawthorne wrote:

Hi C-
Wanted to let you know that I heard the tree guy was supposed to come today but bc of the weather will come next Friday instead.

thx-g

On Dec 18, 2012, at 9:06 PM, Carolyn Patterson <carolyn.patterson@att.net> wrote:

Hi Grace

Thanks. The only date Cristina communicated was for last week as per the email thread that I forwarded to you. Given how long this has gone on and the impact on the view, I would like this done before Christmas (especially since I am paying). Will you also please confirm that all of the trees that block the view will be trimmed (as was done last year) not just the fruit trees as per Cristina's email.

Thanks
Carolyn

On Dec 18, 2012, at 8:53 PM, Grace Hawthorne1 wrote:

Hi C-

Connected with Cristina today. She said she already has a date booked in the next week or two and that she communicated that date to you. It sounds like you are all set. Let me know if this is not the case.

vbest-
g

On Dec 18, 2012, at 11:01 AM, Carolyn Patterson <carolyn.patterson@att.net> wrote:

Hi Grace,

I talked to someone from the Sausalito Trees and Views committee to get some advice. They stated that the homeowner, not the tenant, is responsible for restoring the view at least once every 12 months. Since the view was restored last October and we are past the 12 month mark without any signs of honoring the city ordinance, they suggested that the committee be formally looped in if a reasonable date cannot be set today. I am sorry to have to pull you into this but after over 6 weeks of emailing with Cristina, I feel like I am stuck in an endless loop and as a result have had my view spoiled for far too long for no apparent reason.

I would love for this not to be an issue and that we plan on honoring the ordinance by restoring the view every October. As stated before, I am happy to contribute to the cost and have already given Cristina a check.

Looking forward to hearing back from you.

From: Grace Hawthorne <graciehh@gmail.com>
Subject: **Re: check for trees**
Date: January 11, 2013 8:38:28 AM PST
To: Carolyn Patterson <carolyn.patterson@att.net>

email 21

C - I'm going to swing by and take a look this weekend or next week.

graciehh@gmail.com | 415.259.9966

On Jan 11, 2013, at 8:35 AM, Carolyn Patterson <carolyn.patterson@att.net> wrote:

email # 20

Grace
Aside from the check which I am happy to reissue if it was lost, can you confirm that the rest of the trees that were cut last year and the new ones that were put in along the lattice fence will be trimmed soon.
Thanks
Carolyn

Sent from my iPhone

On Jan 11, 2013, at 8:21 AM, Grace Hawthorne <graciehh@gmail.com> wrote:

email # 19

Hi Ladies-

Connecting the both of you via email about the check for the tree. Carolyn, can you kindly check your account to see if the check you wrote cleared? Cristina communicated that she did not receive one.

Many thanks-
g

/////////
Grace Hawthorne
415 259 9966

email 22

Jan 24

Hi Carolyn

Following up on the missing tree check....Cristina never received a check from you and I had to reimburse her so I need to get that tree check payable to me now instead.

Kindly make the \$295 check out to CP Investment Group and mail to 21 Corte Madera Ave, Studio 1, Mill Valley, CA 94941. Kindly confirm when you put it in the mail so I know when to expect it.

Many thanks-
g

//////
Grace Hawthorne
415 259 9966

From: Carolyn Patterson <carolyn.patterson@att.net>
Subject: **Re: Trees**
Date: February 4, 2013 6:44:53 AM PST
To: Grace Hawthorne <graciehh@gmail.com>
Cc: Carolyn Patterson <carolyn.patterson@att.net>



email 25

Hi Grace,

I would really like to put an end to the tree issues. I don't think my requests are unreasonable; scenic views are one of the primary reasons people chose to live in Sausalito. The city put ordinances in place to protect our views. I don't understand why trimming the trees requires so much of your time and mine. I simply want to get into a standard cycle where it gets done automatically. I have no issue paying. I hand delivered a check on Dec 8 that has been lost or misplaced.

It has been over 17 months since the view was fully restored and I candidly cannot understand why it is such an issue. Is there something beyond the cutting of the trees that is causing such resistance? Can we just discuss this and come up with a reasonable solution?

I am happy to meet and discuss this over a coffee, a glass of wine or wherever you would like. You can reach me at 4152544762.

Carolyn

On Feb 3, 2013, at 11:41 AM, Grace Hawthorne wrote:

C- Kindly confirm when you will mail the check. Thx-
/////////
Grace Hawthorne
415 259 9966

Begin forwarded message:

From: Grace Hawthorne <graciehh@gmail.com>
Subject: **Re: Trees**
Date: January 31, 2013 8:05:52 AM PST
To: Carolyn Patterson <carolyn.patterson@att.net>

email # 24

Hi Carolyn-

Were you able to send out a check yet?

Many thanks-
g

/////////
Grace Hawthorne
415 259 9966

From: Carolyn Patterson <carolyn.patterson@att.net>
Subject: **Re: Trees**
Date: January 25, 2013 8:00:41 AM PST
To: Grace Hawthorne <graciehh@gmail.com>

Repeat email 23

No problem. I will resend. Odd that she did not find it as I hand delivered it to the wooden box to the left of her front door (in an envelope with her name). Can you please confirm when the rest of the trees will be trimmed. It makes sense to do them at the same time so the full view is restored. The city's advice was to get it done all at once so it is not an ongoing saga.

Thanks
Carolyn

On Jan 24, 2013, at 10:27 PM, Grace Hawthorne <graciehh@gmail.com> wrote:

From: Grace Hawthorne <graciehh@gmail.com>
To: Carolyn Patterson <carolyn.patterson@att.net>
Sent: Fri, February 15, 2013 8:08:18 PM
Subject: Re: Trees

email 28

Hi Carolyn

Thanks for sending the check. I mailed it to my dad this week.

////////

Grace Hawthorne
415 259 9966

On Feb 15, 2013, at 1:46 PM, Carolyn Patterson <carolyn.patterson@att.net> wrote:

email 27

Grace

I sent a check on 2/6 that has not been cashed yet. Did you receive it?

On Feb 4, 2013, at 8:54 AM, Grace Hawthorne wrote:

Hi C

Have you sent a check to the Mill Valley address yet?

Many thx

G

graciehh@gmail.com | 415.259.9966

email 26

On Feb 4, 2013, at 6:44 AM, Carolyn Patterson <carolyn.patterson@att.net> wrote:

email 25

Hi Grace,

I would really like to put an end to the tree issues. I don't think my requests are unreasonable; scenic views are one of the primary reasons people chose to live in Sausalito. The city put ordinances in place to protect our views. I don't understand why trimming the trees requires so much of your time and mine. I simply want to get into a standard cycle where it gets done automatically. I have no issue paying. I hand delivered a check on Dec 8 that has been lost or misplaced.

It has been over 17 months since the view was fully restored and I candidly cannot understand why it is such an issue. Is there something beyond the cutting of the trees that is causing such resistance? Can we just discuss this and come up with a reasonable solution?

I am happy to meet and discuss this over a coffee, a glass of wine or wherever you would like. You can reach me at 4152544762.

On Feb 22, 2013, at 9:46 AM, Carolyn Patterson
<carolyn.patterson@att.net> wrote:

email 31

Grace

I am not referring to the fruit trees. The remaining trees that have not been addressed are the new trees planted that now block the view plus the trees closer to the house./deck that were trimmed down to the roof level October 1, 2011 and have not been trimmed since.

According to the Trees and Views city ordinance, the homeowner is responsible for restoring the view at least annually. I am simply asking for the rest of the work to be done, at my expense.

thanks
Carolyn

From: Grace Hawthorne <graciehh@gmail.com>
To: Carolyn Patterson <carolyn.patterson@att.net>
Sent: Fri, February 22, 2013 9:24:12 AM
Subject: Re: Trees

email 30

Hi C-

Trees should only be trimmed in Dec/Jan and I am happy to check it out when the time comes again.

Many thanks-
g

On Feb 22, 2013, at 6:51 AM, Carolyn Patterson <carolyn.patterson@att.net> wrote:

email 29

Grace,

When will the rest of the trees be cut to restore the view back to where it was? Again, I am happy to pay.

thanks
Carolyn

From: Grace Hawthorne <graciehh@gmail.com>
To: Carolyn Patterson <carolyn.patterson@att.net>
Sent: Fri, February 22, 2013 7:43:06 PM
Subject: Re: Trees

email #32

Hi C-

Trimming trees is best for the trees themselves in the winter Dec/Jan, so since that window has past, we'll have to table it until that window rolls around again. Until then, I have to communicate that I really wish that you and Cristina could develop a friendly/neighborhoodly relationship so you guys can work this out without me. I think I mentioned this last year too. She's been a fantastic tenant and takes great care of the property. Due to privacy/security issues that surround the house, I defer to her on the trees because having safety and privacy is paramount. What you should know is that prior to your purchase of Stan/Lori's home, there were actually more trees in the yard than there are now. So in reality, Cristina has opened up the view since she moved in. Honestly and with all sincerity, if you and Cristina could be friendly then she would be more than accommodating about the trees. I'm suggesting the optimal path of least resistance for all of us. Keeping Cristina safe and giving her a sense of privacy is a priority for me.

many thx-
g

On Feb 22, 2013, at 9:46 AM, Carolyn Patterson <carolyn.patterson@att.net> wrote:

email #31

Grace

I am not referring to the fruit trees. The remaining trees that have not been addressed are the new trees planted that now block the view plus the trees closer to the house./deck that were trimmed down to the roof level October 1, 2011 and have not been trimmed since.

According to the Trees and Views city ordinance, the homeowner is responsible for restoring the view at least annually. I am simply asking for the rest of the work to be done, at my expense.

thanks
Carolyn

On Feb 25, 2013, at 7:54 AM, Carolyn Patterson <carolyn.patterson@att.net> wrote:

Grace,

email # 33

I appreciate you taking the time to reply to me in detail regarding your thoughts on tree maintenance and working with your tenant, Cristina. I agree that I prefer to work in an honest, friendly, and neighborly way.

However, I am growing progressively more frustrated by the lack of response to my verbal and written requests to both you and Cristina. Following is a list of my efforts to work with you and Cristina to address the tree maintenance:

- June 2011 – My daughter and I stopped by Cristina’s to introduce ourselves. At that time, I offered to continue the payment arrangement she had with the Hales with respect to tree maintenance. Cristina rejected my offer.
- Oct 2011 – All of the trees were trimmed back to restore the view. My daughter and I thanked Cristina with a note, bottle of wine and mini pumpkin.
- Summer 2012- Cristina mentioned during a between the fence chat while petting dogs that her landlord would not pay for any tree trimming. I again offered to contribute.
- Summer 2012 – -New trees and a tall trellis fence were put in.
- Oct 2012 - I emailed Cristina asking when the trees could be cut (since it had been a year). There was a series of delayed responses and by November she stated that she would not trim any trees except the fruit trees even though there are several pre-existing and newly planted trees that block the view and had been previously trimmed. I forwarded you a copy of that email. I believe Cristina’s response was one line “Nothing else is up for discussion”
- Nov 2012 - The city requires the homeowner to maintain the trees, therefore I called you directly. You wanted to check with your tenant and get back to me.
- Nov 2012 – I again asked Cristina to have the trees trimmed so the view would be restored. The response was a series of emails with more delays.
- Dec 2012 – Cristina asked that a check for \$295 be placed in her mailbox for the tree trimming that would occur the following week. I hand delivered check # 5167 to the wooden box to the left of her front door. The trees were not trimmed that week as promised by Cristina nor did I receive the receipt promised when the fruit trees were eventually trimmed in January.
- Jan 2013 – For the first time in over 15 months some of the trees were trimmed. Only the fruit trees were trimmed even though I was led to believe that the money I contributed was for the entire view to be restored as it had been in October 2011
- Jan 2013 – You stated that my original check to Cristina could not be found. I said I would send a replacement and also wanted to know when the rest of the trees would be trimmed. I made several email requests about the rest of the trees which you did not address.

- Feb 2013 – I resent a check on 2/1/13 for \$295 (#5186). I waited a week again asked you when you would trim the rest of the trees. Again you did not acknowledge my request about the trees and only responded about the money and that you sent it to your father
- Feb 2013 – With the check cashed you finally responded to me that none of the other trees will be addressed for another year. That would make it almost 2 ½ years that the non-fruit trees that block the view would not be trimmed.

I have made every effort to work with both you and Cristina, to communicate openly and handle this in a friendly manner. I acted in good faith throughout the past 18 months. It is sadly evident that you have no intention of addressing the rest of the trees that block the view and negatively impact the value of my home. Here is a list of details that I have learned about trees and my clarification to some of your statements in your previous email:

1. I called the city and confirmed that the obligation to properly manage the trees within the scope of the Trees and Views committee is yours - not your tenants. I will work with you directly on this matter, as required by the City.

2. The obligation to trim the trees on an annual basis is required by the city. This is your obligation as the homeowner. As I have said all along, I am happy to contribute financially.

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."

3. You continue to reference only the fruit trees despite the fact that all my emails have referenced all the trees that block the view and impact my home value.

4. I agree with your concern that Cristina is safe, but I candidly don't understand your logic or the relevance to this situation. I do not see how the growth of the trees above the roof/siding line contribute to safety. My understanding from talking to law enforcement is that trees provide isolation under which crimes can occur.

Trimming the tops of those trees is something Cristina and I could probably do in less than an hour and then enjoy a nice glass of wine. At this point, unless you have another suggestion on creating a friendly partnership to address the trees on an ongoing basis, I will go directly to the Trees Views Committee and request an arbitration meeting. Please response to me by Friday March 1, 2013 after which my only option is to go to the City and let them decide on how we should proceed.

Sincerely,
Carolyn

From: Carolyn Patterson <carolyn.patterson@att.net>
To: Grace Hawthorne <graciehh@gmail.com>
Sent: Wednesday, February 27, 2013 11:22 AM
Subject: Re: Trees

email #35

Grace,
I spoke with the city again today. As per their advice, I have scheduled the Arborist to come out to my property and complete the Arborist Report, as it is required for submittal to the city for my View Claim. My request to you is to simply restore the view to where it was, as per the city ordinance. I still believe this is a simple matter of topping some of the trees (at my expense) to where they were so that the view is restored and so that Cristina still has privacy w/r/t her windows. It is disappointing that we could not come to that arrangement on our own.

Carolyn

From: Grace Hawthorne <graciehh@gmail.com>
To: Carolyn Patterson <carolyn.patterson@att.net>
Sent: Mon, February 25, 2013 10:47:33 PM
Subject: Re: Trees

email #34

Carolyn

I am respectfully requesting that you please discontinue the demanding and threatening communications about tree trimming. Your portrayal is inaccurate and incomplete. Since you purchased your home, you have had various issues concerning property lines and views that were never a problem before Stan and Lori sold their home to you. I've encouraged you to cultivate a positive relationship with your neighbor Cristina and shared that we defer to her preferences about the trees not only because of previous security and privacy concerns, but because she is also a great tenant and takes good care of the property. Again, I'm happy to talk about trimming trees when the appropriate window comes around.

Sincerely-
g

////////

Grace Hawthorne
415 259 9966

Proof of Certified Mail
- Mediation request
- No Reply

From: Carolyn Patterson <carolynp@yelp.com>
Subject: **proof grace**
Date: May 25, 2013 9:12:02 AM PDT
To: carolyn.patterson@att.net
▶ 1 Attachment, 55.2 KB

RECEIVED

JUN 20 2013

CITY OF SAUSALITO
COMMUNITY DEVELOPMENT

Search USPS.com or Track Packages



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You entered: 70122920000071384873

Status: Delivered
Your item was delivered at 5:29 pm on March 7, 2013 in MILL VALLEY, CA 94941.
Additional information for this item is stored in files offline.

You may request that the additional information be retrieved from the archives, and that we send you an e-mail when this retrieval is complete. Requests to retrieve additional information are generally processed momentarily.

I would like to receive notification on this request

First Name M.I. Last Name

Email Address



EXHIBIT G
(2 PAGES)

March 5, 2013

Grace Hawthorne
28 Mirabel Ave
Mill Valley, Ca 94941

Grace,

I am formally following up via certified mail as required by the city of Sausalito. I have initiated the View Claim process with the city. As per the city requirements, I have retained a certified Arborist to survey the situation and prepare the Arborist Report. He will be taking into account the original view, maintaining the health of the trees and privacy. Resume attached.

Since we have not been able to agree to regular trimming to restore the view, the city requires that I formally ask you to participate in mediation. The city will provide a list of mediators.

Please let me know by April 6, 2013 if you plan to participate in mediation.

Regards,

Carolyn Patterson
218 Fourth Street
Sausalito, CA 94965
415.254.4762

cc: Sausalito Trees and Views Committee

June 3rd, 2013



URBAN FORESTRY ASSOCIATES, INC.

8 Willow Street San Rafael, CA 94901
415 454 4212 arborforestry@sbcglobal.net

RECEIVED

JUL 25 2013

CITY OF SAUSALITO

Carolyn Patterson
218 4th Street
Sausalito, California 94965

**ARBORICULTURAL REPORT ON VIEW OBSTRUCTION
218 4th Street, Sausalito, California 94965**

PURPOSE

This arboricultural report is for Carolyn Patterson (218 4th Street, Sausalito, CA 94965). This report addresses the nature of the views and vantage points, the nature and extent of obstruction, the arboricultural feasibility of view restoration, the benefits and burdens of the subject trees and the potential impacts of the tree work required for view restoration. Urban Forestry Associates, Inc. (UFA) assessed and documented the tree obstruction issues from the vantage points (major use area rooms & decks) from Carolyn Patterson's home mentioned above on April 17th, 2013 and May 1st, 2013.

SCOPE OF WORK / LIMITATIONS

Information regarding property boundaries, land or tree ownership, were based on fencing or provided to UFA by Carolyn Patterson of 218 4th Street, Sausalito, CA 94965. UFA has no interest either personal or monetary in the outcome of this matter. All observations reflected in this report are objective to the best of our ability. All observations and conclusions regarding trees, shrubs, and site conditions in this report was made by UFA, independently, based on our education, experience, and inspection of the site(s). I did not have access to the tree owner's property. Therefore all the obstructing plants are assumed to be healthy based on appearance.

PROPERTY AND TREE LOCATIONS

The two subject properties are located in the south valley Main Street area of Sausalito. The Patterson home is less than three blocks from the Bay shoreline (See Figure 1). The house is designed for views of the San Francisco Bay landmarks, including sailboats sailing on Richardson Bay, Racoon Strait (between Tiburon and Angel Island), Angel Island, the East Bay Hills, East Bay cities (particularly at night), the port of Oakland, San Francisco Bay, Alcatraz Island, the Bay Bridge, Treasure Island and Yerba Buena Island, sailboat races, downtown San Francisco (particularly at night).

As we had only visual access to the tree owner's property the tree and other obstructing vegetation locations are shown on a Google aerial photo (See Figure 2).



Figure 1 - The Patterson home is designed for views of the Bay Area Landmark views.



Figure 2 - The subject trees are in the backyard of the tree owners property, east of the Patterson home and deck.

ORDINANCE COMPLIANCE

The subject trees, shrubs and vines obstructing views from the Patterson property are all included under the ordinance (11.12.040 VIEWS). The types of vegetation covered are defined as "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."

1. Initial Reconciliation: It is my understanding that Carolyn Patterson has notified the tree owner of the unreasonable obstruction of her access to landmark views. Attempts to Resolve the Problem: It is my understanding that in an attempt to resolve the problem, Carolyn Patterson has requested that the tree owner simply maintain her trees at a height that does not interfere with her views by removing water sprouts as they appear. Cornell University, the leading university in Horticultural sciences publishes a guide to apple tree pruning, where it states, "... remove the water sprouts. They serve as a feeding area for insects and do not contribute to fruit production." (Poray, R. A. Pruning Apple Trees, Cornell Cooperative Extension).

This report, email correspondence and proof of certified mail requesting mediation shall be provided by Carolyn Patterson in her attempt to reach a mutually agreeable solution.

None of the obstructing trees are "protected trees" as defined by the Tree Ordinance.

a. The character of the view:

1) **The vantage point from which the view is sought.** The high use areas of the home from which Carolyn Patterson seeks to have the view corridor maintained include:

- The dining room (Photo 1)
- The dining deck (Photo 2)
- The kitchen (Photo 3)
- The master bedroom (Photos 4 & 5)
- The living room (Photo 6)
- (See Photo Appendix)

The landmark views partially or completely obstructed by the neighbor's plants from various vantage points:

1. **The front door:** From this vantage point the hop seed bushes and the potato vine can take up 90% of the view. The view consists of Richardson Bay, Angel Island and the Easy Bay hills.
2. **The living room** rocking chair located at the west-end . From this vantage point the Hopseed Bushes could take up 50% of the view and the Apple Tree could take up the other 50%. The landmark views from this point are Richardson Bay, the San Francisco Bay, the East Bay shoreline and the Easy Bay hills.
3. **The breakfast bar,** seated position. From this vantage point the Hopseed Bushes, "Dodonaea Viscosa" could obstruct up to 25% - 30% of the potential view in one growing season. The

fruit trees could obstruct 70%-75% of the view. From this vantage point, the view consists of Richardson Bay at the far left, San Francisco Bay, the eastern extension of the bay bridge, Yerba Buena, downtown Oakland, the East Bay hills, the east bay shoreline.

4. The kitchen, vantage point includes landmark views of the tip of Angel Island, a bit of Richardson Bay, the San Francisco Bay, the East Bay hills and cities, the Port of Oakland and the Bay bridge to Yerba Buena. The princess bush might be up to 25% of the view if allowed to grow tall. The hopseed bushes would be about 30%, and the apple trees 70% of the available views. From sitting position the potato vine and Trees 1, 2 & 3 block 100% of Angel Island.

5. The Dining room table (standing position) the obstruction by the hopseed bushes would be 20%, the princess plant is also a possibility. The fruit trees would obstruct approximately 30% of the available views. Then if the palms and Pittosporum would be allowed to grow, it could obstruct the Treasure and Yerba Buena islands, the west extent of the bridge and downtown San Francisco.

A) From the standing position at the table there's Angel Island, Richardson Bay, the East Bay hills, cities and shoreline, San Francisco bay, downtown Oakland, the east expanse of the bay bridge, Treasure Island, Yerba Buena Island, Alcatraz Island, the Port of Oakland, the west expanse of the suspension part of the Bay Bridge, the Port of San Francisco, and downtown San Francisco. The hopseed bushes are already blocking the view of Angel Island and possibly Raccoon Strait. The hopseed bushes will obstruct about 25% of the view. The hopseed bushes would block the southern extent of Angel Island, the southern extent of Richardson Bay, a portion of the San Francisco Bay, the East Bay hills. The apple trees would then obstruct the East Bay hills and shoreline, the San Francisco Bay, the east expanse of the Bay bridge and Alcatraz Island. The two apple trees would obstruct about 30% of the view. Then the palm, and the pittosporum hedge, were they allowed to grow, would obstruct the remaining 70% of the view.

B) Sitting position at the dining room. The hopseed bushes have the potential are currently obstructing the southern extent of Richardson Bay and the tip of Angel Island, a portion of the east bay hills and shoreline. This demonstrates that the growth of just a couple feet will completely obstruct all the way up to and above the elevation of the East Bay hills. So a matter of this seasons growth could completely 100% obstruct, from this perspective the southern tip of Angel Island, the southern extent of Richardson Bay, the San Francisco Bay, the northern portion, the East Bay hills including Berkeley. Then the fruit trees are currently obstructing portions of the bay close to the shoreline of Sausalito but in a matter of a few feet growth could completely obstruct San Francisco Bay and the east extent of the bay bridge and downtown Oakland. With 4' to 5' of summer growth The vine and Trees 1 - 5 could completely 100% obstruct views from Raccoon Strait to the Bay Bridge west span. The pittosporum hedge and palm trees could obstruct the views of the western extent of the Bay Bridge, part of S. F. Bay and the east end of San Francisco.

6. The dining deck, sitting in the chair facing out toward the bay. The princess bush and the potato vine obstruct most of the southern portion of Angel Island. The princess plant is obstructing the southern portion of Richardson Bay and a portion of San Francisco Bay and the southern tip of Angel Island. The hopseed bush is covering the San Francisco Bay almost completely and from this perspective rises above the top of the East Bay hills. Growth of a few feet would obstruct the Berkeley portion of the East Bay hills and all of the northern portion of San Francisco Bay and the south tip of Angel Island. Then just a few feet of growth of the apple trees will obstruct from the hopseed bush to the south a good 30% of San Francisco Bay, a good portion of the East Bay cities, including downtown Oakland, the eastern span of the Bay Bridge, Treasure, Yerba Buena and Alcatraz islands and the eastern portion of the west span of the Bay bridge. From sitting position the potato vine and Trees 1, 2 & 3 block 100% of Angel Island.

7. From the southern seat on the deck outside the master bedroom, the trees and shrubs most likely causing obstruction starting from the north, the princess plant, which could obstruct Raccoon Strait and the northern portion of Angel Island. The hopseed bushes which would cover a portion of Raccoon strait and the middle of Angel Island including the peak with just a matter of 3' of growth. They are already obstructing a portion of Raccoon Strait and Angel Island particularly the shoreline.

The apple trees will obstruct the southeastern third of Angel Island the southern portion of Richardson Bay, the East Bay hills to downtown Berkeley and the University of California, Alcatraz & San Francisco 100%. The palms have the potential of obstructing the San Francisco Bay from Berkeley over to the eastern tip of the Bay bridge and downtown Oakland from this position the princess plant could obstruct 15% of the landmark views, the hopseed bush could obstruct 20%-25%, the fruit trees could obstruct 25%-30%, the palms only about 10% but it would include the Berkeley campus and right up through the center of the Bay and the East Bay.

2) The extent to which the view might be diminished by factors other than growth involved in the claim. There are no redundant obstructions of the views sought

3) The extent of the view that existed at the time claimant(s) purchased the property. (Is the party attempting to create, enhance or restore a view?) The views the claimant wishes to preserve were available and unobstructed when she purchased the home and are today available for a portion of year (See Figure 3 below). The claimant has been advised by her consulting arborists and urban foresters that it is best for both the plants and for view maintenance to address the obstruction issues early. Early intervention means smaller pruning cuts that heal quickly and minimizes foliage reduction which sustains the plants. However, as little as three feet (3') of growth can almost completely obstruct the views (See Figure 4).

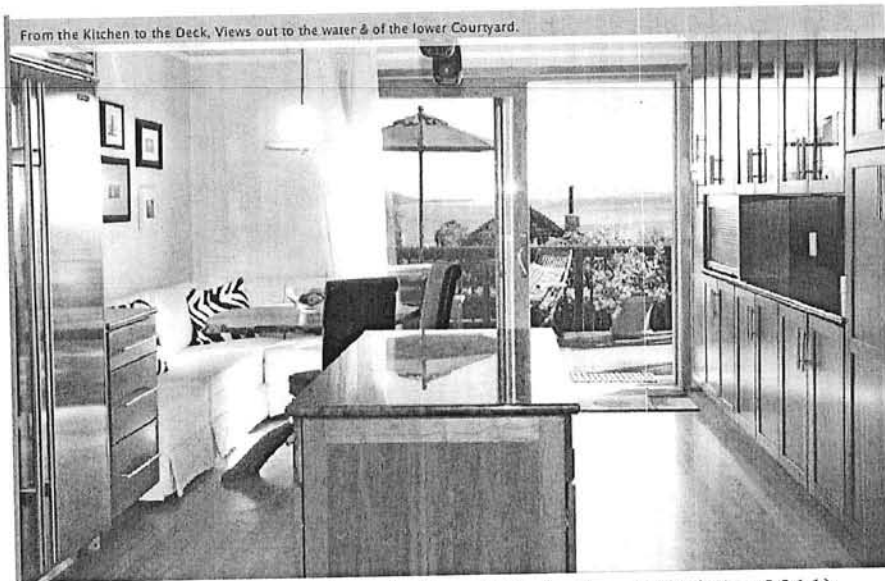


Figure 3a - Sales picture when she "bought it for the view" (May 2011)

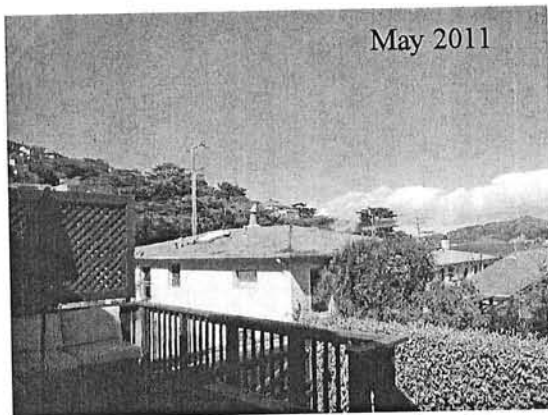


Figure 3b - Angel Island & Richardson Bay

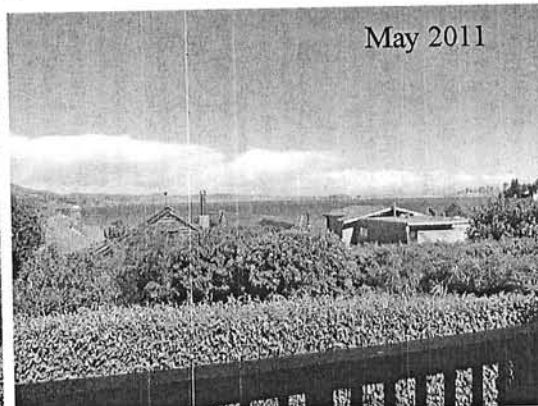


Figure 3c - Tip of Angel Island to S. F.

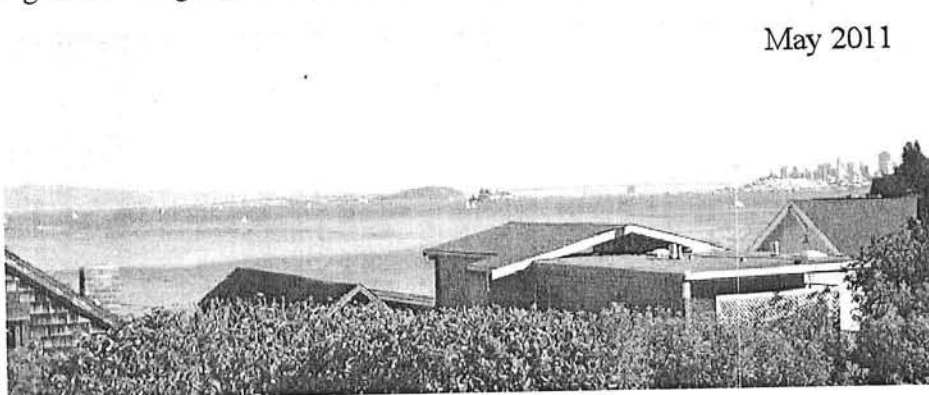


Figure 3d - When she purchased her home she had an unobstructed view from north Angel Island to downtown San Francisco. (See "Current Photos" for the full extent of view obstruction)

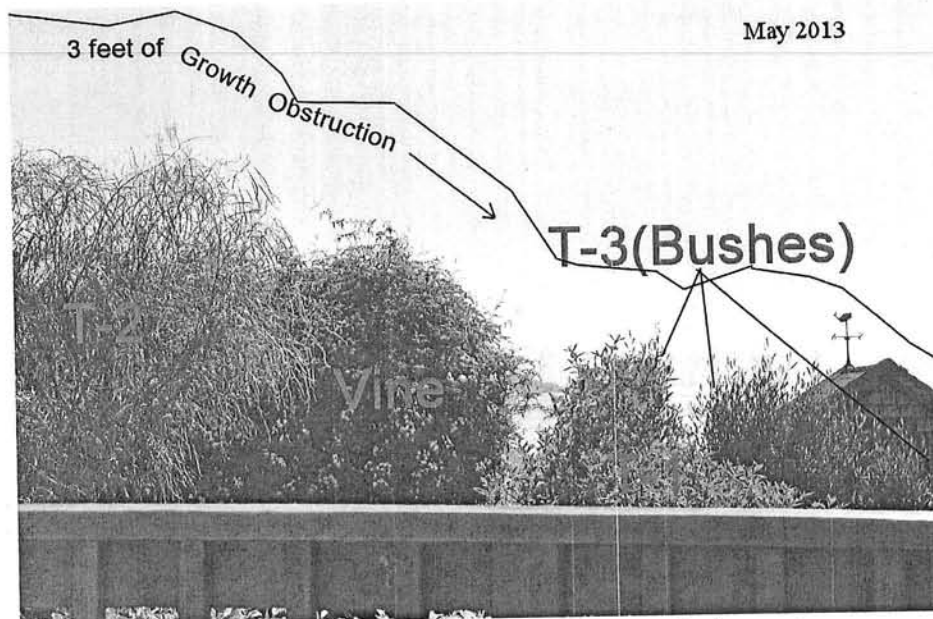


Figure 4 - Line represents anticipated single season growth obstruction.

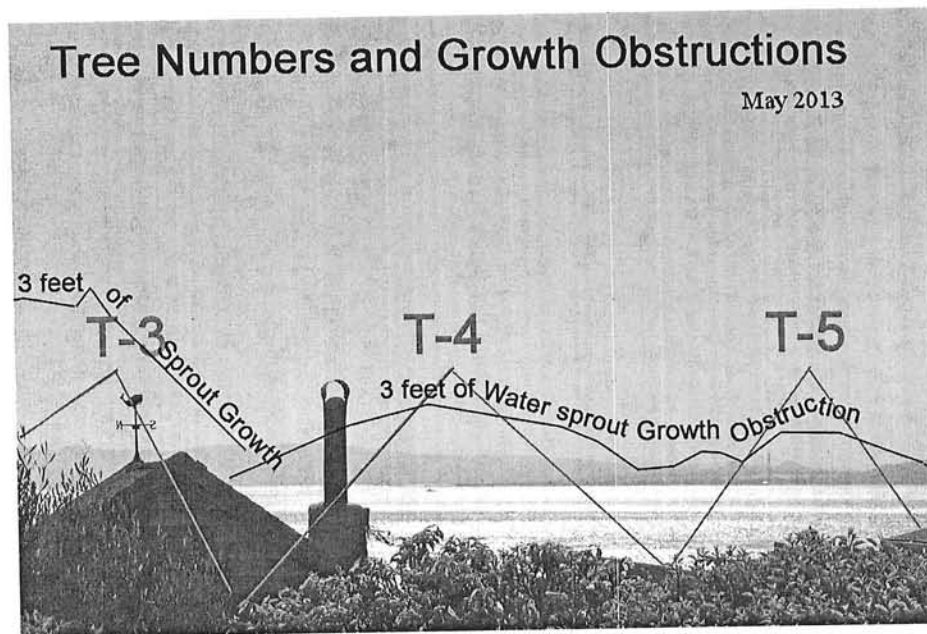


Figure 4a - When view obstructions are closer to the observer / vantage point, moderate growth can have a big impact on available views.

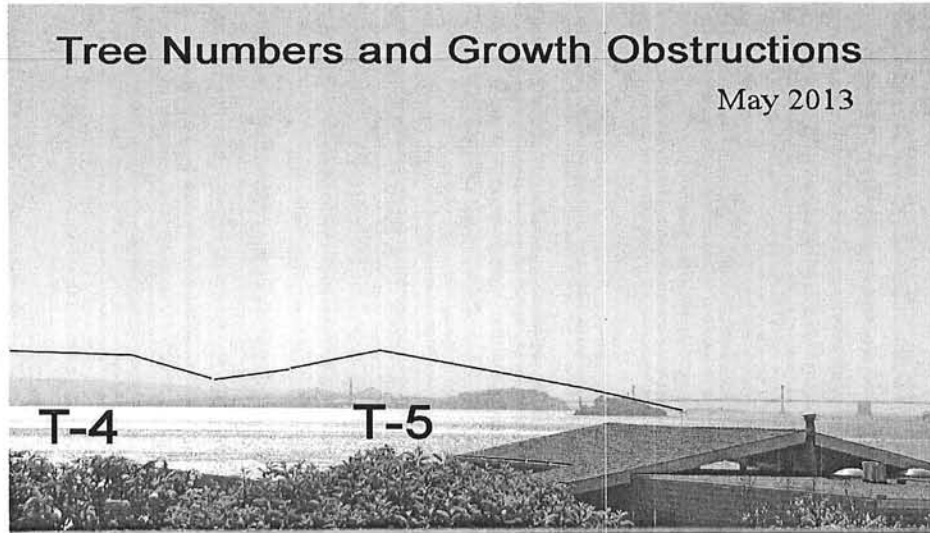


Figure 4b - The water sprouts on the apple trees can grow 3 feet in a single growing season. Their removal is recommended by many authorities for tree health and fruit.

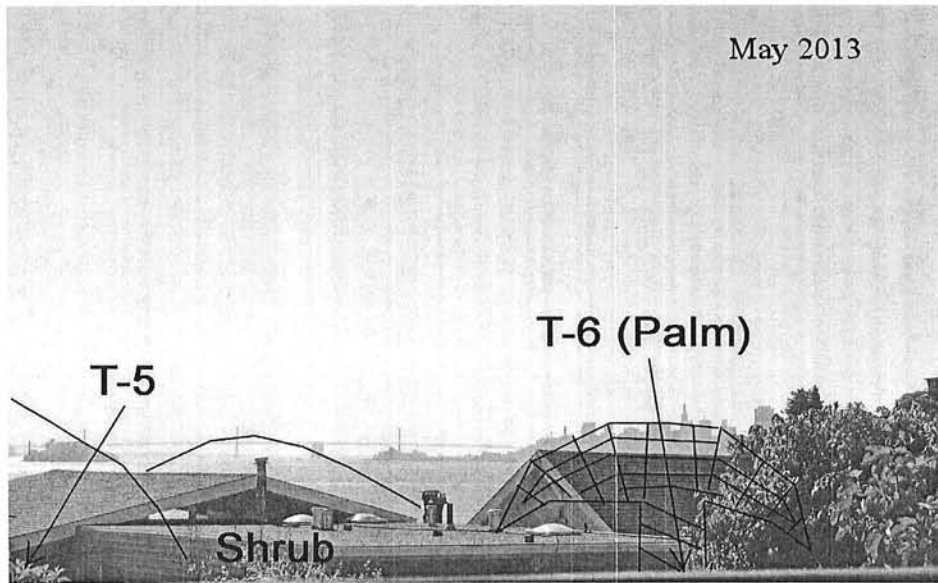


Figure 4c - The most valued views (the west span of the Bay Bridge, downtown San Francisco and sailboat races) could be quickly and easily obstructed by very moderate tree, shrub, and palm tree growth. Lines represent anticipated single season growth.

b. The character of the view obstruction:

1) The extent of the alleged view obstruction as a percentage of the total view (est.).

Several shrubs, a vine and several trees obstruct the views of a number of Bay Area landmarks:

1. A c.f. jasmine vine (no tree number) & T-2 (Spp. ?) obstructs the northwest end of Angel Island, Raccoon Strait and a portion of Richardson Bay (See Fig. 5).
2. Just a few feet of growth of a princess plant (T1) will obstruct one third of Angel Island and a portion of Richardson Bay (See Figure 5).
3. Three hopseed bushes are beginning to obstruct portions of Richardson Bay and Angel island, and could obstruct it entirely in one growing season (Photo 1663).
4. Two apple trees produce tall water sprouts each growing season and routinely obstruct views of San Francisco Bay, the East Bay hills and cities, Alcatraz Island, Treasure Island and Yerba Buena, the Bay Bridge and the Port of Oakland.
5. If allowed to continue growing, the palm will obstruct the views of the Bay, downtown San Francisco and the Bay Bridge.

If not regularly maintained, all together the neighbor's vegetation has the potential of obstructing almost all of the available views (See Fig. 4 above & Fig. 5 "6/5/13 Photos" below).

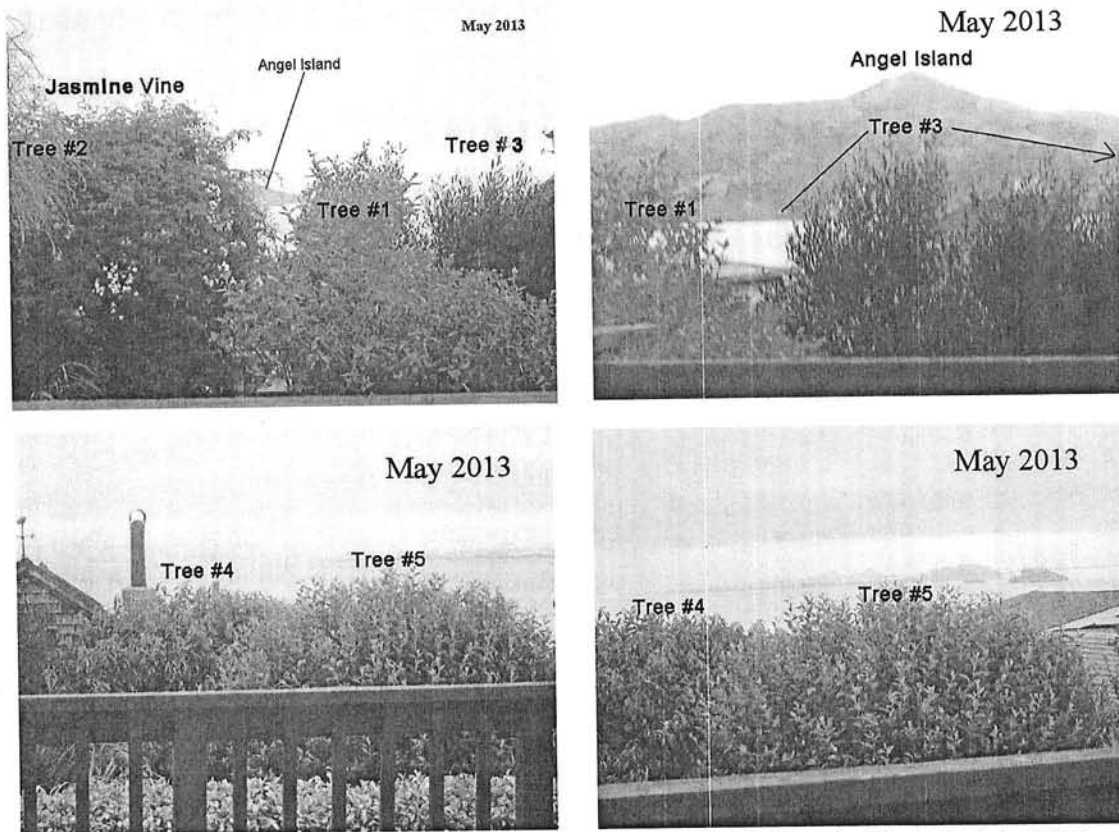


Figure 5 - The growth has been over 2 ft.

in the past month and will add 3 ft. by 7/31

2) *The impact on the beneficial use, economic value and enjoyment of the claimant's property caused by the growth.* Obviously the rapid seasonal growth of the shrubs and trees have a huge impact on the use, enjoyment and value of the claimant's property.

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.*

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

3) *Visual, auditory, wind screening and privacy provided by the growth to the owner and the neighbors.*

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

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

- Maintenance of the trees, shrubs and vines will have no negative impact on the "tree owner's" property value, use or enjoyment. In fact, regular maintenance would benefit the tree owner's property.

d. *Restorative actions shall be limited to the following:*

3) Shaping to reduce height or spread, using thinning cuts only (drop crotch).

e. *Each type of restorative action shall be evaluated on the above findings and with consideration given the following factors:*

1) The proposed shaping and crown reduction will be completely effective.

2) The proposed maintenance will have no adverse impacts on the benefits derived from the growth in question. It will promote better fruit production, thicker canopies that provide privacy and screening, and greater structural stability of the branches and stems.

3) The cost of the restorative action is simply the cost of regular fruit tree, vine and shrub maintenance that is commonly practiced throughout Sausalito, nothing extraordinary.

4) The effects upon the privacy of the tree owner will be positive because height control increases canopy density. It is a common practice to control height to encourage branch proliferation, growth and retention. As trees and shrubs grow taller they shed their lower branches.

- f. All restorative actions shall be undertaken with consideration given to the following factors:*
- 1) All restorative actions must be consistent with subsection C-3, subparagraphs "d" and "e" of this Section.*
 - 2) Restorative actions shall be limited to shaping, thinning, and/or heading of branches where possible.*
 - 3) When shaping and/or thinning of branches is not a feasible solution, heading or topping shall be preferable to tree removal if it is determined that the impact of topping does not destroy the visual proportions of the tree, adversely affect the tree's growth pattern or health, or otherwise constitute a detriment to the tree in question (arborist's advice required).*
 - 4) Tree removal shall only be considered when all other restorative actions are judged to be ineffective. Replacement planting can be required on the property of the parties.*
 - 5) An arborist's report is required in determining the nature and cost of replacement plant materials, installation of such plant materials, and time required for such plant materials to become well established.*
 - 6) In those cases where tree removal eliminates or significantly reduces the tree owner's benefits of visual screening, wind screening or privacy, replacement screen plantings shall, at the tree owner's option, be established prior to tree removal; notwithstanding the provisions of sub-paragraph "e" above, the tree owner may elect tree removal with replacement planting as an alternative to shaping, thinning, heading or topping.*

ARBORIST RECOMMENDATIONS:

Carolyn Patterson and her consulting arborist / urban forester feel that the proposed crown reduction and regular maintenance are in full compliance with the considerations required by the ordinance, the ANSI A300 Standards - Pruning, and ISA Best Management Practices - Pruning. Watersprouts on fruit trees may be removed at any time because they contribute little to nothing for overall tree health, sprout and branch structural stability, fruit size and ripening. Watersprouts in fact prioritize vegetative growth over fruit quality. Consequently the upright, non-fruiting sprouts can be removed any time they appear, suppression of undesirable shoots is typically done twice a year, in June and then again in July (Cornell University, Horticulture). Bushes and vines such as the potato vine and the hopseed bush may be pruned at any time or multiple times per year. Pruning in summer dry climates does not have the same risk of disease spread as in summer-wet climates. Nevertheless, pruning equipment should be sanitized prior to pruning work, between trees and whenever a cut is made in disease symptomatic wood.

Specifications: I did not have access to the tree owner property and therefore was not able to measure recommended pruning elevations. However, all trees, shrubs and vines should be pruned back to or below the height perceived from a standing position on the Paterson deck as

illustrated in photographs taken at the time she purchased her home in May 2011 (See May, 2011 photographs 3a through 3d and Figure 6 below). Tree pruning would not affect the tree owner's privacy unless they were pruned well below the roof lines as she is at a far lower elevation.

1. Trees 1 (Princess Plant - *Tibouchina urvilleana*), 2 (unknown shrub) and the vine (Jasmine or False Jasmine - c.f. *Jasminum officinale*) should be trimmed to maintain open views of Racoon Strait and Angel Island (Figure 6A (May 2011) and 6B (May 2013)). Can be pruned any time, twice or more per growing season, as needed.
2. Tree 3 (a group of Hopseed Bushes - *Dodonea viscosa* 'Purpurea') should be maintained at an elevation to preserve views of Berkeley to Emeryville and the East Bay hills (Figure 6A(2011) and 6C (2013)). This shrub can be pruned any time during the growing season or dormancy, twice or more per growing season, as needed. These bushes did not exist at the time Carolyn Patterson purchased her home.
3. Trees 4 and 5 (apple Trees - *Malus domestica*) One annual tree trimming in October to base of chimney of adjacent roof. Watersprouts and non-fruiting upright sprouts that are blocking view can be removed at anytime (Cornell University, Horticulture).
4. The palm/fern tree (sp? = c.f. *Cyatheales spp.* or *Dicksonia antarctica*) can be maintained small by root pruning with a sharp trench shovel during the dormant season or removed when it begins to obstruct views. Palms cannot be crown reduced (reduced in height through top pruning).

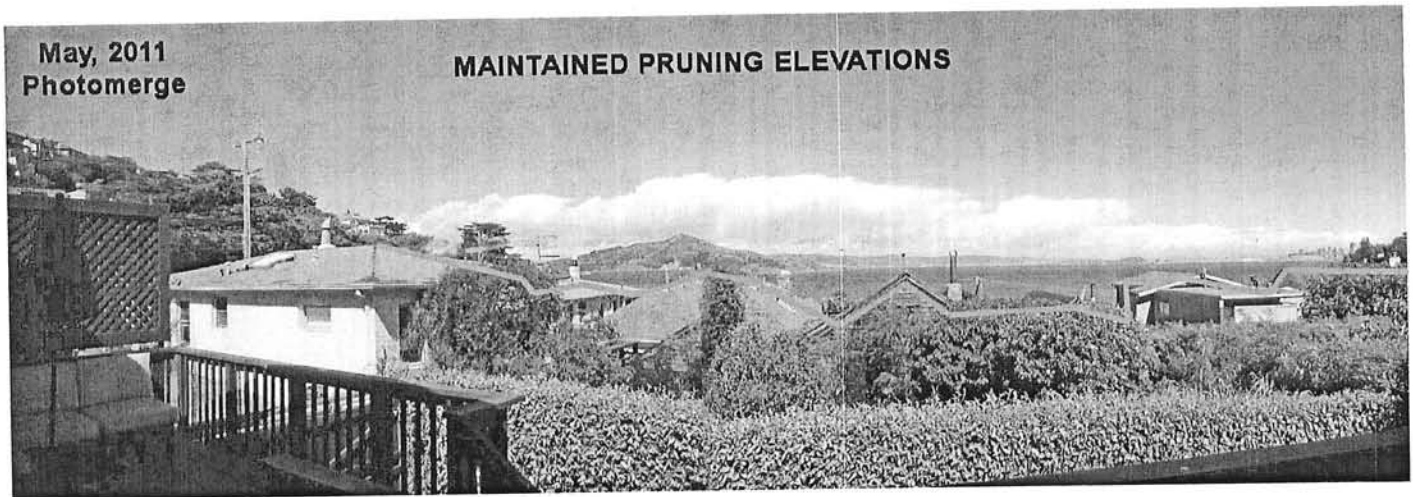
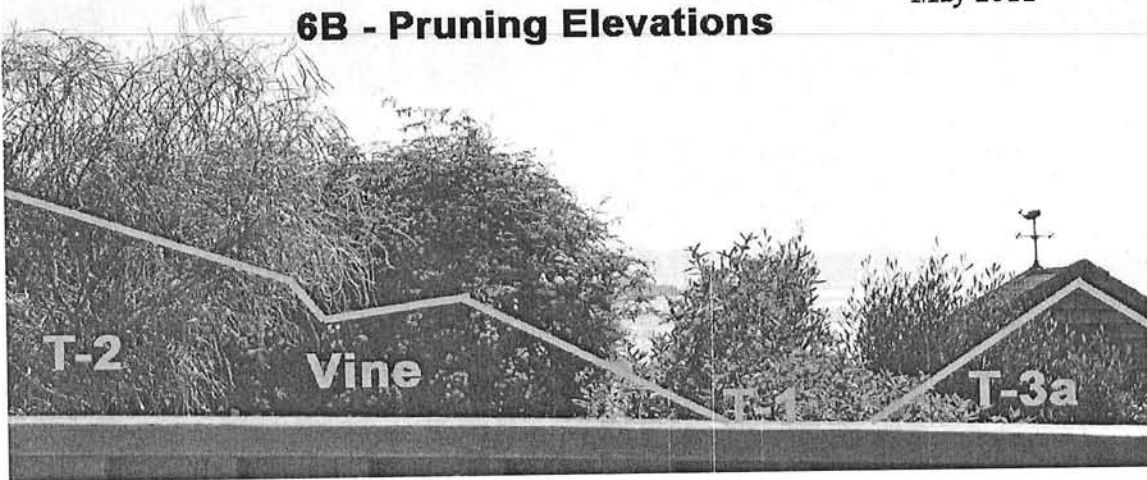


Figure 6A (May 2011 Photograph) - The pruning height should be below the roof lines and at a level that considers the growth response. The apple trees could be trimmend back to the recommended height in the dormant season or spring and experience 3 or more feet of water sprout growth over the next few months of growing season.

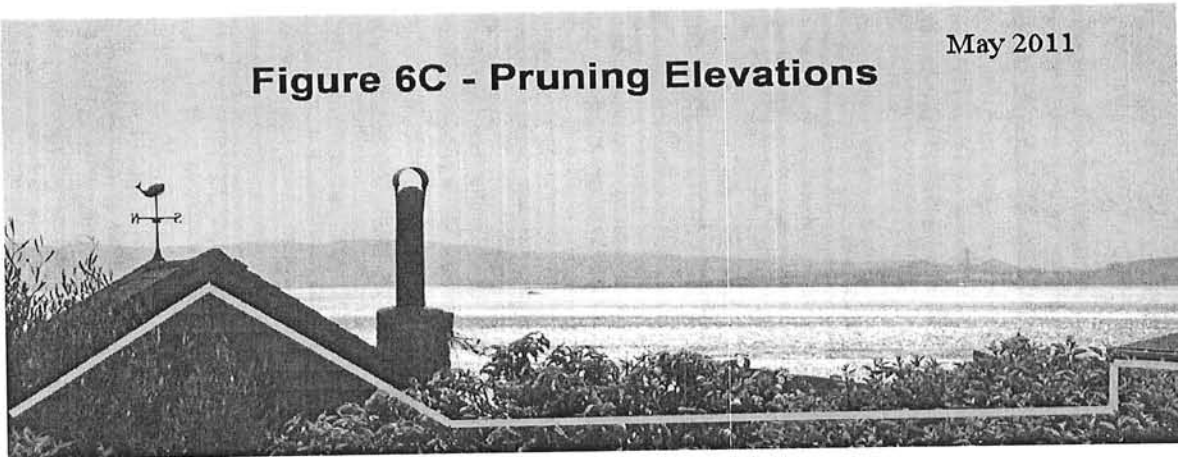
May 2011

6B - Pruning Elevations



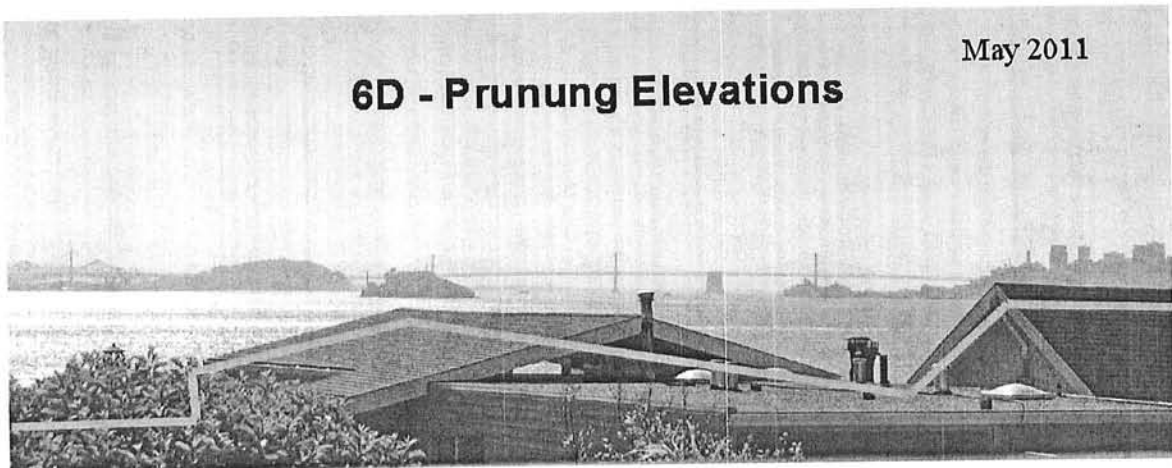
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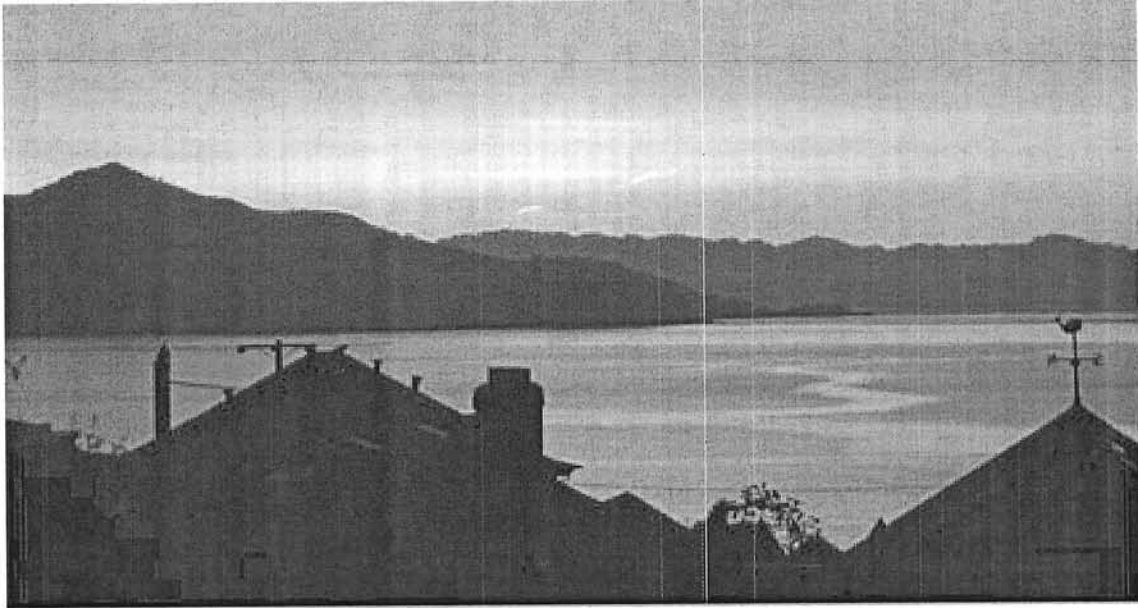
Figure 6C - Pruning Elevations



May 2011

6D - Pruning Elevations





Existing, Seasonal or Potential Landmark View Obstructions:

Raccoon Strait is obstructed by T-1, T-2 and the vine.

Angel Island is obstructed by T-1, vine and T-3.

Richardson Bay is obstructed by T-1, vine and T-3.

San Francisco Bay is obstructed by T-1, T-3, T-4 and T-5.

East Bay city lights-Berkeley and Oakland are or will be obstructed by T-1, T-3, T-4 and T-5.

Port of Oakland is obstructed by T-5 and T-6.

East Bay hills is obstructed by the vine, T-1, T-3, T-4 and T-5.

Alcatraz Island is obstructed by T-5 and T-6.

Treasure Island is obstructed by T-5 and T-6.

Yerba Buena Island is obstructed by T-5 and T-6.

Arboricultural Report - Patterson View Claim
June 3, 2013

Urban Forestry Associates, Inc.
Ray Moritz Urban Forester, SAF Cert #241

The Bay Bridge is obstructed by T-4, T-5 and T-6.

Downtown San Francisco by T-6 and the Pittosporum hedge.

Sausalito South Ridge by T-6 and the Pittosporum hedge.

COSTS AND FREQUENCY OF VIEW MAINTENANCE

The above recommended view maintenance practices may be done legally and competently by landscaping or gardening crews. The plants have been referred to as "trees" but in fact they are accessible from the ground or at most an orchard ladder. The trimming would take a two worker crew no more than a 6 hour day ($\$60/\text{hr.} \times 2 \times 6$) = \$720.00 per pruning, twice per growing season.



Ray Moritz, Urban Forester/Fire Ecologist SAF Cert. #241
PNW ISA Certified Tree Risk Assessor #1205