

**SAUSALITO PLANNING COMMISSION
RESOLUTION NO. 2021-30**

**TREE REMOVAL PERMIT TO REMOVE A
EUGENIA TREE AT 111 BRIDGEWAY
(TRP 2021-00271)**

WHEREAS, on October 1, 2021 a Tree Removal Permit application was filed by property owner, Keith Stahnke, requesting the removal of a Eugenia tree located at 111 Bridgeway (APN 065-271-03); and

WHEREAS, the Planning Commission conducted a duly-noticed public hearing on November 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 November 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 one Eugenia tree located on the Tree Owner's property at 111 Bridgeway is approved immediately with the condition that the applicant provide city staff within thirty (30) days a supplemental arborist report either confirming that a replacement tree can be placed in rear yard or if not possible, that the applicant discuss an in-lieu fee with City Staff. 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 3rd day of November 2021, by the following vote:

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



Heidi Scoble, Secretary to the Planning Commission

ATTACHMENTS

1. Findings
2. Conditions of Approval
3. Vicinity Map and Site Plan

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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 111 Bridgeway:

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 tree is in fair condition but has significant trunk decay on its secondary trunks, show signs of aphid infestation and is prone to whitefly infestations. The trunk decay is only apparent on the secondary trunks and the defects are considered chronic and have the potential to collapse, posing a threat to 111 bridgeway and the nearby apartment building on the north side. The eugenia tree is considered high-risk for limb and trunk collapse during high wind events. An aphid infestation does pose a significant threat to affect human health but considered a nuisance for their "honeydew" dripping on all surfaces below the tree. As for whitefly infestation, although not apparent during the inspection on September 30, 2021, the species of tree is prone to the infestation. It will not affect the tree's health but is considered to be a respiratory nuisance if inhaled by nearby persons. With all of these reasons in mind, **Criteria a and b** will be considered as for the removal of the eugenia tree.*

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.

*The Arborist Report does not conclusively state whether or not the rear yard area could accommodate a replacement tree. The Eugenia tree should be permitted to be removed immediately due to the noted hazardous condition, however the applicant must demonstrate via a supplemental Arborist Report that a replacement tree is not possible on-site. The Planning Commission conditions approval of the removal under **Criteria a** noted above.*

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.

*The proposed subject tree is considered to be in fair health condition, however, pose greater significant attributes if it were to remain at its location. The removal of this tree should not affect drainage, erosion, or the overall vegetative aesthetic of neighboring properties making any findings in **Criteria a-e** to have no grounds for denial*

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ATTACHMENT 2: CONDITIONS OF APPROVAL

These conditions apply to Tree Removal Permit (TRP 2021-00271) submitted on October 1, 2021.

General Conditions

1. All recommendations in the Arborist Report by James Lascot, dated September 30, 2021 shall be adhered to.
2. The applicant shall provide a Supplemental Arborist Report to City Staff within thirty (30) days clarifying if a replacement tree can be installed on-site. If not, the applicant shall discuss an in-lieu fee for the cost of the replacement tree.
3. All tree work shall be performed to the American National Standards (ANSI) A300 pruning standards.
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:
 - 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.
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.

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ATTACHMENT 3: VICINITY MAP AND TREE LOCATION

