

CONCLUSION

Staff has prepared a draft Resolution for the Committee to review and approve. Staff has included 7 Conditions of Approval related to prescription for removal, topping and cost allocation (see **Exhibit P, Attachment 2**)

The Committee has the ability to approve, modify, or delete these Conditions of Approval.

RECOMMENDATION

Staff recommends the Trees and Views Committee take the following actions regarding the attached resolution to top one Blackwood acacia, and remove two Blackwood acacia, three plums and the vines hanging from the north side of a PG&E utility poll, on property located at 608 Locust Street, in order to restore the views from the deck at 24 Filbert Avenue:

- Review the Draft Resolution; and
- Make any appropriate modifications; and
- Approve the Resolution.

Alternatively, the Trees and Views Committee may:

- Continue the item for additional information and/or project revisions; or
- Modify the Fact Finding and Advisory Decision and direct Staff to return with a modified Resolution.

EXHIBITS

The lettering of Exhibits continues from the September 12, 2013 staff report.

H. Draft Resolution

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

**FACT FINDING AND ADVISORY DECISION FOR RESTORATION
OF VIEWS FROM THE RESIDENCE AT 24 FILBERT AVENUE BY TREES ON THE
PROPERTY AT 608 LOCUST STREET (TR 13-191)**

WHEREAS, on June 20, 2013 an application was filed by the Claimant JoAnn Goldschmidt, requesting the Trees and Views Committee to make a Fact Finding and Advisory Decision on restoration of views from her residence at 24 Filbert Avenue (APN 064-211-14) that entails the topping of one Blackwood acacia, and the removal of two Blackwood acacia, three plums and the vines hanging from the north side of a PG&E utility pole, located on property owned by Tree Owner Nancy Eaton at 608 Locust Street (APN 064-211-33); and

WHEREAS, the Trees and Views Committee conducted a noticed site visit to both properties on August 29, 2013; and

WHEREAS, the Trees and Views Committee conducted duly-noticed public hearings on September 9, 2013, September 12, 2013 and October 14, 2013 which time all interested persons were given an opportunity to be heard; and

WHEREAS, the Trees and Views Committee considered all oral and written testimony on the subject application; and

WHEREAS, the Trees and Views Committee reviewed and considered the information contained in the staff reports dated September 9, 2013, September 12, 2013 and November 11, 2013; and

WHEREAS, the Trees and Views Committee considers the outdoor deck area at 24 Filbert Avenue to be a part of the primary living areas of the residence; and

WHEREAS, the Trees and Views Committee finds that the project is categorically exempt from California Environmental Quality Act (CEQA) pursuant to Section 15301 of the CEQA Guidelines.

NOW, THEREFORE, THE TREES AND VIEWS COMMITTEE HEREBY RESOLVES:

SECTION 1. The vines on the PG&E utility pole, the three plum trees (identified as Trees 11A, 11B, and 11C) and the acacia trees (identified as Trees 6 and 10) located on the Tree Owner's property at 608 Locust Street and shown in Attachment 3 shall be removed pursuant to the conditions in Attachment 2.

SECTION 2. The acacia tree (identified as Tree 12) located on the Tree Owner's property at 608 Locust Street and shown in Attachment 3 shall be shall be topped at sixteen (16) feet above the ground pursuant to the conditions in Attachment 2.

SECTION 3. This decision is based upon the Findings provided in Attachment 1 and subject to the conditions of approval provided in Attachment 2.

RESOLUTION PASSED AND ADOPTED, at the regular meeting of the Sausalito Trees and Views Committee on the ___ day of _____, 20___, by the following vote:

AYES: Committee Member:
NOES: Committee Member:
ABSENT: Committee Member:
ABSTAIN: Committee Member:

Lilly Schinsing
Adminstrative Analyst

ATTACHMENTS

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

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TREES AND VIEWS COMMITTEE RESOLUTION

November 11, 2013

TR 13-191

608 Locust Street (Tree Owner's Property)
24 Filbert Avenue (View Claimant's Property)

ATTACHMENT 1: FINDINGS

In accordance with Municipal Code Section 11.12.040.B.4, the Trees and Views Committee makes the following findings with respect to the view claim 24 Filbert Avenue (Claimant's property) regarding the trees located at 608 Locust Street (Tree Owner's property).

11.12.040.C.3 Standards for Resolution of Claims

A. Character of View

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

The views from the Claimant's residence include Richardson Bay, the East Bay hills, Belvedere, Raccoon Strait, Angel Island, the Sausalito waterfront, Sausalito marinas and the Sausalito hillside including the Cloudview Ridge and St. Mary church. The Claimant seeks restoration of views of Sausalito hillside including the Cloudview Ridge and St. Mary church, from the following vantage points of the Claimant's residence: deck off of the living room.

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

The trees identified as T6 (acacia), T10 (acacia), T11A (plum), T11B (plum), T11C (plum), T12 (acacia) and the vines growing on the PG&E utility pole located on the Tree Owner's property have been considered to be the main contributors to the loss of view the Claimant is seeking to be restored.

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?)

The Claimant purchased the home in July of 1990. An undated photograph of the view was provided by the Claimant (Claimant stated that the photograph was taken in the late 1990's). The Claimant requests the subject trees and shrubs on the Tree Owner's property be removed and topped to restore the views that existed as shown in the photograph from the late 1990's.

B. Character of View Obstruction

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

The subject trees and shrubs on the Tree Owner's property obstruct the above described views of the Sausalito hillside including the Cloudview Ridge and St. Mary church from Claimant's deck by approximately 65% from a standing position on the deck.

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

The views are extremely important to the use and enjoyment of the Claimant's residence. The Claimant's residence was designed with capture views from the living room, kitchen, bedroom and deck. The obstruction of the views by the trees and vines on the Tree Owner's property may decrease the Claimant's property value and diminish the Claimant's beneficial use and enjoyment of the views.

C. Extent of Benefits and/or Burdens Derived from the Growth.

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

The trees identified as T6 (acacia), T10 (acacia), T11A (plum), T11B (plum), T11C (plum), T12 (acacia) and the vines growing on the PG&E utility pole located on the Tree Owner's property appear to be healthy. Acacias and plums experience relatively rapid growth annually.

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

The subject trees and vines are located in the backyard of the property at 608 Locust Street but do not appear to be defining qualities of the outdoor space.

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

The subject trees and vines are located in the backyard of the property at 608 Locust Street provide some privacy and sun protection for the residence.

4. Effects on neighboring vegetation provided by the growth.

No effects were noted 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.

The portions of the tree canopies that obstruct the desired views from the 24 Filbert Avenue property do not appear to have a significant impact on the privacy of the tree owner's property.

D. Appropriate Restorative Actions

Removal of the vines on the PG&E utility pole, the three plum trees (identified as Trees 11A, 11B, and 11C) and the acacia trees (identified as Trees 6 and 10)

and topping of the acacia tree (identified as Tree 12) to restore the views from 24 Filbert Avenue is the appropriate restorative action.

E. Factors Determining Restorative Action

Removal of the vines on the PG&E utility pole, the three plum trees (identified as Trees 11A, 11B, and 11C) and the acacia trees (identified as Trees 6 and 10) and topping of the acacia tree (identified as Tree 12) would revive the views for the Claimant, while not significantly affecting the screening or privacy of the Tree Owner property due to the factors stated above.

The Claimant at 24 Filbert Avenue shall pay the full cost of the tree removal and annual topping.

TREES AND VIEWS COMMITTEE RESOLUTION

November 11, 2013

TR 13-191

**608 Locust Street (Tree Owner's Property)
24 Filbert Avenue (View Claimant's Property)**

ATTACHMENT 2: CONDITIONS OF APPROVAL

1. The vines on the PG&E utility pole, the three plum trees (identified as Trees 11A, 11B, and 11C) and the acacia trees (identified as Trees 6 and 10) shall be removed.
2. The acacia tree (identified as Tree 12) shall be topped annually at sixteen (16) feet above the ground on or before December 31.
3. The Claimant shall be responsible for paying for 100% of the costs of the tree removal (as referenced in Attachment 3) as prescribed in Condition 1.
4. The Claimant shall be responsible for paying for 100% of the costs of the annual topping (as referenced in Attachment 3) as prescribed in Condition 2.
5. Forty-five (45) days prior to removal of trees, the Tree Owner shall obtain at least three bids for the prescribed work in Condition 1 from a Certified Arborist and shall present all bids to the Claimant. Within fifteen (15) days after the presentation of the bids, the Claimant shall deposit with the Tree Owner an amount equal to the lowest bid cost to complete the work prescribed by Condition 1. The Tree Owner will, at his/her sole discretion, select the company by which he/she wishes the work to be done and shall order the work done within fifteen (15) days after receiving the claimants deposit.
6. Forty-five (45) days prior to a scheduled topping, the Tree Owner shall obtain at least three bids for the prescribed work in Condition 2 from a Certified Arborist and shall present all bids to the Claimant. Within fifteen (15) days after the presentation of the bids, the Claimant shall deposit with the Tree Owner an amount equal to the lowest bid cost to complete the work prescribed by Condition 2. The Tree Owner will, at his/her sole discretion, select the company by which he/she wishes the work to be done and shall order the work done within fifteen (15) days after receiving the claimants deposit.
7. All work shall be performed under the daily supervision of a Certified Arborist in accordance with these conditions of approval.

Advisory Notes

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

1. Pursuant to Municipal Code Section 11.12.040.B, in the event litigation is required to enforce the decision of the Trees and Views Committee the party bringing any private civil action must promptly notify the City of Sausalito's Community Development Department in writing of such action.

2. An encroachment permit shall be obtained from the Department of Public Works prior to use of the public right-of-way for non-public purposes (e.g., materials storage, debris box storage) including any and all tree removal activities.

3. Pursuant to Municipal Code Section 12.16.140, the operation of construction, demolition, excavation, alteration, or repair devices and equipment within all residential zones and areas within a 500 foot radius of residential zones shall only take place during the following hours:
Weekdays – Between 8:00 a.m. and 6:00 p.m.
Saturdays – Between 9:00 a.m. and 5:00 p.m.
Sundays – Prohibited
City holidays (not including Sundays) – Between 9:00 a.m. and 7:00 p.m.

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TREES AND VIEWS COMMITTEE RESOLUTION

November 11, 2013

TR 13-191

608 Locust Street (Tree Owner's Property)

24 Filbert Avenue (View Claimant's Property)

ATTACHMENT 3: SITE MAP

