


# STAFF REPORT

## SAUSALITO TREES AND VIEWS COMMITTEE

**Project** Matschullat Residence / 77 Harrison Avenue  
Tree Removal Permit  
TRP 10-339

**Meeting Date** November 4, 2010

**Staff** Alison Thornberry, Assistant Planner 

### REQUEST

Approval of a **Tree Removal Permit** to allow the removal of one Coast Live Oak tree at 77 Harrison Avenue.

### PROJECT INFORMATION

**Applicant** Robert Danzinger

**Owners** Robert Matschullat

**Location/Size** 77 Harrison Avenue; APN 065-123-10  
31,710 Square Feet (see **Exhibit A** for vicinity map)

**Authority** Municipal Code Section 11.12.030.A.2.b authorizes the Trees and Views Committee to review and act upon Tree Removal and Alteration Permits regarding protected trees on private developed property

**Environmental Review** Issuance of Tree Removal and Alteration Permits is categorically exempt from the California Environmental Quality Act (CEQA), in accordance with Section 15301 of the CEQA Guidelines.

### PROJECT DESCRIPTION

The applicant has submitted an application for the removal of one Coast Live Oak tree located on the property at 77 Harrison Avenue.

An Arborist Report was prepared on October 19, 2010 by Certified Arborist, Louis B. Brunn, to assess the health, structural condition, and suitability for preservation of a Coast Live Oak (*Quercus Argifolia*) that is located near construction activity where a retaining wall to support the home's front deck, was recently replaced.

The Arborist's report identifies the following attributes regarding the tree proposed for removal (see **Exhibit B** for full report):

- The tree is a Coast Live Oak that is 38 inches in circumference, 12.1 inches in diameter and approximately 30 feet in height;
- There is no appraisal value for the declining and diseased tree;
- The tree is declining with sparse foliage;
- There is extensive decay at the tree's base with large sections of bark dead and falling off;
- The extensive decay has impacted more than 30 percent of the circumference of the tree, and it is a threat to falling into the street.

- There are 10 other Oak trees in this area of the site, and due to the high number of trees in this site, tree replacement is not recommended by the arborist.

## **PROJECT ANALYSIS**

The required determinations for approval of a Permit to remove a protected tree are as follows (per Section 11.12.030.B):

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 insure 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.

Since the tree is decaying and diseased, with a threat of falling, the removal of the tree is necessary to accomplish objectives a and d.

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 will be replaced by a desirable tree.
  - b. The Tree Committee waives the above requirement based on information provided by the applicant/owner.

Since there are a number of full-size, mature Oak trees located on the subject site, the requirement for a replacement tree may be waived by the Trees and Views Committee per subsection b above.

## **PUBLIC NOTICE AND CORRESPONDENCE**

On October 25, 2010, a notice of this proposal was posted at the front of the subject property, visible to the surrounding neighborhood.

No correspondence has been received on the Tree Removal Permit as of October 27, 2010.

## **RECOMMENDATION**

Staff recommends the Trees and Views Committee approve the attached resolution which makes the required determinations for approval of a tree removal permit to allow removal of the Coast Live Oak on the property located 77 Harrison Avenue (TRP 10-339).

Alternatively, the Trees and Views Committee may:

- Approve the Tree Removal Permit with modification of the determinations;
- Continue consideration of the item for additional information; or
- Deny the Tree Removal Permit and identify one or more of the Findings for Denial listed in Section 11.12.030.B.3 (see **Exhibit C**).

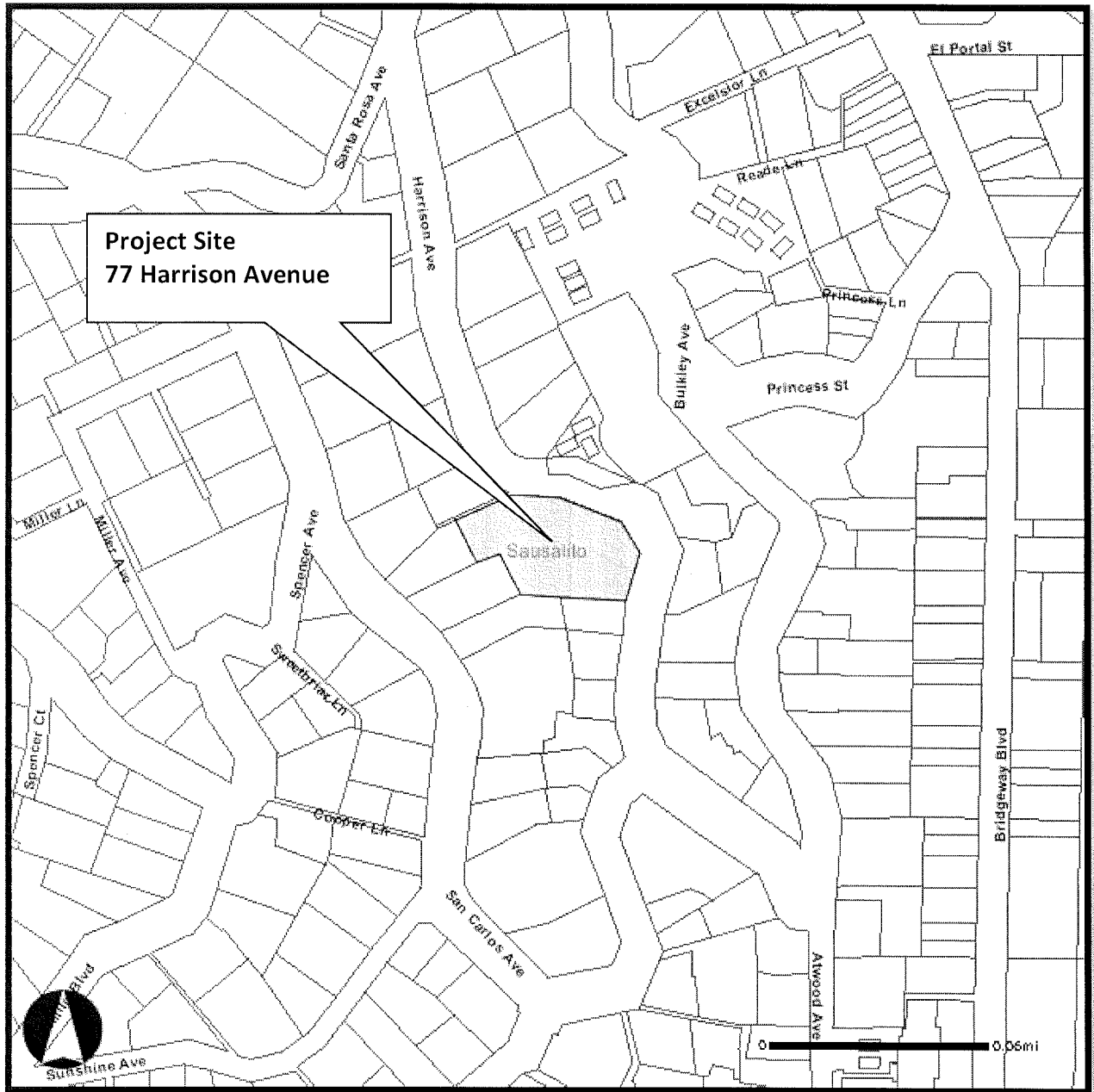
**EXHIBITS**

- A. Vicinity Map
- B. Arborist report and photographs, date stamped October 21, 2010
- C. Criteria for Approval or Denial of Tree Removal Permits
- D. DRAFT Resolution

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# Vicinity Map

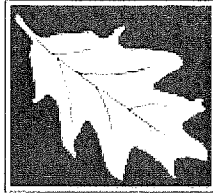


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OCT 21 2010

CITY OF SAUSALITO  
COMMUNITY DEVELOPMENT



Marin County Arborists Inc  
PO Box 2538, San Rafael CA 94912

October 19, 2010

Robert Danzinger  
Plath & Company Inc.  
1575 Francisco Blvd. East  
San Rafael, CA 94901

### Arborist Report

Tree ID: Coast Live Oak (*Quercus agrifolia*) – 38" Circumference, Height 30ft.

Tree Location: 77 Harrison Avenue, Sausalito, CA 94965 (SEE MAP)

No appraisal value for declining, diseased tree.

This tree is declining with sparse foliage, while all other Oaks in the area have full and healthy canopies. There is extensive decay at this trees base with large sections of bark dead and falling off.

The decay has impacted more than 30% of the circumference of this tree. This tree is a threat to falling into the street. There are 10 other Oak trees in this part of the yard that are healthier than this tree.

Years of excessive water on the site has promoted root disease and this tree is suffering. Reducing water in this area will improve the health of all the Oak trees in this area. Due to a high number of trees in this site tree replacement isn't recommended. Removal of this tree will not impact soil stability or increase erosion.

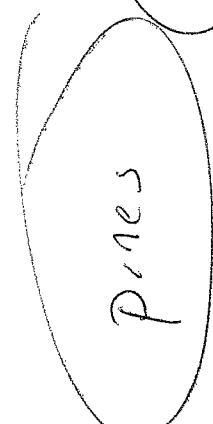
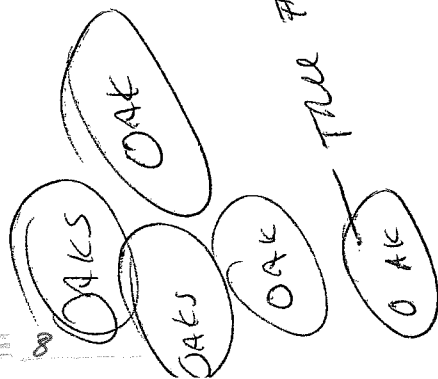
Removal of this tree follows good Forestry practices.

Report completed by:

Louis P. Brunn  
Marin County Arborists, Inc.  
Certified Arborist # 5695

# 77

HARRISON AVE.



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COMMUNITY DEVELOPMENT

ITEM NO.

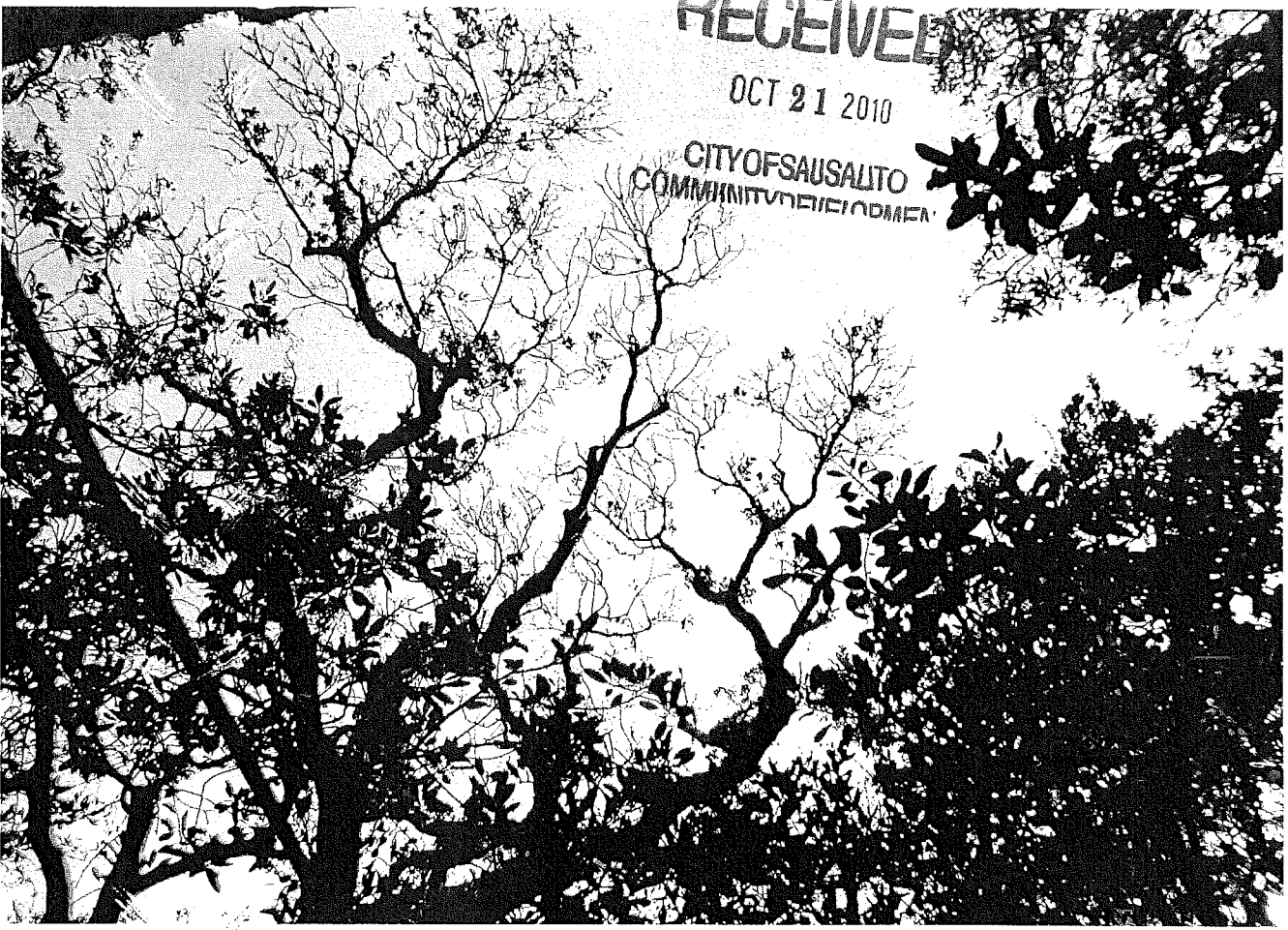
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## Criteria for Approval or Denial of Tree Removal or Alteration Permits Municipal Code Section 11.12.030.B

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 insure 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 will be replaced by a desirable tree.
  - b. The Tree Committee waives the above requirement based on information provided by the applicant/owner.
  
3. A finding of any one of the following is grounds for denial, regardless of the finding in "1." above:
  - a. Removal of a healthy tree of a desired species can be avoided by:
    1. Reasonable redesign of the site plan, prior to construction
    2. a) thinning to reduce density; e.g., "open windows"  
b) shaping to reduce height or spread, using thinning cuts only (drop crotch)  
c) 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 convenience 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.

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

**TREE REMOVAL PERMIT FOR A COAST LIVE OAK TREE  
LOCATED AT 77 HARRISON AVENUE (TRP 10-339)**

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**WHEREAS**, on October 21, 2010 a Tree Removal Permit application was filed by, the applicant, Robert Danzinger, on behalf of the property owner, Robert Matschullat, requesting the removal of one California Live Oak tree located at 77 Harrison Avenue (APN 065-123-10); and

**WHEREAS**, a notice for the application was posted on the Tree Owner's property on October 25, 2010; and

**WHEREAS**, the Trees and Views Committee considered the application at a public meeting on November 4, 2010, at which time all interested persons were given an opportunity to be heard; and

**WHEREAS**, the Trees and Views Committee has reviewed and considered the arborist report and photographs date stamped received October 21, 2010; and

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

**WHEREAS**, the Trees and Views Committee has reviewed and considered the information contained in the staff report dated November 4, 2010 for the Tree Removal Permit; and

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

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

The California Live Oak tree requested for removal located on the Tree Owner's property at 77 Harrison Avenue is approved. This decision is based upon the determinations 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:

Exhibit D  
[2] pages

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Jeremy Graves, AICP  
Community Development Director

ATTACHMENTS

- 1- Findings
- 2- Conditions of Approval

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**TREES AND VIEWS COMMITTEE RESOLUTION**

**November 4, 2010**

**TRP 10-339**

**77 Harrison Avenue**

**ATTACHMENT 1: FINDINGS**

**TREE REMOVAL PERMIT FINDINGS**

In accordance with Municipal Code Section 11.12.030.B, the Trees and Views Committee makes the following findings with respect to the Tree Removal Permit for 77 Harrison Avenue.

**Section 11.12.030.B of the Sausalito Municipal Code**

1. In order to grant a tree removal or alteration is necessary in order to accomplish any one of the following objectives:
  - a. To insure 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.  
*The Coast Live Oak tree has severe decay at the base of the tree which has created the threat of the tree falling over into the street. With this threat, the tree causes a potential hazard to life and property.*
  - b. To pursue good, professional practices of forestry or landscape design.  
*The Arborist Report states that the tree is in severe decay mode and the tree is declining with sparse foliage. There are a number of additional full-size Oak trees in a near vicinity to the tree to be removed, removing the damaged and diseased tree follows good forestry practices.*
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 will be replaced by a desirable tree.
  - b. The Tree Committee waives the above requirement based on information provided by the applicant/owner.  
*Since there is a number of full size, mature trees located on the subject site, a replacement tree is unnecessary for the removal site.*

**TREES AND VIEWS COMMITTEE RESOLUTION**  
**November 4, 2010**  
**TRP 10-339**  
**77 Harrison Avenue**

**ATTACHMENT 2: CONDITIONS OF APPROVAL**

These conditions of approval apply to the Tree Removal Permit submitted on October 21, 2010.

*None*

**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.

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