

**PLANNING COMMISSION
RESOLUTION NO. 2023-08**

TREE REMOVAL PERMIT TRP 2022-00214 APPROVING THE REMOVAL OF TREES 1 AND 2 AND DENYING THE REMOVAL OF TREES 3, 4, AND 5 (AS IDENTIFIED IN THE ARBORIST REPORT) FOR 145 SANTA ROSA AVE (APN: 065-151-13)

WHEREAS, on November 8, 2022 a Tree Removal Permit application was filed by the applicant Peter Johnson, on behalf of Heather Hensley, Property Owner, requesting the removal of five protected trees located at 145 Santa Rosa Ave (APN 065-151-13); and

WHEREAS, the Planning Commission considered the application at a public meeting on January 25, 2022, at which time all interested persons were given an opportunity to be heard;

WHEREAS, the Planning Commission has reviewed and considered the information contained in the staff report as well as any and all oral and written testimony on the proposed project; and

WHEREAS, the Planning Commission finds that the application is categorically exempt from California Environmental Quality Act (CEQA) pursuant to Section 15301 of the CEQA Guidelines; and

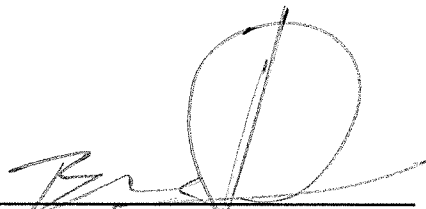
NOW, THEREFORE, THE PLANNING COMMISSION HEREBY RESOLVES:

Based on all written and oral information provided for the public hearing, that Tree Removal Permits for Trees No 1 and 2, both Coast Live Oaks, are approved, and Tree Removal Permits for Trees 3-5 (one Oak, one Toyon and one California Bay Laurel) are hereby denied.

This decision is based upon the Findings provided in Attachment 1. A Site Plan is provided in Attachment 2.

RESOLUTION PASSED AND ADOPTED, at the regular meeting of the Planning Commission on the 25 day of January, 2023, by the following vote:

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



Brandon Phipps
Director of Community Development

ATTACHMENTS

- 1- Findings
- 2- Site Plan

PLANNING COMMISSION RESOLUTION
January 25, 2023
TRP 2022-00214
145 Santa Rosa 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 145 Santa Rosa Ave:

Section 11.12.030.B of the Sausalito Municipal Code

B. Criteria for Grant or Denial of Application for Removal or Alteration of Protected Trees.

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.
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 permit will be replaced by a desirable tree.
 - b. The Planning Commission waives the above requirement based on information provided by the applicant/owner.
 - c. The Planning Commission waives the requirements in subsections (B)(2)(a) and (b) of this section based on the information provided by the applicant/owner.
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, erosions 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.

Approval of Tree Removal Permits for Trees 1 and 2

Based on the submitted arborist report provided by the applicant, trees 1 & 2 are in fair to good health but are recommended for removal due to structural issues. The arborist identified multiple necrotic areas located on the main trunks of tree 1 and the fungus appears to damage and spread around the tree. This tree leans largely located over the property line and in the vicinity of the neighbor’s home. Tree No. 2 also has a large necrotic area on the lower trunk-one that extends below a large pruning wound near the fence at grade. Based on this, it appears the tree removal permit may be authorized per Finding 11.12.030 B. 1. a. as removal of the trees is necessary to remove potential hazards to life of property.

In compliance with Finding B. 2. a. the following conditions must be met:

1. The property owner will replace trees 1 and 2 with either an *Island oak (Quercus tomentella)* or *coast live oak (Quercus agrifolia)* as recommended by the arborist. Minimum tree size shall be 15-gallon container size. The replacement trees shall be planted within 60 days of the subject tree’s removal.
2. Documentation of the planting of the replacement tree (such as photographs) shall be provided to the Community Development Department within 30 days of the planting of the replacement tree.

Denial of Tree Removal Permits for Trees No. 3, 4, and 5

It is noted that trees 3, 4, and 5 are in fair to good health, structurally sound, present no health and safety concerns, and do not interfere with any approved building permits or utilities. The reason given for their removal is the possible future construction of an Accessory Dwelling Unit. Based on a review of the permit history and current applications for this site there is no current application filed for an ADU. The property owners have filed for a substantial renovation/expansion of the home and detached garage, but no additional unit. As an application for an ADU is not currently proposed, it does not appear that construction of an ADU is imminent. It is possible that the owners wish to remove the trees during the

construction process to prepare the site in the event they move forward with an ADU in the future. However, as this is not a certainty, and no application is filed, the Commission is unable to make the findings for removal of these three healthy trees. Per Finding 3. d. it appears that the value of the trees to the neighborhood is greater than the inconvenience to the owner.

PLANNING COMMISSION RESOLUTION
January 25, 2023
TRP 22-214
145 Santa Rosa Ave

ATTACHMENT 2: SITE PLAN

