

**SAUSALITO PLANNING COMMISSION
RESOLUTION NO. 2022-06**

**TREE REMOVAL PERMIT TO REMOVE A
COOK PINE TREE AT 38 ALEXANDER AVENUE
(TRP 2021-00329)**

WHEREAS, on December 7, 2021 a Tree Removal Permit application was filed by property owner, Steven Tran, requesting the removal of a Cook pine tree located at 38 Alexander Avenue (APN 065-303-27) ("the Project"); and

WHEREAS, the Planning Commission conducted a duly-noticed public hearing on April 6, 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 reports dated March 2, 2022 and April 6, 2022 for the Project; and

WHEREAS, the Project is categorically exempt from the California Environmental Quality Act (CEQA) pursuant to §15304(b) (New gardening or landscaping) of the CEQA Guidelines.

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

1. The Project is categorically exempt under §15304(b) (New gardening or landscaping) the CEQA Guidelines.
2. Removal of one Cook pine tree, a heritage tree approximately 16 inches diameter at breast height (DBH), located on the property at 38 Alexander 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 6th day of April 2022 by the following vote:

AYES: Commissioner: None
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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38 ALEXANDER AVE

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 38 Alexander 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

The arborist report states that the Cook pine exhibits signs of root system failure, noting the shifting of the trees position over time, the steep slope of the site, the tree's vigor and potential for increased mass over time due to growth, and its relationship to the soil. The report states that the tree's failure would result in erosion of soil, damage to the retaining wall and walkway, and the tree would target a concrete platform located below the tree. Furthermore the report states that the Cook pine currently contributes to soil instability.

*With all of these reasons in mind, **Criteria a and d** will be considered for the removal of the Cook pine 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 applicant states in the application that no replacement tree is proposed due to the slope and the condition of the retaining wall. The arborist report states that the Cook pine is not contributing to soil stability or privacy and does not recommend a tree replacement due to factors stated in the arborist report. The applicant proposes to install foliage and plantings in the area of the tree in lieu of a replacement tree. It is recommended that **Criteria b** be considered for removal of the tree.*

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 applicant and arborist report state that the desire to remove the tree is due to the Cook pine's likely failure for the factors stated above. The arborist report states that due to the high failure risk and potential to cause personal injury and property damage that the tree should be removed as soon as possible. The applicant proposes to replant foliage and plantings in the area of the removed tree that will both aid the soil conditions and maintain the views of neighboring properties. The tree is not a member of a group of trees and removal of the pine will benefit plants growing nearby as the removal will reduce competition for water, mineral nutrients, and sunlight. Thus, the application does not meet any findings of denial in **a-e**.*

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ATTACHMENT 2: CONDITIONS OF APPROVAL

These conditions apply to Tree Removal Permit (TRP 2021-00329) submitted on December 7, 2021.

General Conditions

1. All recommendations in the Arborist Reports by Dr. Kent Julin, dated December 1, 2021 and March 9, 2022 shall be adhered to.
2. The applicant shall install replacement plantings 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 Sausalito 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.

Department of Public Works Conditions

Stormwater Pollution Prevention

1. Prior to issuance of a building permit, the developer's civil engineer or contractor shall submit a detailed erosion control plan, including cost estimate, for review and approval by the Department of Public Works. Erosion control plan shall incorporate guidelines and measures from the **Marin County Stormwater Pollution Prevention Program's (MCSTOPPP)** publication "Minimum Erosion/Sediment Control Measures for Small Construction Projects".
[http://www.marincounty.org/~media/files/departments/pw/mcstoppp/development/erosion-sediment-control-measures-for-small-construction-projects-_2015.pdf?la=en]
2. Applicant is advised that applicant's contractor shall provide adequate dust and debris control measures for the duration of the project.
3. During construction, the applicant's contractor shall adhere to a water pollution prevention plan that at a minimum follows guidelines in MCSTOPPP's "Pollution Prevention It's Part of the Plan"
[<http://www.marincounty.org/depts/pw/divisions/mcstoppp/~media/Files/Departments/PW/mcstoppp/business/Pollution%20Prevention%20Part%20of%20the%20PlanOctober%202011.pdf>]. The plan shall address construction related site management practices including demolition, general construction, concrete, paving, dewatering, contaminated soils, masonry, tile work, painting, litter control, motor vehicle washing and maintenance, storage of hazardous materials.

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ATTACHMENT 3: VICINITY MAP AND TREE LOCATION







