

**SAUSALITO PLANNING COMMISSION  
RESOLUTION NO. 2022-01**

**TREE REMOVAL PERMIT TO REMOVE A  
GIANT SEQUOIA TREE AT 620 NEVADA  
(TRP 2021-00316)**

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**WHEREAS**, on November 16, 2021 a Tree Removal Permit application was filed by property owner, Alex Frankel, requesting the removal of a Giant Sequoia tree located at 620 Nevada (APN 064-342-05); and

**WHEREAS**, the Planning Commission conducted a duly-noticed public hearing on January 12, 2022, 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 12, 2022 for the project; and

**WHEREAS**, the project is Categorically Exempt from the California Environmental Quality Act (CEQA) pursuant to §15304(b) 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 Giant Sequoia tree, a heritage tree approximately 35.5" DBH, located on the Tree Owner's property at 620 Nevada is approved with the condition that the applicant plant a replacement tree on site. 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 12th day of January 2022, by the following vote:

AYES:	Commissioner: Feller, Graef, Junius, Luxenberg, Saad
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

**PLANNING COMMISSION RESOLUTION 2022-xx**  
**January 12, 2022**  
**TRP 2021-00316**  
**620 NEVADA**

**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 620 Nevada:

**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 applicant has stated that the tree has been repeatedly trimmed and topped by the public utility and is a nuisance as a result. The arborist report notes that a Giant Sequoia was a poor selection of tree species for a confined residential lot size, approximately fifty (50) feet in width and 4,100 square feet in area, that the tree has outgrown the site, and is constrained by the surrounding infrastructure. It further states that the tree suffers from a chronic fungal twig blight that is common in Giant Sequoias that grow outside of their native area. While the twig blight does not kill the tree outright, it contributes to stress and decline and the only remedy is regular pruning of infected branches. With all of these reasons in mind, **Criteria a, b and d** will be considered as for the removal of the Giant Sequoia 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.

*While the applicant has stated in the application that no replacement tree is proposed, the arborist report indicates that a replacement tree may possibly be planted so long as the small lot size and nearby utilities are considered when selecting a replacement tree species. The report also estimates that the Giant Sequoia's economic value is \$10,600. As such, removal of the tree is conditioned upon **Criteria a**.*

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 tree has been repeatedly trimmed and topped due to its proximity to power lines. In addition to its proximity to utilities, the arborist report establishes that the tree has outgrown the site and additional trimming will not improve the noted nuisances on site. The removal of this tree should not affect drainage, erosion, or the overall vegetative aesthetic of neighboring properties, thus not meeting any findings of denial in a-e.*

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**ATTACHMENT 2: CONDITIONS OF APPROVAL**

These conditions apply to Tree Removal Permit (TRP 2021-00316) submitted on November 16, 2021.

**General Conditions**

1. All recommendations in the Arborist Report by Zach Vought, dated October 16, 2021 shall be adhered to.
2. The applicant shall install a replacement tree on site in accordance with the observations made in the arborist report
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:
  - 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.

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**ATTACHMENT 3: VICINITY MAP AND TREE LOCATION**

