

SAUSALITO PLANNING COMMISSION

RESOLUTION NO. 2022-19

TREE REMOVAL PERMIT TO REMOVE ONE CANARY ISLAND PALM TREE AT 47 PROSPECT AVENUE (TRP 2022-00089)

WHEREAS, on May 11, 2022 a Tree Removal Permit application was filed by applicant and owner, Gene Payne, requesting the removal of one (1) Canary Island Palm located at 47 Prospect Avenue (APN 065-193-25); and

WHEREAS, the Planning Commission conducted a duly-noticed public hearing on July 20, 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 July 20, 2022 for the project; and

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

1. Application for removal of one Canary Island Palm located on the Tree Owner's property at 47 Prospect Avenue is denied. This decision is based upon the determination provided in Attachment 1. An aerial photo of the property and tree location can be found in Attachment 2.
2. This action is exempt from CEQA because CEQA does not apply to a project denial. Pub. Resources Code, § 21080(b)(5).

RESOLUTION PASSED AND ADOPTED, at the adjourned regular meeting of the Sausalito Planning Commission on the 20th day of July 2022, by the following vote:

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



Dan Horton, Secretary to the Planning Commission


BRANDON PHIPPS

ATTACHMENTS

1. Findings
2. Project Site and Tree Location

**PLANNING COMMISSION RESOLUTION 2022-19
SEPTEMBER 7, 2022
TRP 2022-00089
47 PROSPECT 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 47 Prospect Avenue:

Section 11.12.030.B.1 of the Sausalito Municipal Code provides that:

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 Planning Commission determines that the required findings cannot be made, because the subject tree is healthy, and the trunk is sound and has not caused property damage, there is no current risk posed by the trees to public safety, life, or property and there is no known interference with utilities or sewers. Additionally, the Commission determines that removal is not necessary to allow reasonable enjoyment of property as it has already been developed, or to take reasonable advantage of views, as no views are impacted. Lastly, no compelling case for why removal of these trees is required in order to follow good, professional practices of forestry or landscape design has been made.

Section 11.12.030.B.3 of the Sausalito Municipal Code provides that:

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.

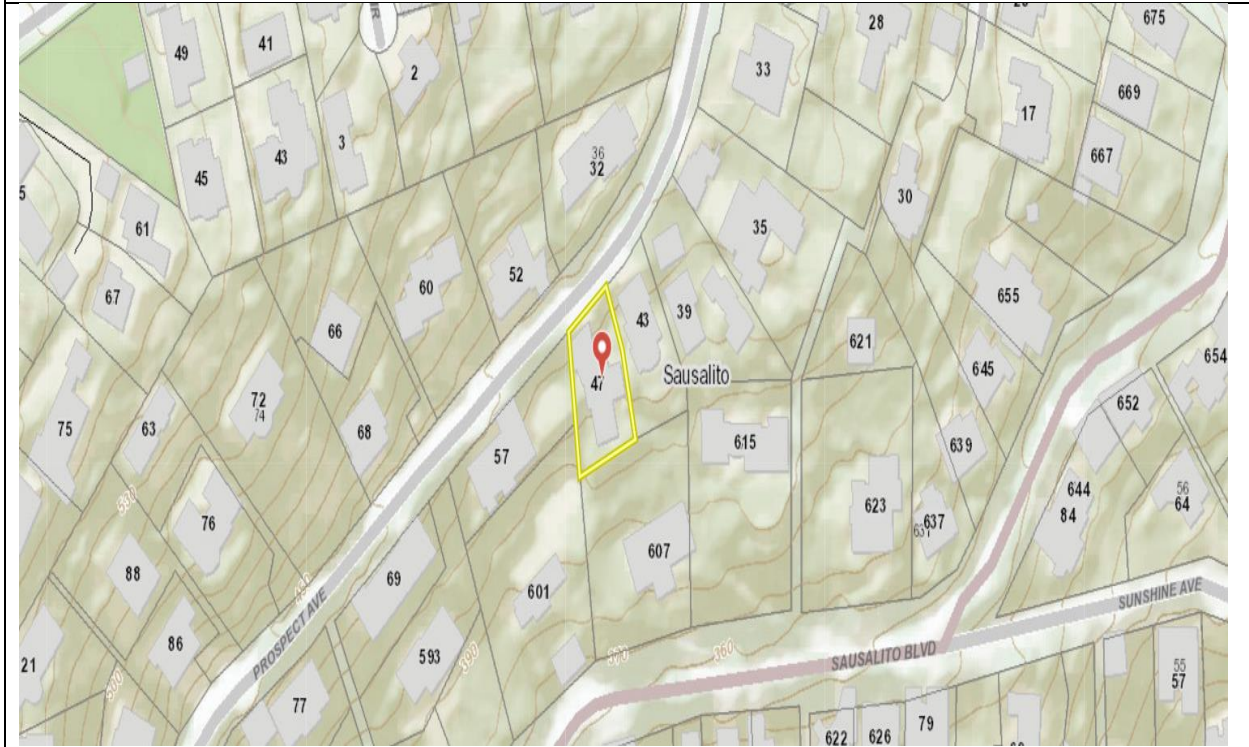
- c. The tree to be removed is a member of a group of trees in which each tree is dependent upon the others for survival.
- d. The value of the tree to the neighborhood is greater than its inconvenience to the owner. The effects on visual, auditory, and wind screening, privacy and neighboring vegetation must be considered.
- e. The need for protection of privacy for the property on which the tree is located and/or for adjacent properties.

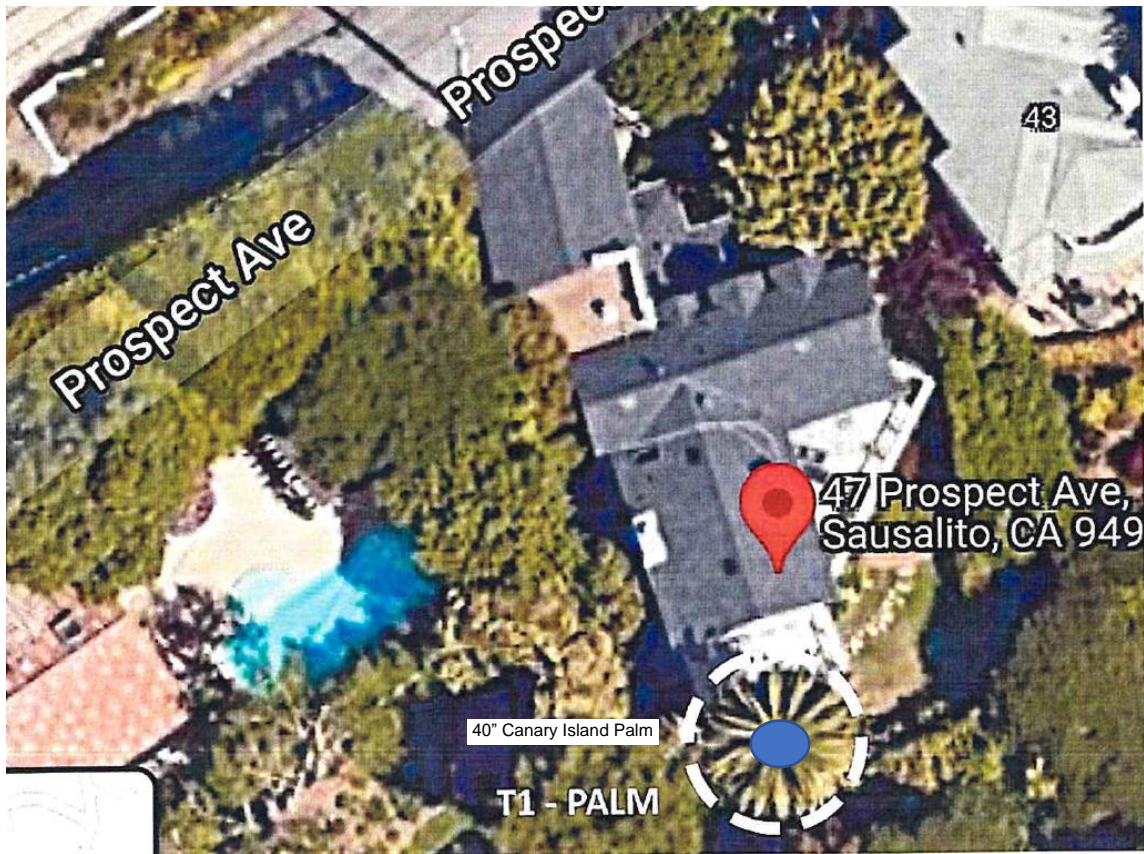
After careful consideration the Planning Commission has found that the value of the tree to the neighborhood is greater than its inconvenience to the owner. The Commission has considered effects on visual, auditory, and wind screening, privacy and neighboring vegetation and has determined that the healthy, mature tree provides such benefits.

**PLANNING COMMISSION RESOLUTION 2022-19
ENTER DATE
TRP 2022-00089
47 PROSPECT AVENUE**

ATTACHMENT 2: PROJECT SITE AND TREE LOCATION

Location of TRP 2022-00089





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