

SAUSALITO PLANNING COMMISSION

RESOLUTION NO. 2022-14

TREE REMOVAL PERMIT TO REMOVE TWO ITALIAN STONE PINE TREES AT 77 HARRISSON AVENUE (TRP 2021-00168)

WHEREAS, on June 21, 2021 a Tree Removal Permit application was filed by applicant, Peter Brooks, on behalf of property owner, Robert W. Matschullat, requesting the removal of two Italian Stone Pines located at 77 Harrison Avenue (APN 065-123-10); and

WHEREAS, the Planning Commission conducted a duly-noticed public hearing on June 15, 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 June 15, 2022 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 two Italian Stone Pine trees located on the Tree Owner's property at 77 Harrison 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 15th day of June 2022, by the following vote:

AYES: Commissioner: Saad, Graef, Luxenberg, Junius, Chair Feller
NOES: Commissioner:
ABSENT: Commissioner:
ABSTAIN: Commissioner:



Daniel Hortert, AICP
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 77 Harrison 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

*In response to **Criteria a-d**, the proposed tree removals will ensure public safety for the potential hazard of harming property as tree parts are likely to hit parked vehicles and current vegetation will benefit due to reduced competition for resources. The removal of the trees will also allow the enjoyment of the property, as the trees currently block a view vista for the subject property.*

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.

*By recommendation from the Arborist's report, the removal of the Italian Stone Pines would not require replacement plantings as the existing plants would benefit from having less competition for resources per **Criteria b**. However, if the Planning Commission requires a replacement for the trees, under a condition of approval, the Arborist suggests planting Coast Live Oaks (*Quercus agrifolia*) to match the existing trees per **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 arborist report states that numerous attempts have been made to thin and shape the trees to improve views, but to no avail. It also states that the trees have outgrown their intended purpose to provide screening from Harrison Ave and that dense vegetation has been planted in the same area to provide screening and address drainage and erosion control conditions. Removal of the trees opens a greater area of view vistas for the dwelling and removes the possibility of the Italian Stone Pine tree parts hitting pedestrians and parked vehicles. Thus, consideration of **Criteria a-e** has been satisfied.*

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ATTACHMENT 2: CONDITIONS OF APPROVAL

These conditions apply to Tree Removal Permit (TRP 2021-00168) submitted on June, 21 2021.

General Conditions

1. All recommendations in the Arborist Report by Peter Brooks, dated June 11, 2021 shall be adhered to.
2. The Planning Commission shall decide if they require the replacement of the removal of the two Italian Stone Pines with Coast Live Oak trees.
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: PROJECT SITE AND TREE LOCATION





