

STAFF REPORT

TREES AND VIEWS COMMITTEE

Project Back View Claim / 230 Glen Drive
View Claim TRP 10-170

Public Hearing Date October 7, 2010

Staff Alison Thornberry, Assistant Planner



REQUEST

Approve the resolution for the Fact Finding and Advisory Decision for the restoration of a water view for 230 Glen Drive.

PROJECT INFORMATION

**Claimant(s)/
Address** Nicole Back, representing D. Duncan Trust
230 Glen Drive (APN 065-141-09)

**Tree Owner(s)/
Address** Richard Dodder Jr. and Suzanne Lempke
240 Glen Drive (APN 065-141-44)

Authority Section 10.12.040.B.4 of the Municipal Code authorizes the Trees and Views Committee to make a Fact Finding and Advisory Decision regarding view claims.

**Environmental
Review** The subject application is categorically exempt from the California Environmental Quality Act (CEQA), in accordance with Section 15301 of the CEQA Guidelines.

PROJECT BACKGROUND AND DESCRIPTION

At the September 13, 2010 Trees and Views Committee made a Fact Finding and Advisory Decision that three California Bay trees located on the property at 240 Glen Drive be trimmed and reduced back to their historic height in order to restore the historic water views from the property located at 230 Glen Drive.

Staff has prepared a draft Resolution for the Committee to review and approval. Although not discussed at the previous meeting, Staff has included in the Findings in the attached Draft Resolution that the allocation of cost would be to the claimant, Nicole Back (see **Exhibit A, Attachment 1**). If the Committee would like, there are other options for the allocation of cost. There are three options, including;

1. The tree owners at 240 Glen Drive are to pay the full cost of the tree trimming for view restoration; or
2. The claimant at 230 Glen Drive is to pay the full cost of the tree trimming for view restoration; or
3. The cost of the trimming for the view restoration can be divided between the tree owner and the claimant. The percentages to be paid by each is to be determined by the Trees and View Committee.

In addition to the information regarding the allocation of costs, Staff has also included two Conditions of Approval. One Condition is in regards to the timing of the tree trimming (see **Exhibit A, Attachment 2**). Condition of Approval 1 states, "Within thirty (30) days of the date of any final agreement, the Tree Owner shall obtain at least three bids for the prescribed work from a Certified Arborist and shall present all bids to the Claimant."

The second Condition of Approval involves the maintenance of the tree's trimming and pruning (see **Exhibit A, Attachment 2**). Condition 4 states in part, "The Tree Owner shall conduct regular trimming and pruning of the California Bay trees at least every two years in order to maintain the crown at the previously-established topping cuts created by prior pruning cycles."

The Committee has the ability to approve these Findings and Conditions of Approval, modify them, or delete them.

RECOMMENDATION

Staff recommends the Trees and Views Committee take the following actions regarding the attached resolution to reduce the height of three California Bay trees located at 240 Glen Drive, in order to restore the historic water views for the property located at 230 Glen Drive:

- Review the Draft Resolution; and
- Make any appropriate modifications; and
- Approve the Resolution.

Alternatively, the Trees and Views Committee may:

- Continue the item for additional information and/or project revisions; or
- Modify the Fact Finding and Advisory Decision and direct Staff to return with a modified Resolution.

EXHIBIT

A. DRAFT Resolution

I:\CDD\PROJECTS - ADDRESS\G\Glen Drive 230\TR 10-170\TVCSR 10-07-10 FINAL

**SAUSALITO TREES AND VIEWS COMMITTEE
RESOLUTION NO. 2010-XX**

**FACT FINDING AND ADVISORY DECISION FOR RESTORATION OF A WATER
VIEW FOR 230 GLEN DRIVE (TRP 10-170)**

WHEREAS, on July 7, 2010 an application was filed by the Claimant Nicole Back representing the D. Duncan Trust, requesting the Trees and Views Committee to make a Fact Finding and Advisory Decision on restoration of a water view from 230 Glen Drive ((APN 065-141-09) that entails the crown reduction of three California Bay trees (*Umbellularia California*) located on property owned by Tree Owners Richard Dodder and Suzanne Lempke at 240 Glen Drive. (APN 065-141-44); and

WHEREAS, the Trees and Views Committee conducted a site visit on September 10, 2010; and

WHEREAS, the Trees and Views Committee conducted a duly-noticed public hearing on September 13, 2010, at which time all interested persons were given an opportunity to be heard; and

WHEREAS, the Tree Owners did not attend the public hearing on September 13, 2010 or submit any materials; and

WHEREAS, the Trees and Views Committee reviewed and considered the claim and materials submitted by the Claimant, date stamped July 7, 2010; and

WHEREAS, the Trees and Views Committee considered all oral and written testimony on the subject application; and

WHEREAS, the Trees and Views Committee reviewed and considered the information contained in the staff reports dated September 13, 2010 and October 7, 2010 for the claim; and

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

NOW, THEREFORE, THE TREES AND VIEWS COMMITTEE HEREBY RESOLVES:

SECTION 1. The three California Bay trees (*Umbellularia California*) located on the Tree Owner's property at 240 Glen Drive shall be trimmed by reducing the crown to the previously-established topping cuts created by prior pruning cycles.

SECTION 2. This decision is based upon the Findings provided in Attachment 1 and subject to the conditions of approval provided in Attachment 2.

RESOLUTION PASSED AND ADOPTED, at the regular meeting of the Sausalito Trees and Views Committee on the __ day of _____, 20__, by the following vote:

AYES: Committee Member:
NOES: Committee Member:
ABSENT: Committee Member:
ABSTAIN: Committee Member:

Jeremy Graves, AICP
Community Development Director

ATTACHMENTS

- 1- Findings
- 2- Conditions of Approval

I:\CDD\PROJECTS - ADDRESS\Glen Drive 230\TR 10-170 \TVCRESO 10-07-10

TREES AND VIEWS COMMITTEE RESOLUTION

October 7, 2010

TRP 10-170

230 Glen Drive

ATTACHMENT 1: FINDINGS

In accordance with Municipal Code Section 11.12.040.B.4, the Trees and Views Committee makes the following findings with respect to the view claim of 230 Glen Drive regarding the trees located at 240 Glen Drive.

11.12.040.C.3 Standards for Resolution of Claims

a. Character of View.

The view being sought is an unobstructed view of Richardsons Bay, Belvedere, and Pelican Harbor from the following vantage points at 230 Glen Drive:

- *The upper floor open living space and the now partially-enclosed deck;*
- *The lower floor northeast bedroom; and*
- *The master bathroom.*

The Claimant's interest in the property at 230 Glen Drive was acquired in 1951. The existence of the water view from 230 Glen Drive is supported by historical photographs. The Claimant has provided the following materials regarding prior tree trimming for retention of a water view:

- *Correspondence to and from the then-property owner of 69 Cazneau Avenue (one of the subject California Bay Trees located on 240 Glen Drive is located on property which was transferred from 69 Cazneau Avenue to 240 Glen Drive by a lot line adjustment in 1999);*
- *Correspondence to the then- and current property owners of 240 Glen Drive; and*
- *A 1981 City of Sausalito Trees and Views Committee permit.*

b. Character of View Obstruction

The subject trees obstruct 30 and 50 percent of the water views from standing and sitting positions, respectively, on the upper floor of the residence. The trees obstruct 90 percent and 100 percent of the water views from the northeast bedroom and master bathroom, respectively, on the lower floor of the residence. This amount of view obstruction has a negative impact on the beneficial use, economic value and enjoyment of the Claimant's property.

c. Extent of Benefits and/or Burdens Derived from the Growth.

The privacy benefits provided to the Tree Owners by California Bay Tree Numbers 1, 2 and 3 appear to be minimal. California Bay Tree Number 4 provides some window to window screening for 240 Glen Drive. When in season, the Red Leaf Plum tree provides screening between the two properties.

The burdens to the residence at 230 Glen Drive include obstruction of water views as described in "Section b" above

d. Appropriate Restorative Actions

Pruning and crown reduction of California Bay Trees Numbers 1, 2 and 3 on 240 Glen Drive is the appropriate restorative action. The crown shall be reduced to the

previously-established topping cuts created by prior pruning cycles. The Claimant's arborist report prepared by Certified Arborist Ted Kipping of Tree Shapers, Inc. notes that the California Bay Trees Numbers 1, 2 and 3. are fast growing trees and fully capable of continuing to sustain regular view maintenance pruning. No opposing opinion was submitted by a Certified Arborist. Tree removal is not necessary.

e. Factors Determining Restorative Action

The pruning and crown reduction of the three California Bay trees to their historic height would restore the water views for the Claimant at 230 Glen Drive, while not significant diminishing the privacy of the Tree Owners at 240 Glen Drive due to the factors stated in "Section d" above.

The claimant at 230 Glen Drive shall pay the full cost of the pruning and crown reduction of the three California Bay trees.

TREES AND VIEWS COMMITTEE RESOLUTION

October 7, 2010

TRP 10-170

230 Glen Drive

ATTACHMENT 2: CONDITIONS OF APPROVAL

1. Within thirty (30) days of the date of any final agreement, the Tree Owner shall obtain at least three bids for the prescribed work from a Certified Arborist and shall present all bids to the Claimant.
2. The Tree Owner will, at his sole discretion, select the company by which he wishes the work to be done. The Tree Owner shall pay the difference, if any, between the lowest bid and the bid amount of the selected company.
3. The authorized work shall be performed under the daily supervision of a Certified Arborist under the sole direction of the Tree Owner.
4. The Tree Owner shall conduct regular trimming and pruning of the California Bay trees at least every two years in order to maintain the crown at the previously-established topping cuts created by prior pruning cycles. This ongoing work shall be conducted in accordance with these conditions of approval.
5. The Tree Owner shall install a 24-inch deep, solid root barrier between the newly-planted bamboo trees and the Claimant's property. The barrier shall extend at least two feet beyond the crown of the bamboo trees.

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. An encroachment permit shall be obtained from the Department of Public Works prior to use of the public right-of-way for non-public purposes (e.g., materials storage, debris box storage) including any and all tree removal activities.
2. 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 – Prohibited
City holidays (not including Sundays) – Between 9:00 a.m. and 7:00 p.m.

I:\CDD\PROJECTS - ADDRESS\Glen Drive 230\TR 10-170 \TVCRESO 10-07-10

BLANK