

1 **Sausalito Trees and Views Committee**
2 **Wednesday, May 19, 2010**
3 **Draft Minutes**

4
5 Committee Members:

6
7 GC: Grant Colfax
8 DC: Dianne Chute
9 RR: Ron Reich
10 WL: Wingham Liddell

11
12 Attendees:

13
14 CF: Carolyn Ford
15 MLB: Mary Lee Bickford
16 DL: Dotty LeMieux
17 RL: Roy Legget
18 NB: Nichole Back
19 RF: Ruth Friedman
20 GF: Gary Friedman

21
22
23 GC: Alright, well good evening everybody. Welcome to the May meeting
24 of the Sausalito Trees & Views Committee. We'll just do
25 introductions and I'm Grant Colfax. I'm calling the meeting to order.
26 I'll have the other members of the Tree Committee introduce
27 themselves.

28
29 WL: I'm Wingham Liddell.

30
31 RR: My name's Ron Reich.

32
33 GC: And then staff. For the record please.

34
35 ?: ...

36
37 GC: Great. And I would just like to thank City Council Member Karolyn
38 Ford for joining us. Thank you. Thank you very much, it's nice to
39 see you here. The first item on the agenda is approval of the 18
40 November 2009 meeting. Do I have a motion from a member to
41 approve?

42
43 WL: Motion to approve.

1 GC: And a second? Let's just do a voice vote. All in favor of approving
2 the minutes?
3
4 RR: Aye.
5
6 GC: Aye. Okay, great. Yes?
7
8 MLB: I'm Mary Lee Bickford. I'm new on the Trees and Views Committee
9 but I think I'm just ????
10
11 GC: You should be, my goodness! Well, it's very nice to meet you. I'm
12 terribly sorry for not asking if there were any new members.
13 Welcome.
14
15 Did you get that for the record? The new member? Okay, welcome!
16 Thank you for serving.
17
18 MLB: Thank you. I'll just be here for a short while, unfortunately.
19
20 GC: Okay. Do you want to announce that on the mic so we have a
21 record?
22
23 MLB: I can only stay a short while due to a prior commitment scheduled
24 this evening.
25
26 GC: Great, well thank you very much. So we've approved the November
27 minutes and we'll go to our first and only agenda item, which is the
28 view obstruction dispute at the Friedman/Glendrive residence versus
29 the 230 Glen Drive. I just want to check in to see if representatives
30 from both parties are present. If you could just signal. Okay. Great.
31 Well, thank you very much.
32
33 So we have received the packet. I want to make sure that the
34 members had a chance to review the packet. It looks like that this
35 has been some controversy going way back, so I appreciate the
36 documentation that was presented. What I'd like to do is have the
37 parties from – what we usually do in the Tree Committee meeting is
38 have the people who are requesting the tree to either be removed or
39 trimmed present in an uninterrupted and respectful way, and then
40 have owners of the tress – or the people who are wishing the trees
41 not be modified – to counter that point, and then we'll have a little bit
42 of discussion. But I think it runs best if we let people tell the entire
43 story in an uninterrupted and respectful way. I do ask that (and we
44 ask) that people limit their remarks to the most vital points. The
45 members have read the packet and I know most members have
46 visited the property. So I just want to make sure that rather than

1 going into extensive detail and passions about how you feel, that we
2 try to stick to the facts as much as possible and that you summarize
3 things as appropriately as possible. I can tell you that is very much
4 appreciated by the committee as well as staff. So – sometimes these
5 tree disputes take longer than the healthcare bill took, so I just want
6 to make sure that we respect and make sure we maintain our
7 perspective on what we're dealing with here. Not to say that it's not
8 very, very important, and that passions do run high.

9
10 Can we just have the – sorry, let me get this right – the tree claim –
11 the representatives of 230 Glen Drive present their case around the -
12

13 (Female voice): I'm not that claimant.
14

15 GC: Oh, I'm sorry. You're the claims – okay, I'm sorry. I just got that. So
16 could you go and tell us your story? Yes, use the mic please. And if
17 you could limit, again, your comments to about 15 minutes that would
18 be very helpful for us. And for the purposes of the meeting can you
19 also just introduce yourself please?
20

21 DL: Yes, my name is Dotty LeMieux and I'm the attorney for Ruth and
22 Gary Friedman, who are sitting here tonight, who are the owners of
23 the property of 226 and 228 Glen Drive. They are the claimants.
24 This dispute has been going on for quite a while. They bought the
25 property in 1986. The main issue is: there are a number of
26 eucalyptus trees and acacia trees which have apparently – the
27 acacia trees have been trimmed over the years back in the 80s, at
28 least twice that we know of (I don't know how much or how
29 extensively), and they have continually grown back into the view.
30 When the Friedman's bought the property there was a filtered water
31 view, more than there is now, because the acacia trees were at a
32 lower level. Unfortunately we do not have photographs that we've
33 been able to locate at this time from that twenty-some odd years ago.
34 The acacia trees are very fast growing and they also spread very
35 rapidly. As you know they are an undesirable tree and they an exotic
36 tree. They are also a fire hazard in the way that they are growing on
37 this property, and that's one of the things that we didn't really mention
38 in our claim and would like to address that a little bit. And also Mr.
39 Legget, who is the arborist, is here and he can talk more about the
40 details about the trees. I've observed the trees and I've taken
41 photographs of the view obstruction and I've provided those to you.
42 Looking at them from the Friedman's upper and lower units and the
43 decks of those units the acacias are directly adjacent to the 230 Glen
44 Drive house. They grow right up next to the house and they
45 apparently have grown about 6 feet in the last year. I haven't been
46 out to the property in a while, but Mr. Legget can tell you he spoke

1 with the upstairs neighbor today and got some more information. He
2 looked at the trees in 2008 and he looked at them again today and
3 he's got some recent photographs that he'll be able to show you. So
4 may clients basically would like – they don't want everything cut
5 down. They have cut down a very large eucalyptus tree on their
6 property which was close to their house and they were concerned
7 about it possibly being a hazard because eucalyptus trees are also
8 an exotic species and an undesirable tree. So they are trying to
9 maintain their property and have taken down this major tree. Now in
10 this box reply (which I was just handed yesterday by her, so I haven't
11 had a chance to read in the detail that I would like to and compare it
12 with my notes) one of the things that she's concerned about – and
13 she did express this to me and we did make a visit to her property
14 and the Friedman's property – she's concerned about her privacy and
15 a large house that's up the hill behind the Friedman's house that
16 apparently shines bright lights at night. I don't know if Ms. Back has
17 taken any other measures with regard to that house – mentioned it to
18 the city and tried to get the light nuisance abated. Most
19 municipalities have ordinances dealing with light noise and I'm sure
20 Sausalito probably has one as well.

21
22 She apparently was concerned for the fact that my clients removed
23 their eucalyptus tree because she felt that that somehow helps block
24 the view of this house. I would like to note that there are no window
25 treatments at all in at least the upper unit of the box-house which
26 faces toward this big house and I think that if she had some kind of
27 window treatment installed – draperies or blinds – that might help the
28 light shining in the evening. The view from the front of the box-house
29 is a very clear view down to the water front and she has an
30 unobstructed view of the water. My clients are not asking for an
31 unobstructed view, just simply to have the filtered view restored
32 which would entail significant trimming of the acacias, which should
33 be done for safety anyway. They do pose a fire hazard with the build
34 up of debris on the ground. They are apparently reseeding
35 themselves rapidly, which could lead to a lot of problems with fire.
36 There is no defensible space around their property. That's a whole
37 other concern and is probably not one that concerns this committee,
38 but it is another issue. So the rapidly growing acacia trees, which
39 have grown up now nearly to the top of the Back building, and the
40 eucalyptus tree limbs hang over so they form a barrier in front of the
41 Friedman window, which could be brought down somewhat. Those
42 acacia trees could be brought down. The eucalyptus tree could be
43 limbed-up a little bit. Also, there's thick growths of ivy on all the
44 trees. That thick growth is like having several other trees and that
45 also should be removed for the view and probably for just general
46 health of the trees so they won't harbor rodents and that kind of thing.

1
2 I think Ms. Back has expressed that she's blowing through some of
3 the ivy and she has said that she would be willing to do some
4 selective trimming, however we haven't been able to reach an
5 agreement about what that trimming would be, who would do it and
6 we certainly – the Friedman's would request that any trimming that's
7 done for their view, that they participate in making the decision of
8 how that trimming would be done. They're willing to work with Ms.
9 Back on a mutually agreeable trimming situation, and they're willing
10 to pay for the trimming for their view. We just have not been able to
11 come to an agreement for this point and Ms. Back is out of the
12 country for several months out of the year – which is one of the
13 reasons we haven't been able to have this meeting with you until
14 tonight, because she hasn't been here and of course she has a right
15 to be present. So we're very glad that we're all together tonight and if
16 there's any way that we could reach a resolution that would be
17 wonderful and I hope that that's what the outcome would be. With
18 that I'd like Mr. Legget to just briefing address the trees. Thank you.
19

20 GC: Thank you very much.
21

22 RL: Good evening. My name is Roy Legget and I am a consulting
23 arborist and I'm working for the Friedman's. I've looked, as Dotty just
24 said, I've been out there on two occasions. My first visit was in July
25 of 2008 and I was out again this morning. I have a set of nine
26 photographs that I took today and because it was an overcast, well,
27 overcast and even raining this afternoon kind of day, the glare is such
28 that the background (which is where the view would be) is very
29 washed out in these photos but it does show the vegetation from both
30 floors and I'm happy to allow you to look at these.
31

32 The first four photos are taken from the upper unit and the next four
33 are from the lower unit and there's a final photo which shows the
34 stump of where tree #6 (as it's identified in my report) was located.
35 That tree has been removed by the Friedmans. It was a heavily
36 topped eucalyptus tree and I recommended it be removed for safety
37 reasons. I think it's important to consider that what the Friedmans
38 need in order to have views is what is easily accomplished as routine
39 pruning. It's not a destructive process. We're not deforesting an
40 area to accomplish the view issue. There are clearly fire hazard
41 issues and there are also clearly invasive exotic species issues and
42 those species are identified by the California Invasive Plant Council
43 as such. So we have the Marin County Fire Practices that are
44 published material and those are not being adhered to at this site.
45 The invasive species issue certainly relate to acacias and eucalyptus.
46 The acacias are very numerous and a lot of young trees have

1 receded themselves in that area. It's not a natural process to be
2 doing that because they're not a native tree – it's a weed. So we're
3 dealing with a different kind of characterization here than what some
4 of the material seems to present.

5
6 I do see routine pruning as a good solution. The ivy can remain on
7 the hill and stabilize the hill; can remain on the trees, but simply be
8 removed from the area of the view plain and above. So the net
9 benefits that the ivy may be providing to silt stability, for instance, are
10 still there and the view can be restored in a great part by pruning the
11 ivy down a little bit on those trees. There are some finer branches on
12 the eucalyptus that can be pruned and the basic structure or
13 architecture of those trees won't have to change. The acacias are -
14 historically they've been topped and pruned down when they were –
15 they are all small trees as far as acacias go. They're young and
16 small, relatively speaking. The trees in some other photos were (that
17 are part of what I reviewed as well. It was material that came from
18 Ms. Back) – those trees were clearly much bigger trees than anything
19 I've seen out there today. So those perhaps were removed when the
20 addition was built. I don't know the history of those trees, but they're
21 not out there today. I'm seeing younger, smaller trees and those can
22 be crown-reduced and contained and managed. In fact, there are
23 some old topping cuts in some of those and they should be in fact
24 continued to be maintained in the same way they were historically
25 maintained. I think the fire management issues are a real issue for
26 everybody around there. Leaving all of that brush up against the
27 houses doesn't make any sense to me at all. Since the view is what
28 is at stake today, just to speak to that, reducing those trees I think is
29 consistent with proper care of those.

30
31 In general I think this is something that could easily be resolved. It
32 should be resolved as neighbors, I think. It's not the kind of thing that
33 should continue on and be a big battle. It's just too easy to fix. If you
34 have any questions I'm happy to answer.

35
36 GC: Great, thank you very much. I want to check to see if members have
37 specific questions to the comments made. I just want to clarify for
38 people unfamiliar with the tree committee process (because I realize
39 not everybody might be) is we will listen to the evidence, ask
40 questions and then make a recommendation in terms of how the
41 parties should proceed with regard to the trees, so just to clarify that.
42 I think some members had had some questions about the subject
43 matter that was raised?

44
45 WL: Yeah I have a question about the eucalyptus. It's pretty clear that it's
46 been topped.

1
2 RL: The eucalyptus trees have been topped on the Back property that are
3 in those photos, except for the trees that are off to the edge more.
4
5 WL: And the new growth, or the growth that has taken over from that
6 topping, looks rather, shall we say, spindly. Like not very healthy.
7
8 RL: Correct.
9
10 WL: Is that true?
11
12 RL: It is very spindly, partly because the trees are being over-topped by
13 ivy and that's causing some issues for the eucalyptus. Also, they
14 were so heavily topped there only are fine spindly shoots growing.
15 So it's not very robust growth, correct.
16
17 RR: So that tree that we're talking – may I ask a question?
18
19 GC: Oh yes, please.
20
21 RR: That tree that we're talking about was topped at some point, I thought
22 it was back in the 80's at some time, and, I believe I read that, and so
23 it was just topped. What we're seeing there are these suckers. This
24 is a Blue Gum isn't it?
25
26 RL: There are Blue Gums that have been topped. They're identified in
27 my report as trees 7, 11 and 12.
28
29 RR: Okay.
30
31 RL: There actually are three of them.
32
33 RR: I have a question about how you actually, physically trim something
34 that – to me this is a massive tree. It may not be to you, but to me I
35 look down and – maybe it's not a hundred feet, but I want to look
36 down there, I say, "Gee, that's a long ways down." So how do you go
37 about trimming that tree?
38
39 RL: Well...
40
41 RR: Do you climb it?
42
43 RL: They need to be climbed in order to be trimmed. So the climbing is –
44 well, topped trees are not what any of us want to work with in tree
45 service. As far as these particular trees, they most likely were
46 climbing using climbing spurs and because there are no natural limbs

1 remaining, only these re-grown limbs at the top, they'll probably need
2 to be climbed with spurs again.
3
4 RR: So that had – somebody climbed that with spurs and cut it with a
5 power-saw.
6
7 RL: Correct.
8
9 RR: It looked just – flat across. And then just cut everything – well cut
10 everything on the way up I suppose, is what it looked like to me. At
11 one...
12
13 RL: That's what it looks like to me as well.
14
15 WL: Okay. Fine. So are – would it be your recommendation that you
16 essentially do the same thing? Is that what I'm hearing?
17
18 RL: Well the view issue is not related to the topping cut or how that's
19 managed. It relates more to the spindly growth that's drooping
20 downward and the ivy that's on the trunk of the trees.
21
22 RR: Okay.
23
24 RL: The Friedmans are not requesting necessarily that the trees be
25 removed, as far as those eucalyptus, but rather they have a filtered
26 view going between those trees.
27
28 RR: Okay. Just quickly, how do the Friedmans want it trimmed? How do
29 you trim that so that we can have a filtered view out there?
30
31 RL: They would need to enter the trees and use a pull pruner to clip those
32 spindly branches.
33
34 RR: Not a saw?
35
36 RL: I don't – well there will be some saw cuts. Probably hand saw or pull
37 saw-type cuts.
38
39 RR: Right back at the -
40
41 RL: The point of origin.
42
43 RR: - the point of origin?
44
45 RL: Correct.
46

1 RR: Okay.
2
3 WL: They grow very rapidly I understand.
4
5 RL: They can, yes. About 10 or 12 feet a year is possible.
6
7 WL: So what's the likelihood that it's going to stay roughly where it is over
8 time unless you trim it every couple of years?
9
10 RL: There will need to be on-going pruning to maintain views if these
11 trees are still at the property. It'll be an on-going issue for the
12 Friedmans and the Backs.
13
14 GC: Any other clarifying questions? Okay. Thank you. So can we hear
15 from the representatives of 230 Glen Drive, please?
16
17 NB: Hello. My name is Nicole Back and I'm the trustee of the Dunkin
18 Trust and I represent all the beneficiaries of the Dunkin Trust. Does
19 it work?
20
21 GC: Yeah you have to...
22
23 NB: Alright. I have to read this opening statement because I feel that I
24 would be more comfortable.
25
26 So the issue here is very straightforward. The law requires that the
27 Friedmans provide proof that they had a view and establish what the
28 view actually was when they acquired the property in 1986. They
29 have not done that. The only evidence they have submitted in
30 support of their claim is an advertisement for the sale of a duplex.
31 This is clearly not competent evidence to establish a right to a view,
32 but even it was deemed to be competent evidence, all it would
33 establish is that there was in 1986 a "woody water view", which is
34 precisely what they have now.
35
36 Therefore, there is simply no basis in either law or fact for the
37 Friedmans' claim that they had a right to reestablish a pre-existing
38 view. Claimant has no right to claim a view they have not
39 established. All of that said, and I've repeated that over and over
40 again over the past almost 4 years, I remain willing to trim some trees
41 as long as the Friedmans pay for an arborist of my choice to do the
42 work; as long as I am there to supervise the extent of the work; and
43 both the trimmer and myself have access inside the claimant's
44 duplex. I must retain the unilateral right to say what and how much
45 can be trimmed.
46

1 Also, my willingness to accommodate this request at this time cannot
2 be used in the future to argue that a right to a view has been created.
3 While I may indeed still be willing to do so again in the future, I do not
4 want my willingness to trim the trees to be conflated with a
5 willingness to create a right to a view that is any greater than what
6 they were entitled to in 1986.
7

8 This was my position more than two years ago and this is my position
9 now. Given the number of new members – I thought you would be
10 five today – I would like to remind the committee that this matter
11 came before it already once in 2008. At the hearing, which was
12 called by the claimants, I summarized my past efforts to amicably
13 resolve the issue with the Friedmans. Mr. Reich, who chaired the
14 hearing, indicated that no documentation regarding those efforts had
15 been included in the claimant's package. I proceeded to describe the
16 in-the-field approach I had offered to the claimants. Mr. Colfax
17 indicated, or - I think you were the chair at the time, or you were the
18 chair – indicated that what I had described was a very open approach
19 to negotiation between individuals and he thanked me for my efforts
20 with that. I assumed that Mr. and Mrs. Friedman would agree to
21 follow what the committee qualified to be a step in the right direction.
22 Unfortunately, as indicated in my letter to you on April 7, 2010 –
23 which I hope you received – the claimant was unwilling to do that.
24

25 So I have brought to you the minutes of the previous Tree Committee
26 hearing where it is said, and I have it here, "I think that is a very open
27 approach to negotiation between individuals. Thank you for your
28 efforts for that." And my previous efforts in obtaining an amicable
29 resolution with the Friedmans, which did not appear in the package
30 which was submitted to you, is here. It's a letter and it also is
31 requested in the committee minutes of 2008. I was requested to
32 provide this. And here is the e-mail and it is dated December 16,
33 2007 and it says, "Dear Ruth, To confirm the message I left
34 yesterday on your answer phone: On the day of the trimming of those
35 already agreed trees, with someone on site, we can see if there's
36 anything we can improve from the trimming I already agreed. If more
37 can be accomplished without unreasonably, adversely impacting our
38 privacy, we can take care of it then. If you're still unhappy with this
39 solution you can of course start the process with the Sausalito Tree
40 Committee, for which specific guidelines to resolve tree issues are
41 set forth, etc." I can provide you this e-mail.
42

43 Now, I just want to remind the committee that the view the Friedmans
44 are entitled to is not the view of yesterday, or the view of the day
45 before or a year before. Trees grow. They get trimmed. People are
46 entitled to replant trees to reforest the area. Some naturally

1 occurring growth happens. It happens all over nature. I am not really
2 aware of those guidelines which I will certainly, you know, look at.
3 The Friedmans had bought a house that was in the middle of a
4 forest, and it was a very heavy forest. Trees are being cut in
5 Sausalito left and right. It seems that now a water view is more
6 desirable for certain than a tree view, and for those who had a water
7 view it's obviously something that one does not want to lose. But
8 when one bought a property which was surrounded by trees to ask
9 for more view than it had when it was purchased is not really very
10 fair.

11
12 So, that's all. I think you have read what I have sent you and I just
13 wanted to remind you that the law is very specific as far as the
14 findings of the Tree Committee need to be and they're expressed in
15 the Sausalito Ordinance. So...

16
17 GC: Thank you.

18
19 NB: You're welcome.

20
21 GC: Any clarifying questions from the members? None? Okay. I had
22 one question if you don't mind. It sounds like things were moving in
23 the right direction after the 2008 meeting and that people...

24
25 NB: Yes.

26
27 GC: Can you give us...

28
29 NB: They were moving in the right direction because I...

30
31 GC: May I just ask my question please?

32
33 NB: Oh, I'm sorry.

34
35 GC: I'm just trying to figure out what, where – what was the – how far
36 along did you get to actually moving forward with trimming the trees
37 and what was the breakdown?

38
39 NB: Well, I offered 6 times at least. Do you have my letter?

40
41 GC: I just wanted...

42
43 NB: It's in there. So I will take it and I'll read the dates because I don't
44 have...

45
46 GC: Can you just summarize just for us, for the record.

1
2 NB: Well in summary I offered several times to meet Mrs. Friedman at the
3 property with my trimmer. She stood me up. Then she made
4 another appointment with one of her arborists and I told her that my
5 right was to be my trimmer to climb my trees and that I was willing to
6 meet with her arborist at the time, but that no matter what happened
7 it would be my arborist that be trimming my trees. I mean, it's
8 happened very frequently here, you know, that, "Oops! Oops! We
9 lost a branch here," when somebody else does it. So I just think that
10 I have offered that over and over. I have been stood up. I have not
11 even obtained the courtesy of a phone call every time that I was
12 stood up, and the first time was in 2007!

13
14 GC: Okay, thank you.

15
16 RR: I have, if you don't mind, thank you for coming up and being so
17 detailed about your position. Which, with respect, who is your
18 arborist? Who is your trimmer?

19
20 NB: I have several arborists. The arborist that made the trim report – you
21 know, you have different arborists for different tasks. When it's a
22 very simple task of topping a tree I use a man called Ron Palido. I
23 also use Ted Kipping, who did the tree report. I also have, for this
24 particular instance with Mr. and Mrs. Friedman, I contacted – I even
25 have the estimate here – Marin Tree Services. And I had given them
26 the estimate, or given their attorney the estimate to start putting
27 somebody in the tree and the estimate is here.

28
29 RR: And what would Marin Tree Service do?

30
31 NB: Well he would start trimming little by little from the trees that I agreed
32 to have him trim in order to possibly open up a little bit on the south
33 side of the property for the Friedmans. And, as I said, this was
34 something that I was willing to do even though legally I'm not forced
35 to do it. So I really don't understand why this has taken such
36 enormous proportions.

37
38 RR: Okay. What do you mean "little by little"? Do you mean send him up
39 on one day to do some trimming?

40
41 NB: No, the same day.

42
43 RR: Ok.

44
45 NB: No no no. The same day. I'm sorry. Yes yes, no no. I thought that
46 – of course on one day. We would get him in the morning and I have

1 the day rate for the full day. We don't know exactly what we're going
2 to do but we're just going to go ahead and, with his help, we will start
3 to prune – little by little by little – until I felt that my privacy was not
4 too much damaged.
5
6 RR: What is his day rate?
7
8 NB: Well that was a year ago.
9
10 RR: Okay, well then don't answer. Okay. One man, or two?
11
12 NB: Two men. They'd need two men.
13
14 RR: Okay.
15
16 NB: They'd need two men because they'd have to have somebody – and
17 they may even be more. They have one climber and somebody to
18 pick up.
19
20 I would like to speak about the spurs. I have always forbidden tree
21 climbers to climb eucalyptus with spurs. The reason being that those
22 spurs penetrate the tree and what it does is that it permits humidity
23 and mold and things bad to happen to the tree. So I have never,
24 ever allowed anybody to climb my trees with the spurs.
25
26 RR: And how do they get up without spurs?
27
28 NB: They get up with ropes and because of the ivy they can climb and
29 step on the ivy.
30
31 RR: If you got a man that's willing to do that. And – So you had made this
32 specific proposal to the claimants here?
33
34 NB: Yes, and I have made it in front of the Tree Committee.
35
36 RR: Okay, and you're willing to go ahead with that right now?
37
38 NB: Sure!
39
40 RR: Okay. Thank you very much.
41
42 NB: But, you know, under the fact that we are not creating, I'm not
43 creating a view for them. If the trees should go back and if other
44 trees in the area should disappear – which is happening because
45 what's going on is that since I spoke to you last many trees have
46 been removed, which means that the privacy is getting less and less

1 and less. The Friedmans have heavily taken off branches off their
2 trees and an enormous amount of ivy that had been there for close to
3 at least 30 years that I know of. Now the ivy that provided screening
4 on trees on their property - there is no more privacy at all.
5

6 RR: If I may: when was that tree actually topped?
7

8 NB: Which one? We're talking about 5 trees.
9

10 RR: Well one I know for sure was topped – you and I spoke about this
11 once. When was it?
12

13 NB: Well that was in 1989, I think. That was way after the Friedmans
14 purchased their property and the topping cuts are above their view
15 line. So any of the shoots that shoot up from those topping cuts are
16 not in their view and there could never have been a view obstruction
17 due to those trees. Those trees were there, the branches were there,
18 the ivy was there.
19

20 RR: Okay, thank you very much. Any other questions?
21

22 NB: I think that's it.
23

24 RR: Thank you. You want to come up? We'd be glad to – and introduce
25 yourself please.
26

27 RF: Yes. I'm Ruth Friedman, I'm one of the claimants, and I would just
28 like to speak to one of the previous Tree Committee meetings. We
29 thought – I, my husband and I, had to be out of the country at the
30 time and so we were not at that meeting. Our representative, our
31 property manager, was there. There was somewhat of a disturbance
32 at that meeting and the Tree Committee had, at that time, had said
33 that, "Well the property owners aren't here so we're not going to deal
34 with this."
35

36 GC: Let me just clarify, because at that meeting we wanted to make sure
37 that you had a voice and representation. So there was some
38 controversy at that meeting that was completely independent of this
39 case, just for the record, so, yeah.
40

41 RF: Well we weren't there, so Ms. Back has offered to have only have her
42 arborist come with the two of us there, and her proposal is very
43 unacceptable to us and this is the reason why: We would be paying
44 for her person to be there and, as she said herself, they would just
45 cut a bit and we would all look and see, "Is that enough?" and then
46 cut maybe a little bit more, "Is that enough?" and this would be one

1 day's work. As far as I know they could be trimming the branches
2 leaf by leaf.

3
4 What I'm proposing is that a mutually acceptable pre-condition by our
5 arborist, or her arborist, you know – in conjunction with her arborist –
6 so that we know, before the work gets done, what work is acceptable.
7 And it can be done and we can pay for it. But to do just a little bit and
8 then stop is not an acceptable solution for us. Also, as far as the tree
9 re-growth on the top, that does not obstruct our view. It's not a great
10 thing, as the arborist has said, but there is a lot of side growth that
11 you've seen in the photos that – curtains of eucalyptus leaves and
12 curtains of ivy – that do obstruct the growth. We bought the duplex in
13 1986 and it's been a long time. The trees have gotten bigger and the
14 limbs have gotten bigger and the ivy has gotten bigger. We feel we
15 are entitled to the view that we bought. Not more view, but the view
16 that we bought. So thank you for your indulgence.

17
18 GC: So, can I just – so, I think typically in the – the person who's asking
19 that the trees be trimmed does typically pay for the for the trimming –
20 so that seems reasonable.

21
22 RF: No problem.

23
24 GC: And in terms of the spirit of trying to find some compromise: what has
25 typically been, not always, but typically worked, is there are
26 sometimes two – when the two parties can't seem to agree on one
27 arborist, that there is negotiation/discussion between mutual, you
28 know, two arborists from either side and sort of having a debate and
29 discussion about what happens. And then even going to the point of
30 tying little pieces of string or paper to signal where the cuts might
31 actually occur. Often times it does happen that the owner of the
32 property who is allowing the trees to be trimmed (whether
33 recommended or forced by this committee or not) has it worked, you
34 know, in sort of seeing each branch come off and, you know, seen
35 how things portray. So I think in terms of the spirit of trying to
36 compromise, I don't think typically, "Okay – so here's how we've tied
37 off the trees so we're just going to go ahead and do it all at once
38 now," even though that may be more efficient – certainly from the
39 view's perspective. But I do think that there's been a process where
40 people try to come to a mutual agreement and the property owner
41 does work with both of the people home to try and make sure the
42 trees are as intact as possible while also restoring the view that was
43 clearly there. So I just want to put that as – I guess what I'm trying to
44 figure out it is why that didn't happen this last time since the
45 November 2008 meeting. Because it sounds like there is – both of
46 you are saying there's room to move on this, and maybe the other

1 members would like to comment on it, but I'm still trying to figure out
2 – I mean one point is, I guess, that there was some meetings that
3 were not made by both parties, but what's keeping the parties – from
4 you perspective, and then we'll give...

5
6 RF: I would like to have a prior agreement, like you said, marking where
7 the cuts should be, and then agreeing on that before hand and not
8 have a protracted, drawn out process where every leaf is argued
9 over. Just for the economic feasibility just decide before hand,
10 mutually of course. And again, we are willing to pay for it. We have
11 to. But to decide this in a reasonable way – my anxiety about doing it
12 just open ended - okay, let's sit back and have her arborist come and
13 at her sole – she said her sole discretion over what's cut. Well it has
14 to be a mutual thing it can't be sole discretion.

15
16 GC: I guess that would be – and again, our model is that the two people
17 have the arborist come together; they put the ties out. You know, if
18 you make a tie it doesn't necessarily mean that the branch is coming
19 off, but both parties can look at it and figure out, “does that make
20 sense?”

21
22 And I think it's always a balance between the privacy and the desire
23 for trees and the beauty of trees, versus the home owner who's view
24 is obstructed – right to a view, you know?

25
26 It's not going to be an extreme one way or the other, but both parties
27 have to recognize that there's some spirit of compromise around this
28 for good neighborly relationships as much as anything.

29
30 So I don't know if the other members have questions or concerns.
31 I'm concerned because these are trees that are not protected. These
32 are trees that are invasive species. These are trees that, you know,
33 truly represent a major fire hazard. So from a home owners
34 perspective I would certainly be concerned about them whether –
35 obviously the privacy issue is very much in – but I think in this case,
36 at least speaking from my perspective, I would tend towards more of
37 a aggressive trimming based on a number of those factors,
38 recognizing of course that the property owner has certainly a right to
39 their privacy as well. So, trying to strike some balance between that.
40 I don't know if the other members have questions or concerns or
41 comments and I'll just let them. Yeah, go ahead – Mary Lee, is that
42 right?

43
44 MLB: You have no photos or proof of what the original view was when you
45 purchased?
46

1 RF: No I don't. I'm sorry I don't. But again, the ad was for a filtered view.
2 We bought it. It was '86 that we bought it so the trees have grown.
3 The branches have grown. Even though there's been some
4 trimming, but not significant. The trimming mainly was, unfortunately,
5 topping, which I didn't know – I didn't – I was stupid about it. Our
6 trees should not have been topped but we took them out.
7
8 RR: How tall are the trees now?
9
10 RF: Oh. I – very very tall.
11
12 WL: I think they're about 75 feet.
13
14 RL: Which trees?
15
16 RF: Eucalyptus.
17
18 WL: Eucalyptus.
19
20 RL: The topped eucalyptus?
21
22 WL: The eucalyptus over – I don't have the number of the trees.
23
24 RL: Roy Leggett again. The -
25
26 WL: The topped one.
27
28 RL: The topped eucalyptus trees?
29
30 WL: Yeah.
31
32 RL: Well I'm trying to think in terms of the buildings, how tall they would
33 be. They're probably in the 60 foot range because there are two, I'm
34 thinking in terms of the Friedmans' property, there are two living
35 floors. They're up above that by another story or height, and then
36 they descend down because of the slope probably another three
37 stories. So ten feet per story, about 60 feet. Maybe 60-70.
38
39 WL: Yeah about that. So they're pretty...
40
41 RR: Hold up. Would it be the wrong thing to ask you how far – how tall –
42 how much these things grow every 5 years? Obviously I'm trying to
43 figure out where they were in 1986.
44
45 RL: Well it actually is possible to determine age if we engage in a – I
46 mean it would be an invasive practice using a resist-o-graph. It's a

1 one millimeter drilling needle. That would tell us, actually, the growth
2 rate of these trees in terms of the trunk increases and the age
3 overall. As far as the shoots regenerating at the top – depending on
4 the amount of light available, and this is fairly shady area relative to
5 other sites.
6
7 WL: Because it's a rural area.
8
9 RL: Because there are a lot of trees around there and it's in a canyon.
10 So the growth rate in that canyon setting is probably slower than it
11 would be in other sites. In open sites we'll see 12, 10 or 12 feet, of
12 growth a year. In this case I would suspect it's slower than that.
13 Maybe 3 or 4.
14
15 RR: Okay. Mrs. Friedman, you were active in the purchasing process in
16 1986.
17
18 RF: That's right.
19
20 RR: So when you look now over that view, what did you see?
21
22 RF: There to the side of the tree, for purposes – diagrammatic purposes –
23 looking straight ahead is toward the water. Looking over toward the
24 door is over the canyon.
25
26 RL: You can refer to this if you like.
27
28 RF: There were heavy growth over the canyon. More spindly views
29 toward the water. So there was much heavier growth on the canyon
30 side than there was toward the Back property facing the water.
31
32 RR: Okay, but the trees we are now talking about, these six trees, you
33 saw them all when you moved out there?
34
35 RF: Yeah, they were there.
36
37 RR: Okay. I think that's the only question I have, thank you.
38
39 RF: Okay, thank you very much.
40
41 GF: May I just add something here?
42
43 GC: Yeah, of course.
44
45 GF: The words I've been hearing I think are -
46

1 GC: Can you just introduce yourself?
2
3 GF: I'm Gary Friedman.
4
5 GC: Thanks.
6
7 GF: The words I've been hearing I think have crystallized what the
8 controversy is about. You mentioned the words "mutual agreement"
9 and that's all we're asking for. We're willing to pay for this. We
10 would just like a mutual agreement in advance to know what we're
11 going to get for what we paid for. Ms. Back has used the word. She
12 wants to make the unilateral decision. For us to just hand over the
13 cost of the arborist, of the tree trimmers, and have no say in what
14 they're going to do is what the basis of our concern is. Thank you.
15
16 RR: You're saying you want to know what's going to occur...
17
18 GF: Yes.
19
20 RR: ...before you sign up for it.
21
22 GF: Exactly! And we've had Ms. Back in the house. We all looked at this
23 and if we could agree, "yes, this is the part that should be removed.
24 This ivy, these branches," we'd be happy. We'll pay for it, no
25 problem. But we just can't get that kind of assurance that what we're
26 going to pay for – that we have any control over that. Thank you very
27 much.
28
29 RR: Okay.
30
31 MLB: I just have a, I'm sorry.
32
33 RR: Mr. Friedman.
34
35 GC: Mr. Friedman, there's a question here. What's your question Mary
36 Lee?
37
38 MLB: It's just kind of an arbitrary question...
39
40 GF: Oh sure.
41
42 MLB: ...knowing that there's been so much conflict, do you think the two of
43 you can stand side by side and actually agree on limbs being
44 removed at the time? Or is that going to be another dispute right
45 then and there?
46

1 GF: Are you talking about in advance or at the time?
2
3 MLB: At the time when you have an arborist and you're tagging the limbs.
4
5 GF: Well if we can do the tagging, sure that's fine. But what our
6 understanding, and maybe I'm incorrect, but Ms. Back has said we
7 pay for the arborist, the arborist comes and she decides piece by
8 piece what can be cut and can say, "I want you to stop here because
9 now my privacy's being removed." and we don't know what we're
10 going to end up with.
11
12 GC: Right and I think that's a good point. Typically the way that's been
13 mitigated is there have been the ties that have been made in
14 particularly controversial situations so people can see how to
15 anticipate what the result will be. So certainly from my perspective it
16 doesn't make any sense just to say, "Okay, go and do whatever
17 you're going to do." You need to be very specific about your ideal
18 situation in terms of, you know, thinking about what would maximize
19 your ability to get the view back that you claim you had in 1986 and
20 Ms. Back also needs to think about what she needs to maintain some
21 level of privacy. Also I would say fire safety in your home. So I
22 guess, from what I hear from the committee, is trying to figure out
23 how to bring the two sides more together around a mutual agreement
24 and understanding that, you know, some road map is very important
25 here to try and move the parties along. And I see Ms. Back wants to
26 comment. I don't know if people have other questions for Mr.
27 Friedman. Yep?
28
29 RR: Anyone else have another question for Mr. Friedman? No? I think
30 Ms. Back wants to get up here.
31
32 GC: That's what I was going to check.
33
34 RR: Okay.
35
36 GC: So, if you don't mind Ms. Back, we'd like to hear from you.
37
38 RR: Thank you, Mr. Friedman.
39
40 NB: I have the impression, but maybe I'm wrong, that the committee has
41 almost already made a decision that the claimants had a view in
42 1986. So this is something that I need to stress and that perhaps
43 needs to be reread are the ways the ways the Tree Committee needs
44 to reach an advisory decision. And the advisory decision is reached
45 by claimants proving to begin with that they had a view. I haven't
46 seen that yet. And I would like to ask the members of the Tree

1 Committee if they could tell me what kind of view the Friedmans had
2 in 1986? Where it was? Which trees? Where their view came from?
3 What facts have they brought to the table to prove that?
4

5 WL: Okay, excuse me, may I interrupt?

6
7 GC: Yes.

8
9 WL: I don't think you should presume that we've made up our minds about
10 this. We're open. We're respectful of your position Ms. Back. And
11 we have certainly not made up our minds. We haven't had a chance.
12 We haven't discussed it amongst ourselves. So please don't
13 presume we've made up our minds about this. But there is a
14 question, certainly, that is on all of our minds, that the appropriate
15 way to solve an issue like this is by two sides getting together on a
16 back porch and having a discussion of which limbs are to be
17 removed. Probably together, the two parties, before you have an
18 arborist out there – unofficial gathering of two friends and neighbors,
19 friends and neighbors, to have a discussion of, "Would it be alright to
20 take this one down?" "Yes and I want this one down too because it
21 blocks a view from the bedroom." "Well I want this one because of
22 privacy." That way you're going to have an open discussion amongst
23 the two parties. Now I think that's incredibly important and we need
24 to recognize that if one party, who is offering to pay this bill – not an
25 insignificant bill – is offering to pay for this, he certainly deserves to
26 know what he's getting for his money. So to go in and suggest, "Well
27 I want to stop here, I want to start here..." I understand that you've
28 been living with these trees for a long time and I respect that. But
29 being observant of someone else's point of view is incredibly
30 important.
31

32 NB: This is what I've been trying to do for the past four years. Now, I
33 have not only this property but other properties with trees and I have
34 worked with neighbors in the past and we do have somebody climb
35 the trees. These are professional people. They are accustom to this
36 type of work and they don't just wait until somebody, you know,
37 comes up with a decision, no. We go and they actually make
38 suggestions.
39

40 Now I think that when, first of all, somebody has not proved that they
41 had a view - at least as far as the ordinance is concerned. If they
42 really want to establish a view, then what they should do (and which
43 they should've done and which is required under the ordinance) is
44 they would probably have an arborist side by side with whatever
45 evidence they claim to have had back in '86; make new pictures of
46 the vantage point from where they conceive to be the view and have

1 their arborist at their cost make pictures and put on a PowerPoint
2 (apparently they're very good at that), and say, "this is what we want
3 to trim. This is what we want to trim, and this is what we want to
4 trim." And they would present it to me and then I would say, "Well I
5 think this is okay. This is not okay," and then we would have
6 something. But let the Friedmans take care of their burden of having
7 to prove and provide sufficient material, as I told you in my letter.

8
9 We did have a site visit. I offered this system to the Friedmans.
10 Their attorney refused. She wanted to have everything in writing
11 before, and I understand very well why. But the idea here is to work
12 together, but since my claim is that they already have a much better
13 view than they had when they purchased the property, whatever
14 more they're asking for would be better than what they ever had. In
15 '86 and now. That's all I'm saying.

16
17 GC: Okay. Thank you. And Mary Lee needs to leave early but she
18 wanted to make a few comments beforehand.

19
20 NB: I'd like to present a picture. Of course I was not going around in the
21 '80s taking pictures of the house, heights of trees or anything like
22 that. I have no idea of the need to do things like that. But I do have
23 a picture of the deck of 230 Glen Drive. It's an old Polaroid from
24 1981. And between '81 and '86 none of those trees were cut deeply.
25 And I'd like to show it. I will to show it to you.

26
27 GC: Okay. Mary Lee, would you like to make some comments?

28
29 MLB: Yes. I believe, first of all, one party wants their privacy and you
30 would like a view or a filtered view. There has to be a compromise,
31 or there should be a compromise if you want to remain as neighbors.
32 I don't think it's unrealistic to ask for a mutual arborist selected by
33 both parties and a prior tagging of limbs agreeable by both parties.
34 So that's my conclusion about what's occurred tonight to clean up the
35 trees a bit mutually, protect your privacy and give you some view
36 that's not greater than is possible. Thank you.

37
38 GC: Let me see that picture. Alright. Let me check with members if there
39 are any open – any further discussion around this? We can take a
40 few more comments. Yes?

41
42 WL: I have to go along with Mary Lee's suggestion. They got to get
43 together some way or another and the way that we've done it in the
44 past is what Grant said, and it worked fairly well! So my suggestion
45 is go along with what Mary Lee says here.
46

1 NB: Excuse me. I'd like to add one more thing because we're dealing
2 here in a legal situation with the guidance of an ordinance in the city
3 of Sausalito. I would very much like to write the – I have done that
4 several times. Mr. Reich has been at the property last time. None of
5 the other Tree Committee members have visited 230 Glen Drive or
6 have been inside of the house. The standards of resolution say, "The
7 Tree Committee shall, as a group, inspect the premises of both
8 claimant's and the tree owner." And before the committee actually
9 makes a decision, one way or the other, I think it would only be fair to
10 have the Tree Committee members come to the 230 Glen Drive. I
11 need to give my tenants 24 hour notice. They would be very happy
12 to have the members as a group come over. I think it would be a
13 good thing that the Tree Committee members see the situation
14 before making a decision. And I'm just asking for that as well as
15 considering the fact that no proof of a view has been presented.
16 Thank you.

17

18 RR: Thank you, just stay there just a minute. Thank you very much for
19 your comments. Each one of us has seen the property, not
20 necessarily from inside your homes – I've seen it from inside your
21 home – but this is not a difficult issue to evaluate. We don't have to
22 go climbing trees or go into homes. We just simply don't have to do
23 that.

24

25 NB: Okay.

26

27 RR: This is – it is very clear what the problem is here with the tree, or
28 trees. And it's difficult.

29

30 One of the issues here is the safety of the neighborhood. That's a
31 huge issue.

32

33 NB: Yes.

34

35 RR: These are very flammable trees. All of these are. More so than
36 many other trees in the area, and they just grow like crazy! So those
37 are important issues and my personal feeling is that it's less a matter,
38 an issue, of the view that somebody originally had – which can't
39 possibly be documented, you know that. So...

40

41 NB: Well perhaps...

42

43 RR: I come down on the side of getting sides together without an arborist,
44 or with an arborist, or with two arborists if you need them – but some
45 form of mediation needs to occur. Some form of mediation needs to

1 occur here and some form of agreeing. I sense that you just don't
2 want to agree, am I wrong about that?
3
4 NB: That is totally wrong.
5
6 RR: Oh I'm so glad to hear that.
7
8 NB: Yeah, I think really that I have proved over four years that I have
9 wanted to have the people come to the site with my arborist, climb
10 the tree and just get it over with.
11
12 RR: How about with their arborist?
13
14 NB: No.
15
16 RR: Okay, thank you very much.
17
18 NB: No.
19
20 GC: So can I just ask the arborist...
21
22 NB: No. That is not the way. That is not the way it is customarily done in
23 Sausalito.
24
25 RR: Thank you. Thank you very much.
26
27 GC: Can I just ask the arborist a question, if you don't mind? I'm sorry I
28 forget your first name.
29
30 RL: My name is Ray Legget.
31
32 GC: Okay, thank you. So in your opinion in discussing with your clients,
33 how much – I don't know if you can summarize this easily but looking
34 at the pictures to me it looks like in a lot of the windows a reasonable
35 view would be attained with relatively small amount of trimming.
36 There are equally branches that have grown into this area that have
37 not been there since 1986 because of the rate of the growth of these
38 trees. So I'm just trying to get a sense of – have you discussed with
39 Ms. Back how many branches or how much sort of board feet would
40 have to come off to approach a reasonable view. Because you can
41 also see from her perspective if you – no one's suggesting this, but if
42 you go to extremes – if you clear cut the area they're going to get a
43 better view than they have now also. So I'm just trying to find, again
44 in the spirit of bringing people together, how do you actually sort of
45 quantify how much would actually need to come off in order to meet

1 your clients' hopes and expectations that also Ms. Back could maybe
2 live with?
3
4 RL: First of all, just so you understand, I haven't had any discussions or
5 meeting with Ms. Back.
6
7 GC: Yeah I know. I'm just talking from your perspective and maybe the
8 owners can feel free to add anything that you can't at this point
9 because maybe you haven't had those specific conversations.
10
11 RL: Okay. I have had a limited amount of exposure to all of these
12 dynamics that are going on today. In any case, you're assessment of
13 a lot of branches being much younger than circa 1986 is accurate, in
14 my opinion. A lot of that foliage and those branches have grown
15 much more recently. There is along the view plane an intrusion of a
16 lot of foliage. I think that's clear. You don't have to be even
17 necessarily an arborist, apparently, to figure that out because you
18 certainly did. It's very difficult to quantify from only the perspective of
19 the Friedmans' property what's on the Back property. I haven't been
20 given access to that property to evaluate trees.
21
22 GC: I see. Okay.
23
24 RL: My sense of it is a lot of small, relatively young branches, can be
25 trimmed to accomplish the task at hand.
26
27 GC: Okay.
28
29 RL: I think it is wise advice to get people together in advance. It's
30 probably also useful to have some photoshopped, marked up
31 diagrams or – using photo images or photoshop – indicating where
32 the cuts maybe need to occur. Flagging can be used as well, like
33 you suggested. Maybe having two arborist involved because maybe
34 the dialogue isn't happening and the arborists could talk as peers.
35
36 RR: You've seen these trees. Would it be your recommendation that
37 these things be trimmed fairly aggressively?
38
39 RL: Well I don't think that aggressive trimming is necessarily what needs
40 to occur to meet the Friedmans' view improvement. It seems to be
41 fairly modest pruning, and pruning associated with old pruning cuts
42 on the acacias. You can see in fact in one of those images, in one of
43 the photos I took today, that there is an old top. There is a dog-leg
44 with re-growth above that and that is an old topping cut and that is
45 evidence of what would've been a historic view plane.
46

1 GC: So – thank you. I'm trying again to figure out how to bring people to
2 make this happen. You had one comment and then, Ms. Back.
3
4 NB: I don't even have to allow Mr. Legget.
5
6 GC: If you could just allow – and then we can take your comment
7 because we need to keep it...
8
9 DL: I certainly agree that the ideal situation would be to have the two
10 neighbors informally agree what needs to be done. Unfortunately in
11 this case this has not happened and it's – we've tried to get that to
12 happen in the past and it hasn't. I do think it's important to have it be
13 done professionally and to have two arborist perhaps (if they cannot
14 agree on a mutually agreeable arborist) to look at the trees from both
15 a health and a view standpoint, because a lot of other issues have
16 been raised and I can tell that you're concerned about the other
17 issues. The fire safety as well as the view in this case. I would think
18 that the home owner would be concerned about that as well. I know
19 that she has in the past had some informal arrangement where they
20 had some tree trimmer go up the tree and the neighbors say, "Oh, cut
21 here, cut here." I personally have never been involved in anything
22 like that as an attorney when I've worked in a lot of these types of
23 situations with neighbors disputing trees and view in other
24 communities. What does typically happen is you do agree ahead of
25 time with either one arborist that you both agree on or, if you can't,
26 the two of them together who do talk as peers. They come up with a
27 plan – working with both of the home owners, going to both houses
28 and working with them and making sure that that plan has a
29 maintenance component to it so that you have a tree maintenance
30 plan that can be done over the years. Both for the health of trees
31 and safety and for the view, if that's the issue. I also want to make
32 sure that whoever does the trimming on the trees is a licensed
33 arborist, has insurance and is not some tree trimmer – informal tree
34 trimmer. By law a person who cuts trees has to be licensed – a
35 licensed arborist. I was a little concerned that Ms. Back was talking
36 about a tree trimmer as opposed to a licensed arborist.
37
38 GC: So I think, and I know I speak for the other committee member, we
39 would not recommend anything but a licensed arborist to do this.
40 Obviously, we're on the Trees and Views Committee, we love and
41 respect trees and want to make sure that their health and safety is
42 also maintained while also respecting the need to restore views
43 within a reasonable range. So thank you for your comments, but I
44 think we're all on board there.
45
46 I just want, I think – Ms. Back, did you have a comment to make?

1
2 NB: My Polaroid is there?
3
4 GC: Your Polaroid is here.
5
6 NB: ?
7
8 RR: You didn't bring that up.
9
10 GC: So, did you have a comment to make? Because we are now – I think
11 – I certainly feel like I have enough information on the case at this
12 point so I only ask if people want to comment on anything else. Have
13 any questions?
14
15 Ms. Back, yes, okay, but please keep your remarks brief because I
16 think at this point the committee is moving towards making a
17 decision.
18
19 NB: When I answered, you know, that I would not be willing to have
20 anybody else but my arborist do the actual trimming I said that I
21 would be very happy – curiously, I called Mr. Legget because I didn't
22 know who he was at the time in Paris. When I received the tree
23 report I called him from Paris not knowing that he was the one that
24 had prepared the report for the Friedmans. I explained my story, I
25 said, "I need somebody to come and help me with the trees." When I
26 sent him the contract I got no response. And then I found out,
27 because the only report that I received in Paris was an abridged
28 report, that I had spoken to him about the whole story about the trees
29 and he was actually the arborist of the other party. So in total candor
30 I had contacted him and then he said, I never heard back from him,
31 and then I understood that there was a conflict of interest – that he
32 could not actually do it.
33
34 GC: Yeah.
35
36 NB: So I had previously spoken to him.
37
38 GC: Thank you for
39
40 NB: So I just wanted to say that of course I think that this is a very good
41 idea – that the Friedmans should propose, as Mr. Legget says, to
42 present a photoshopped view of what they propose to do. And that
43 does not mean that I agree to the fact that they had a view in 1986,
44 because you have pictures in there dating from 1987, which is one
45 year after the Friedmans purchased the property that show the

1 eucalyptus trees are higher than my roof and therefore higher than
2 their roofs. So they were there. They were always there.

3
4 GC: Thank you for that. After hearing the discussions and the pictures
5 and the evidence, I would like to move that the Tree Committee make
6 a recommendation that the two opposing parties agree on a single, if
7 they can agree on it, a single arborist – license arborist - and if not,
8 two arborists each representing either party, to meet in a respectful
9 manner and timely manner and actually make ties around the
10 proposed cuts – either in real, physical time or else using a model.
11 Perhaps based on the model of the trees and doing photoshop and
12 so forth. And that both sides are reasonable in respecting the privacy
13 of the home owner and also the need to do some cutting. Which in
14 my view is – I think there could be minimal cutting, certainly minimal
15 damage to the trees, and the home owners would provide, would be
16 provided, with a much improved view.

17
18 So I'd like to propose that that be done and then the process of
19 trimming proceed based on the mutually agreed upon ties and cuts
20 that either are physically represented on the trees themselves, or in a
21 virtual way. Any amendments or concerns? That was a rather
22 verbose and not very eloquent motion, but is there any amendment?
23

24 WL: If that's the motion which I think it is, I second it.

25
26 RR: Okay. Can we make – I'd like to add a timely caveat to that.

27
28 GC: I said timely, would you like to -

29
30 RR: Within 30 days.

31
32 GC: Within 30 days? That sounds good. Okay, I like that. This is now
33 the committee so we don't have now the public comments. I think
34 that if it needs to be done in 30 days, and certainly it can be done in
35 that amount of time. Within 30 days means you guys could start on it
36 tonight. So, I think that that's reasonable. And I just hope – you
37 seconded the motion? So, shall we vote on it? All in favor? Aye.

38
39 RR: Aye.

40
41 WL: Aye.

42
43 GC: Great. Thank you. And I just think, in closing remarks, I really hope
44 that this can be done in a mature and responsible way. Sometimes
45 these cases come back to us, even after we've gone to this point, so
46 I just ask that people – and it's going to take compromise on both

1 sides. So I hope, again in the spirit of getting on the back of your
2 porch and talking to your neighbor, it can be done. So, thank you for
3 your time and effort and we look forward to hearing that this was
4 successfully resolved.
5

6 Any other comments or agenda items? Okay, we'll adjourn the
7 meeting.
8

9 RR: Thank you.

10
11 GC: Thank you.
12
13
14

15
16 Submitted by _____ Approved by _____
17 Jeremy Graves, AICP
18 Community Development Director Trees and Views Committee Member
19
20
21

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