

**PLANNING COMMISSION
RESOLUTION NO. 2023-09**

**TREE REMOVAL PERMIT TRP 2023-00066 APPROVING THE REMOVAL OF ONE TREE
FOR 388-390 SAUSALITO BLVD (APN: 065-252-22)**

WHEREAS, on May 30, 2023, a Tree Removal Permit application was filed by the applicant, Marianne Pearson, same individual as the Property Owner, requesting the removal of one tree located at 388-390 Sausalito Blvd (APN 065-252-22); and

WHEREAS, the Planning Commission considered the application at a public meeting on June 14, 2023, 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 15304 of the CEQA Guidelines; and

NOW, THEREFORE, THE PLANNING COMMISSION HEREBY RESOLVES:

Based on all written and oral information provided for the public hearing, the Tree Removal Permit for one Bay Laurel tree is approved.

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 14th day of June 2023, by the following vote:

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



Brandon Phipps
Director of Community and Economic Development

ATTACHMENTS

- 1- Findings
- 2- Site Plan

PLANNING COMMISSION RESOLUTION
JUNE 14, 2023
TRP 2023-00066
388-390 SAUSALITO BLVD

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 388-390 Sausalito Blvd:

Section 11.12.030 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 applicant is required to pay a tree replacement fee in the amount established by City Council resolution; or
 - 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 Subject Tree

Based on the submitted arborist report provided by the applicant, the tree in question is considered flammable according to the University of California Cooperative Extension Pyrophytic vs. Fire Resistant Plant List (1998) and the arborist has deemed it a fire hazard. The tree has been appraised to have a negative value equal to the cost of removal. Staff agrees that the subject tree is in poor condition aesthetically and physically, and that its proximity to the home (less than one foot) as well as its impact on the retaining wall system in place warrant removal. The existence of multiple coastal live oaks in the vicinity as well as the steep slope and tight distance between the street and the residence should warrant a waiver of the requirements listed in Section 11.12.030(B)(2)(a).

The Commission finds that the requirements of Section 11.12.030 (B)(1)(a) and (d) and Section 11.12.030(B)(2)(c) apply to the proposed tree removal and the requirements of the Code for approval have been met:

- 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.
- To pursue good, professional practices of forestry or landscape design.

The Commission further finds no grounds requiring denial apply. In compliance with Finding (B)(2)(c) the following conditions must be met by the applicant:

- The Planning Commission waives the above requirements in subsection (B)(2)(a) and (b) based on information provided by the applicant/owner.

