

**SAUSALITO PLANNING COMMISSION  
RESOLUTION NO. 2021-04**

**TREE REMOVAL PERMIT TO REMOVE FOUR HAZARDOUS TREES  
LOCATED AT 21 ATWOOD AVENUE  
(TRP 2021-00028)**

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**WHEREAS**, on February 4, 2021 a Tree Removal Permit application was filed by the Property Owners, Jane Hook and Peter Brosig, requesting the removal of four hazardous trees located at 21 Atwood Avenue (APN 065-202-54); and

**WHEREAS**, the Planning Commission conducted a duly-noticed public hearing on March 3, 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 March 3, 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 four hazardous trees located on the Tree Owner's property at 21 Atwood Avenue is approved. This decision is based upon the determinations provided in Attachment 1 and subject to the conditions of approval provided in Attachment 2. Aerial photo of the 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 3<sup>rd</sup> day of March 2021, by the following vote:

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

*Lilly Whalen*

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Lilly Whalen, Secretary to the Planning Commission

**ATTACHMENTS**

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

**PLANNING COMMISSION RESOLUTION 2021-04  
MARCH 3, 2021  
TRP 2021-00028  
21 ATWOOD AVENUE**

**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 21 Atwood Avenue:

**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.

*Subject Trees 1-3 are in good health with normal health and vigor; however, they have outgrown their planting area and will likely cause additional damage to the property. The existing structure on the property will be demolished or substantially remodeled in the future, removal of the subject trees would allow the property owner the right to develop at a later date. Therefore, removal of the trees would reduce hazard to life or property, provide 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.

*Replacement trees 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 subject trees 1-3 are healthy, they pose a hazard due to the trees being located within areas to near the house foundation and roof. Subject tree 4 has already died and fallen onto the patio. Findings for **Criteria a-e** have been reviewed and none can be made, and therefore no grounds for denial are present.*

**PLANNING COMMISSION RESOLUTION 2021-04  
MARCH 3, 2021  
TRP 2021-00028  
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**ATTACHMENT 2: CONDITIONS OF APPROVAL**

These conditions apply to Tree Removal Permit (TRP 2021-00028) submitted on February 4, 2021.

**General Conditions**

1. All recommendations in the Arborist Report by Zachary Olson, dated January 21, 2021 shall be adhered to.
2. All tree work shall be performed to the American National Standards (ANSI) A300 pruning standards.
3. In lieu of replacement trees planted on-site, the applicant shall coordinate with the Sausalito Public Works Department to contribute street or park trees to the City. The following also applies:
  - a. The applicant shall pay the full cost to purchase three trees up to the removed trees value as determined by the Arborist; and
  - b. The species of the street/park trees and location of where they will be planted shall be determined by the Public Works Director.
4. 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.
5. 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.

1. 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:
  - o Weekdays – Between 8:00 a.m. and 6:00 p.m.
  - o Saturdays – Between 9:00 a.m. and 5:00 p.m.
  - o Sundays and City Holidays (not including Sundays) – Prohibited
  - o 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.
2. All applicable City fees as established by City Council resolutions and ordinances shall be paid.
3. 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.

4. 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.

**PLANNING COMMISSION RESOLUTION 2021-04  
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TRP 2021-00028  
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**ATTACHMENT 3: PROJECT SITE AND TREE LOCATION**

