

SAUSALITO PLANNING COMMISSION
RESOLUTION NO. 2024-07

APPROVAL OF A TREE REMOVAL PERMIT FOR THE
REMOVAL OF ONE COAST LIVE OAK TREE AND A ZONING PERMIT FOR AN 85-
SQUARE FOOT RESIDENTIAL ADDITION AT
626 MAIN STREET (APN: 065-231-27)
PROJECT ID: 2024-00026

WHEREAS, on February 26, 2024, a Tree Removal Permit and Zoning Permit application was filed by the Applicant, Donald Lingeman, on behalf of Property Owners, Jan and Elizabeth Schat, requesting the removal of one (1) Coast Live Oak tree (*Quercus agrifolia*), and the approval of an 85-square foot residential addition at 626 Main Street (APN: 065-231-27); and

WHEREAS, the Planning Commission considered the application during a public meeting on April 24, 2024, 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 as well as any and all oral and written testimony on the proposed project; and

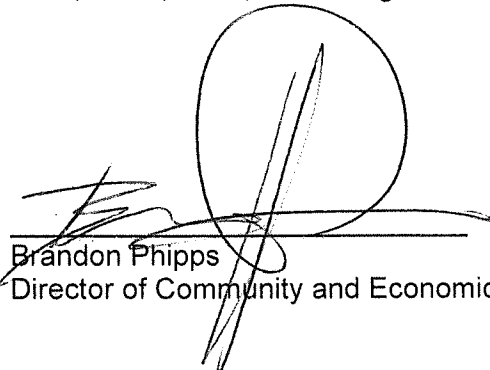
WHEREAS, the Planning Commission finds that the application is categorically exempt from California Environmental Quality Act (CEQA) pursuant to Section 15303 and Section 15304 of the CEQA Guidelines; and

NOW, THEREFORE, THE PLANNING COMMISSION HEREBY RESOLVES:

The removal of one (1) Coast Live Oak tree, and the proposed 85-square foot residential addition at 626 Main Street (APN: 065-231-27) are hereby approved. This decision is based upon the findings provided in Attachment 1 and Conditions of Approval provided in Attachment 2. Plans can be found in Attachment 3.

RESOLUTION PASSED AND ADOPTED, at the regular meeting of the Planning Commission on the 8th day of May 2024, by the following vote:

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


Brandon Phipps
Director of Community and Economic Development

ATTACHMENTS

1. Findings
2. Conditions of Approval
3. Plans

SAUSALITO PLANNING COMMISSION

RESOLUTION NO. 2024-07

May 8, 2024

APN: 065-231-27

PROJECT ID: 2024-00026

ATTACHMENT 1: FINDINGS

Tree Removal Permit

When reviewing applications for tree removal the Planning Commission is directed to consider the criteria found in SMC Section 11.12.030(B)(1-3):

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.*

According to the arborist report on file, staff believes that the Coast Live Oak tree warrants removal of the righthand trunk to allow for the reasonable enjoyment of the property, including the right to develop the property per SMC 11.12.030(B)(1)(b). Staff also believes that the lefthand trunk should be removed due to its noted decay cavities and because it is a potential hazard to life and property due to its lean over the existing driveway easement per SMC 11.12.030(B)(1)(a).

2. In order to grant a tree removal permit, it must be determined that one of the following conditions is satisfied:

- a. The tree to be removed will be replaced by a desirable tree; or*
- 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 information provided by the applicant/owner.*

Pursuant to SMC 11.12.030(B)(2)(b) staff recommends that the applicant shall be required to pay a tree replacement fee in the amount of \$1,500 as established by City Council Resolution No. 6143 since the righthand trunk removal is needed to accommodate the proposed design, and since there is no replacement tree proposed as part of this application.

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 reviewing the arborist report and the materials on file, staff believes that none of the findings of denial in SMC 11.12.030(B)(3) can be made. The righthand trunk of the tree needs to be removed to accommodate the proposed 85-square foot residential addition, and the lefthand trunk has decay cavities and poses as a potential hazard for both the property owners and tenants at 626 and 628 Main Street, as well as the neighbor at 624 Main Street due to its lean over the existing driveway easement. The removal of the tree will not significantly affect the existing plants, drainage, or land stability. The subject tree is not a member of a group of trees, nor does it provide needed privacy screening.

**SAUSALITO PLANNING COMMISSION
RESOLUTION NO. 2024-07
May 8, 2024
APN: 065-231-27
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ATTACHMENT 2: CONDITIONS OF APPROVAL

General Conditions

1. The applicant shall revise the date shown on the submitted plans/drawings per Planning Commission direction to reflect the date of project/application submittal.
2. The property owner shall pay \$1,500 as specified in City Council Resolution No. 6143 into the Sausalito Tree Fund.
3. The Tree Removal Permit 2024-00026 shall not be issued prior to issuance of building permits for Zoning Permit 2024-00026.
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:
 - Weekdays – Between 8:00 a.m. and 6:00 p.m.
 - Saturdays – Between 9:00 a.m. and 5:00 p.m.
 - Sundays and City Holidays (not including Sundays) – Prohibited
 - 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. 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.

SAUSALITO PLANNING COMMISSION

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May 8, 2024

APN: 065-231-27

PROJECT ID: 2024-00026

ATTACHMENT 3: PLANS

REVISIONS BY DATE

NO.	BY	DATE
1		
2		
3		

Project Information

Project Description: Project consists of demolition of existing two-story building and construction of new 100,000 sq ft single-story building. The existing building was constructed in 1950 and is in poor condition. The new building will be constructed of steel frame with masonry walls. The project will include site work, foundation, framing, masonry, and finishing. The project is located on the corner of Main Street and Louier Crescent Ave. in San Jose, CA. The project is being undertaken by the City of San Jose. The project is being undertaken by the City of San Jose. The project is being undertaken by the City of San Jose.

Project Address: 21428 Main Street, San Jose, CA, 95131
 Project No.: 21428
 Date: 11/11/04
 Scale: As Shown
 Drawing No.: 21428

Client: City of San Jose
 Prepared by: [Name]
 Checked by: [Name]
 Drawn by: [Name]

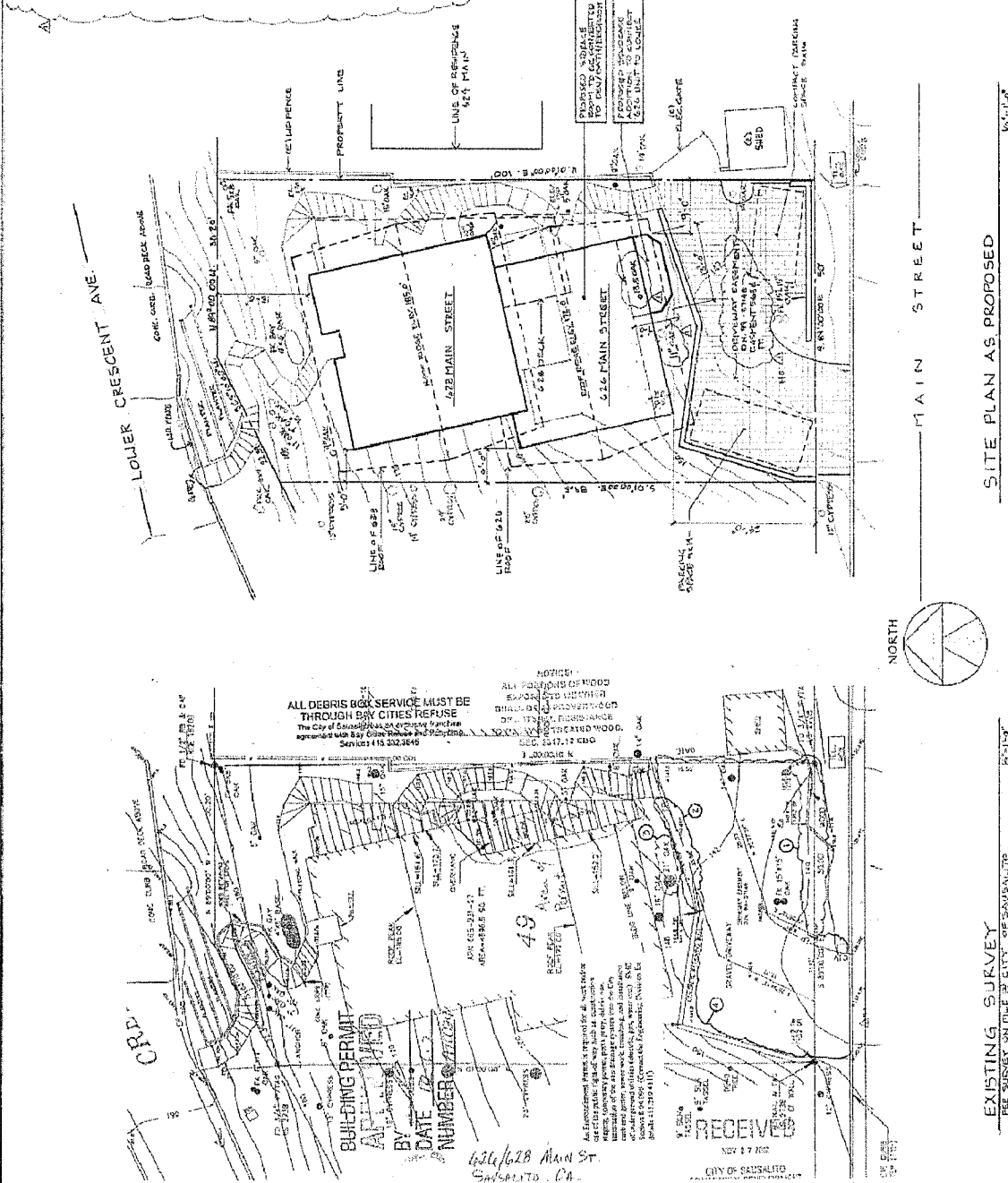
Professional Engineer: [Name]
 Professional Engineer: [Name]
 Professional Engineer: [Name]
 Professional Engineer: [Name]

Scale: As Shown
 Date: 11/11/04
 Drawing No.: 21428
 Project Address: 21428 Main Street, San Jose, CA, 95131

Directory
 Name: [Name]
 Address: [Address]
 Phone: [Phone]
 Email: [Email]

Sheet Index
 Sheet No. 1 of 1
 Title: Project Information, Project Overview, Site

VICINITY MAP
 SAN JOSE, CALIF. - SAN JOSE
 Main Street
 Louier Crescent Ave.



Schatt #626 Addition/Removal - Design Review
 628 MAIN STREET
 SAN JOSE, CALIF. 95131
 11/11/04
 SHEET 1 OF 1

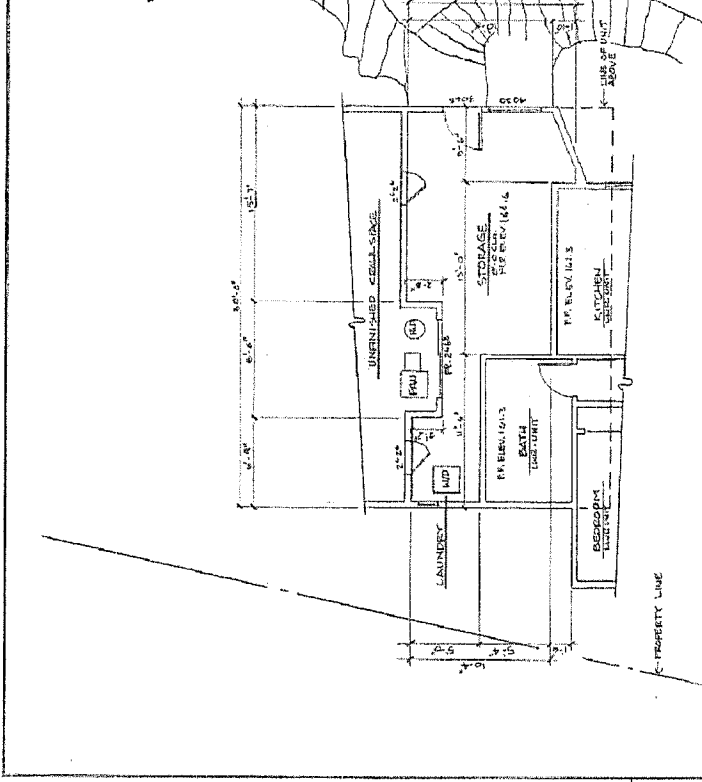
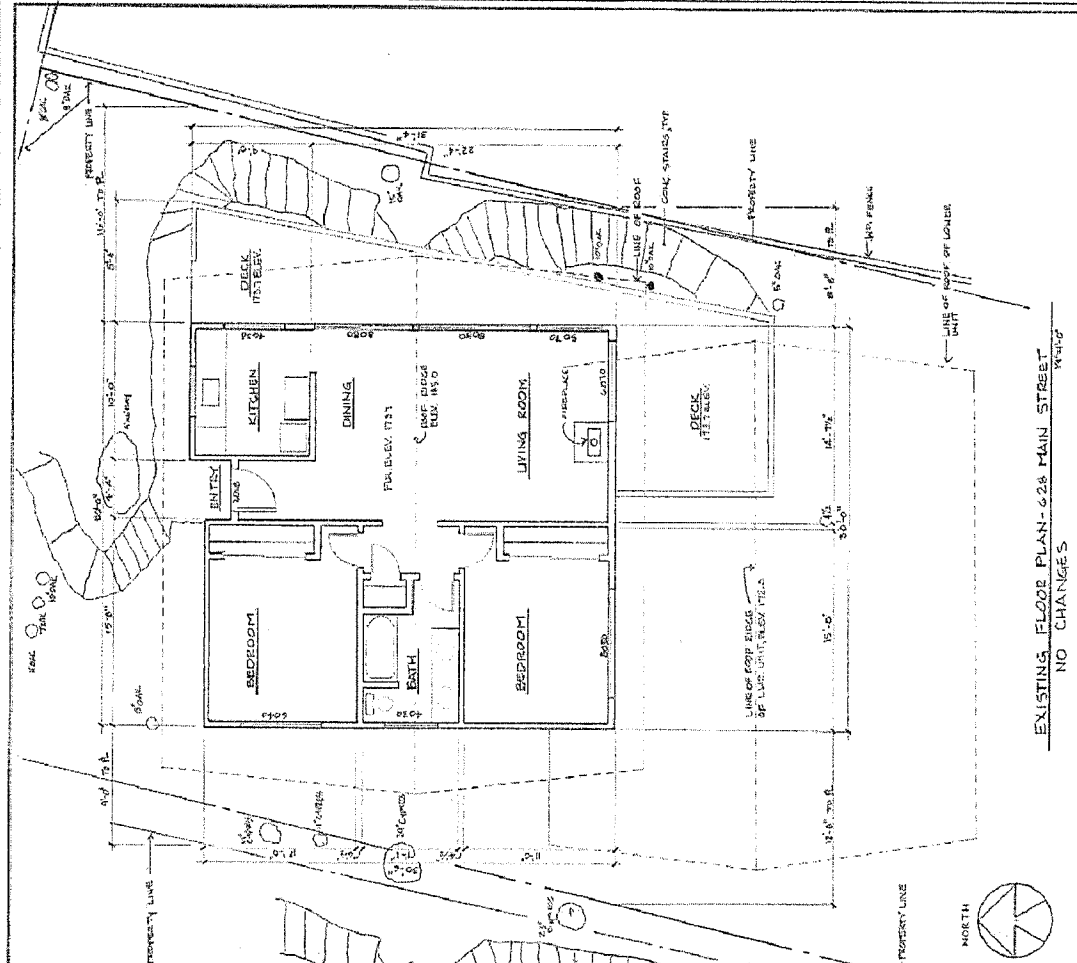
21428
 21428
 21428
 21428

REVISIONS			

LINGMAN DESIGN
 13 Somerville Avenue
 Mill Valley, California 94041
 (415) 968-9019

Schaf #626 Addition/R remodel - Design Review
 66623 Main Street
 Berkeley, CA 94705
 AP # 665-211-27

DATE: 2/27/07
 DRAWN BY: C. HARRIS
 CHECKED BY: J. HARRIS
 JOB NO.: 2003-5
 SHEET NO.: 2
 OF 2 SHEETS

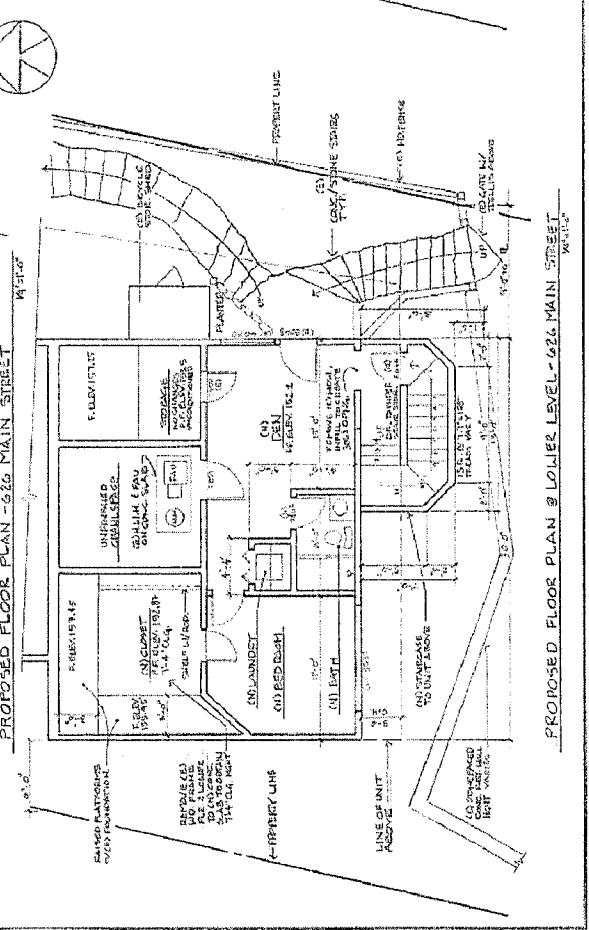
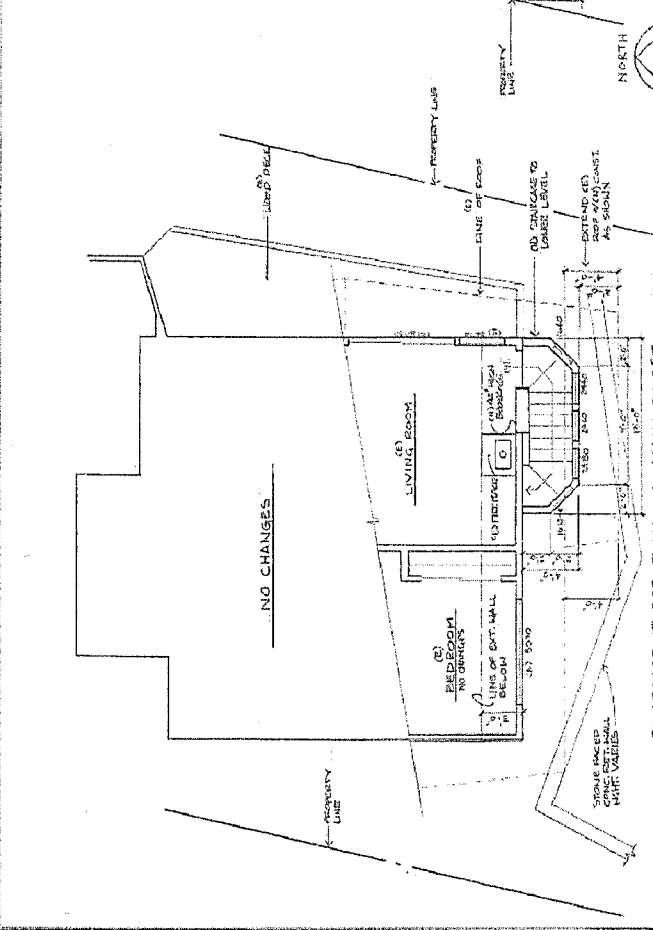
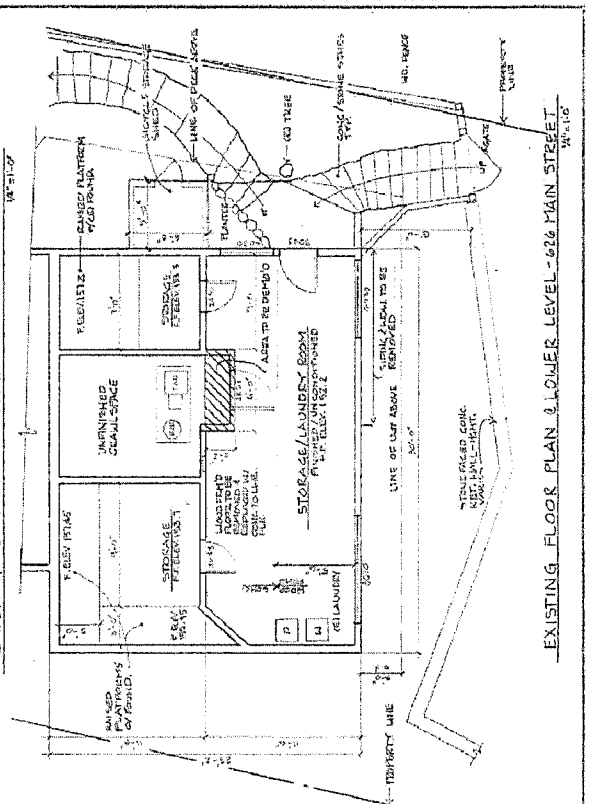
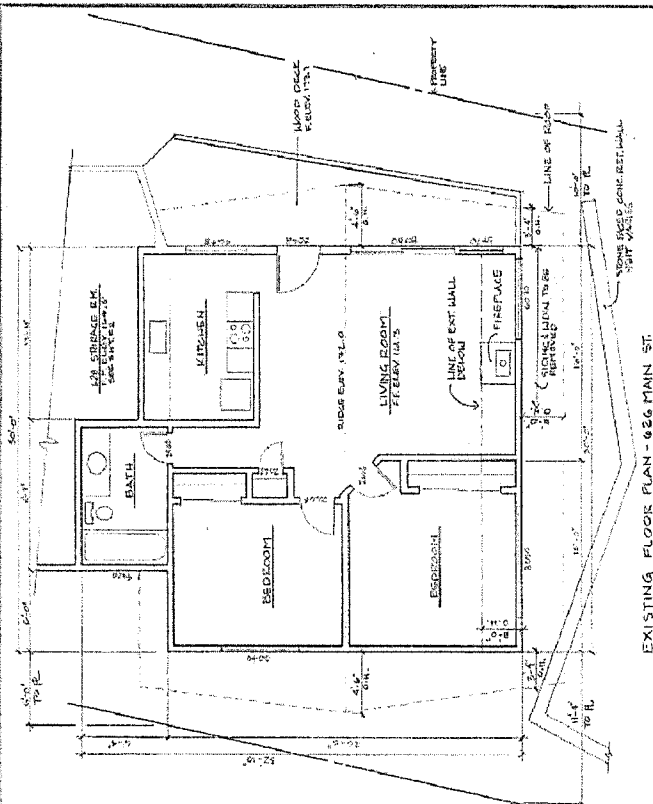


REVISIONS	BY

LINGMAN DESIGN
 11 South Avenue
 Mill Valley, California 94111
 (415) 966-9019

SCHM #26 Addition/Remodel - Design Review
 67678 Main Street
 San Rafael, California 94901
 A.P. 005-217

DATE: 11/20/2014	SCALE: AS SHOWN
PROJECT: 14-2022-05	DATE: 11/20/2014
SHEET: 3	OF 3 SHEETS

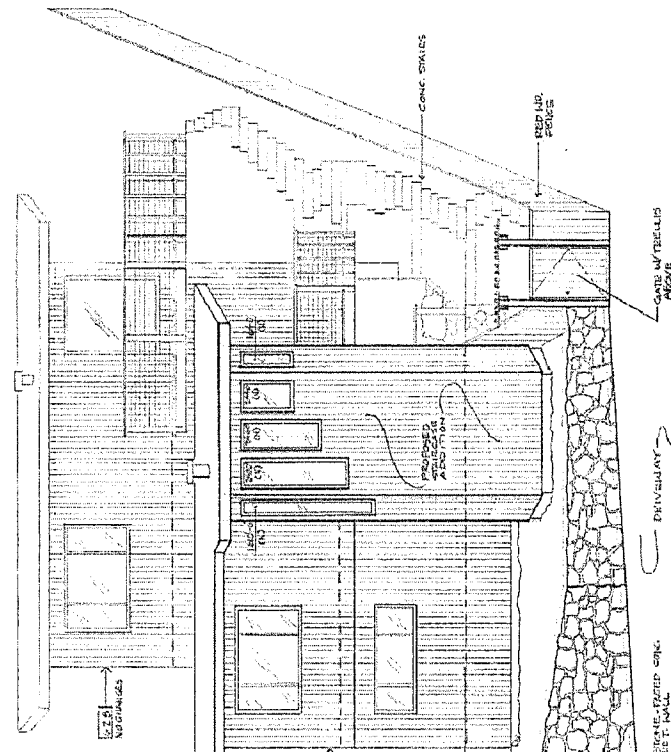


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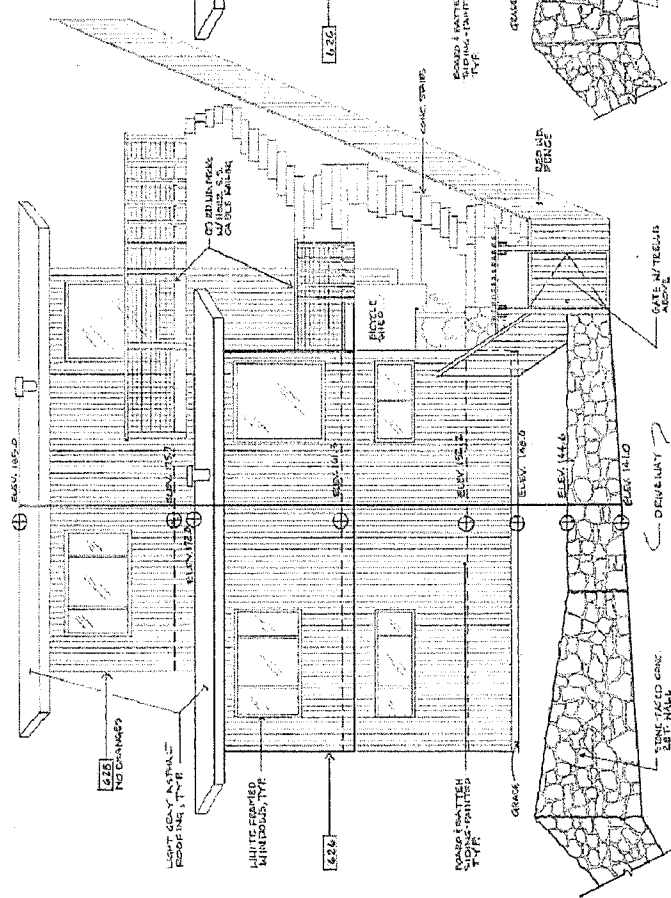
LINGMAN DESIGN
 15 Summit Avenue
 Mill Valley, California 94111
 (415) 666-4619

Sch#626 Addition/Remodel - Design Review
 67628 Main Street
 San Bruno, California 94066
 V.P. 06/23/13

06/27/2013
 Date: 06/20/2013
 Drawn: DFL
 Job: 2013-03
 Sheet: 4
 of 7 sheets



PROPOSED SOUTH ELEVATION



EXISTING SOUTH ELEVATION

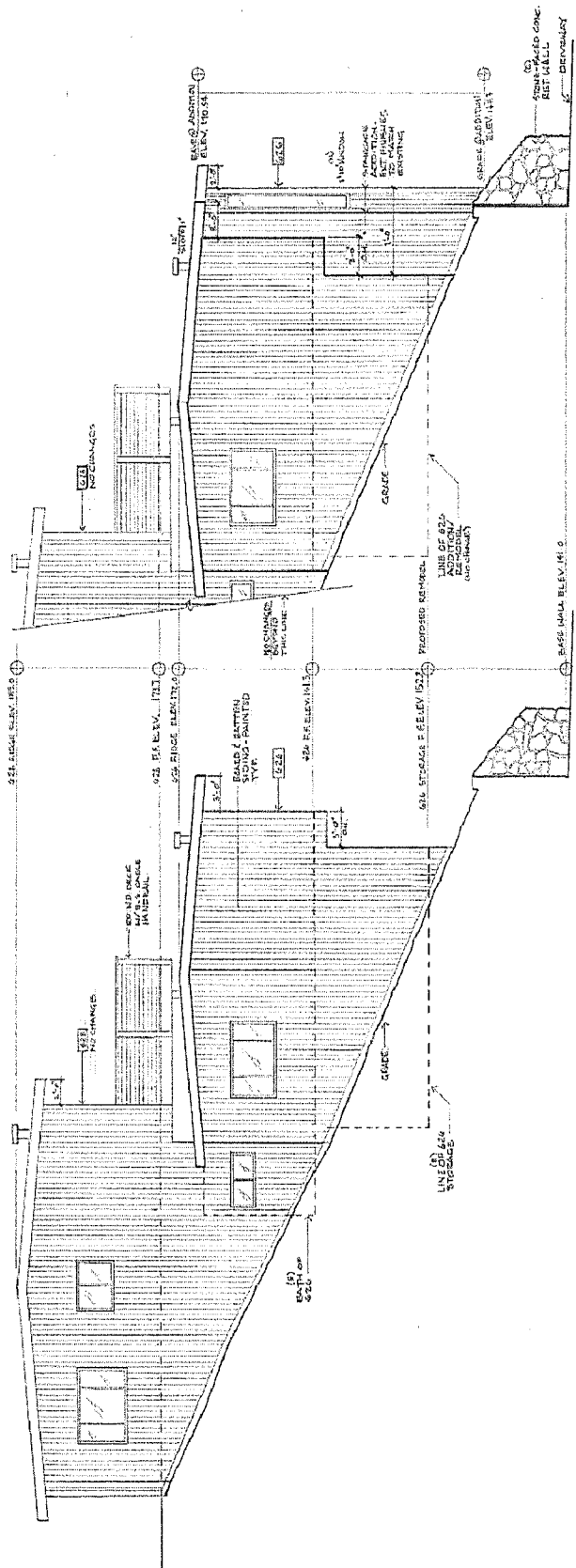
NOTE: ALL EXISTING FINISHES TO MATCH EXISTING

REVISIONS BY	

LINGMAN DESIGN
 15 Summit Avenue
 Mill Valley, California 94121
 (415) 665-9019

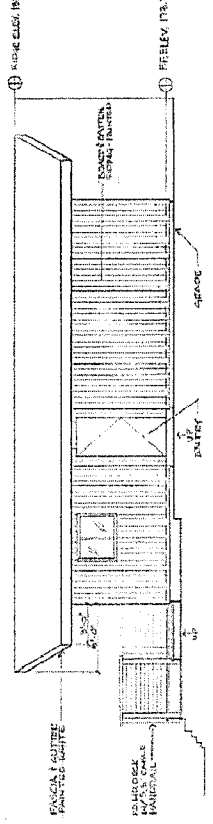
Schmit #626 Addition/Remodel - Design Review
 12608 Villa Street
 San Jose, California 95131
 A.P. #0854127

DATE	02/20/15
BY	AS/SH/ML
NO.	2008-15
SHEET	5
OF	6
SCALE	AS SHOWN



EXISTING WEST ELEVATION

NOTE: ALL EXISTING FINISHES TO MATCH EXISTING



EXISTING NORTH ELEVATION

