

**SAUSALITO PLANNING COMMISSION
RESOLUTION NO. 2021-01**

**TREE REMOVAL PERMIT TO REMOVE ONE HAZARDOUS DEODAR CEDAR TREE
LOCATED AT 811 SPRING STREET
(TRP 2020-00216)**

WHEREAS, on December 22, 2020 a Tree Removal Permit application was filed by the applicant Henry Escobar on behalf of Property Owner, Brian Sharp, requesting the removal of one hazardous Deodar Cedar tree located at 811 Spring Street (APN 064-221-18); and

WHEREAS, the Planning Commission conducted a duly-noticed public hearing on January 20, 2021, at which time all interested persons were given an opportunity to be heard; and

WHEREAS, the Planning Commission has reviewed and considered the information contained in the staff report dated January 20, 2021 for the project; and

WHEREAS, the project is Categorically Exempt from the California Environmental Quality Act (CEQA) pursuant to §15304 of the CEQA Guidelines.

NOW, THEREFORE, THE PLANNING COMMISSION HEREBY RESOLVES AS FOLLOWS:

1. The project is Categorically Exempt under §15304 the CEQA Guidelines.
2. Removal of the Deodar Cedar tree located on the Tree Owner's property at 811 Spring Street is approved. This decision is based upon the determinations provided in Attachment 1 and subject to the conditions of approval provided in Attachment 2. Project site and tree location is provided in Attachment 3.

RESOLUTION PASSED AND ADOPTED, at the adjourned regular meeting of the Sausalito Planning Commission on the 20th day of January 2021, by the following vote:

AYES: Commissioner: Graef, Luxenberg, Pierce, Saad, Chair Feller
NOES: Commissioner: None
ABSENT: Commissioner: None
ABSTAIN: Commissioner: None

Lilly Whalen

Lilly Whalen, Secretary to the Planning Commission

ATTACHMENTS

1. Findings | 2. Conditions of Approval | 3. Project Site and Tree Location

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ATTACHMENT 1: FINDINGS

TREE REMOVAL PERMIT FINDINGS

In accordance with Municipal Code Section 11.12.030.B, the Planning Commission makes the following findings with respect to the Tree Removal Permit for 811 Spring Street:

Section 11.12.030.B of the Sausalito Municipal Code

1. In order to grant a tree removal or alteration permit, it must be determined that removal or alteration is necessary in order to accomplish any one of the following objectives
 - a. To ensure the public safety as it relates to the health of the tree, potential hazard to life or property, proximity to existing or proposed structures, and interference with utilities or sewers;
 - b. To allow reasonable enjoyment of the property, including sunlight, and the right to develop the property;
 - c. To take reasonable advantage of views;
 - d. To pursue good, professional practices of forestry or landscape design.

The subject is a Deodar Cedar tree in good health and has been well maintained. At the time of the Arborist report the tree had a trunk diameter at breast height of 28-inch, canopy diameter of approximately 35-feet on center and height of approximately 70-feet. The subject tree is a young non-native tree which is expected to grow an additional 25%-50% larger. This tree is located within a tree well that is too small for this species and there is visible evidence of some cracking of retaining wall on northeast side of tree. Therefore, removal of the tree would reduce hazard to life or property, the right to develop the property, and pursue good practices of forestry satisfying Criteria a, b & d listed above.

2. In order to grant a tree removal permit, it must be determined that any one of the following conditions is satisfied:
 - a. The tree to be removed will be replaced by a desirable tree.
 - b. The Planning Commission waives the requirement in subsection (B)(2)(a) of this section based on information provided by the applicant/owner.

*A replacement tree will be required as a condition of approval and therefore **Criteria a** will be met.*

3. A finding of any one of the following is grounds for denial, regardless of the finding in subsection (B)(2)(a) of this section:
 - a. Removal of a healthy tree of a desired species can be avoided by:
 - i. Reasonable redesign of the site plan, prior to construction;
 - ii. Thinning to reduce density, e.g., open windows;
 - iii. Shaping to reduce height or spread, using thinning cuts only (drop crotch);
 - iv. Heading or topping – this is the least preferable method, due to the tree's health and appearance and cost of maintenance.
 - b. Adequate provisions for drainage, erosion control, land stability, windscreen, visual screening, privacy and for restoration of ground cover and/or other foliage damaged by the tree work have not been made in situations where such problems are

- anticipated as a result of the removal or alteration.
- c. The tree to be removed is a member of a group of trees in which each tree is dependent upon the others for survival.
 - d. The value of the tree to the neighborhood is greater than its inconvenience to the owner. The effects on visual, auditory, and wind screening, privacy and neighboring vegetation must be considered.
 - e. The need for protection of privacy for the property on which the tree is located and/or for adjacent properties.

*Even though the subject tree is healthy, it is a hazard due to the tree being located within a tree well that is too small for this species and being located within 1-2-foot from all areas of retaining wall and house foundation. The arborist's report has indicated that damage to property has already occurred due to the location and size of the subject tree. Findings for **Criteria a-e** have been reviewed and none can be made, and therefore no grounds for denial are present.*

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ATTACHMENT 2: CONDITIONS OF APPROVAL

These conditions apply to Tree Removal Permit (TRP 2020-00216) submitted on January 4, 2021.

General Conditions

1. All recommendations in the Arborist Report by ArborLogic, dated December 8, 2020 shall be adhered to.
2. All tree work shall be performed to the American National Standards (ANSI) A300 pruning standards.
3. A replacement tree, required by Condition of Approval No. 3, shall be planted within at least 2 months of the timeframe recommended by the arborist in Condition of Approval No. 3d.
4. Prior to removal of the subject tree, a tree replacement plan shall be submitted to the Community Development Director for review and approval. The plan shall be developed by a certified arborist or a landscape architect. The plan shall include at least one replacement tree and meet the following criteria:
 - a) The species of replacement tree(s) shall be selected for their slope stabilization and attraction of diverse pollinators; and
 - b) The species of replacement tree(s) shall be in conformance with Fire Safe Marin's list of Fire-Smart Plants.
 - c) The location of replacement tree(s) shall be determined based on the rooting characteristics of each species to achieve slope stabilization.
 - d) Irrigation shall be addressed.
 - e) A timeframe of when the replacement tree(s) are recommended to be planted shall be addressed.
5. The applicant/property owner shall provide photographic evidence to the Community Development Department of conformance with Condition 4 following tree removal and replacement.
6. The applicant/property owner shall defend, indemnify (including reimbursement of all fees and costs reasonably incurred by separate counsel retained by the City) and hold harmless the City and its elected and appointed officials, officers, agents and employees, from and against any and all liability, loss, damage, or expense, including without limitation reasonable attorney's fees which City may suffer or incur as a result of any claims relating to or arising from the City's approval of the project or any portion of the project.
7. If any damage to a protected tree should occur during or as a result of work on the site, the contractor, builder or owner shall promptly notify the City of such damage. If such a protected tree cannot be preserved in a healthy state, the reviewing agency shall require replacement of any protected tree removed with another tree or trees on the same site deemed adequate to compensate for the loss of the tree that is removed.

Advisory Notes:

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

5. 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 and City Holidays (not including Sundays) – Prohibited
 - Homeowners currently residing on the property and other legal residents may operate the equipment themselves on Sundays and City holidays between 9:00 a.m. and 6:00 p.m.
6. All applicable City fees as established by City Council resolutions and ordinances shall be paid.
 7. An encroachment permit shall be obtained from the Department Public Works prior to using the public right of way for nonpublic purposes (e.g., material storage, construction, staging or demolition) including any and all construction and demolition activities.
 8. Pursuant to Municipal Code Chapter 11.17, dumping of residues from washing of painting tools, concrete trucks and pumps, rock, sand, dirt, agricultural waste, or any other materials discharged into the City storm drain system that is not composed entirely of stormwater is prohibited. Liability for any such discharge shall be the responsibility of person(s) causing or responsible for the discharge. Violations constitute a misdemeanor in accordance with Section 11.17.060.B.

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ATTACHMENT 3: PROJECT SITE AND TREE LOCATION

