

SAUSALITO TREES & VIEWS COMMITTEE
Thursday, December 2, 2010
Draft Minutes

Call to Order

Chair Colfax called the meeting to order at 6:30 p.m. in the City Council Chambers of City Hall, 420 Litho Street, Sausalito.

Present: Chair Grant Colfax, Vice Chair Mary Lee Bickford,
Committee Member Betsy Elliott, Committee Member Wingham Liddell,
Absent: Committee Member Ronald Reich
Staff: Community Development Director Jeremy Graves
Assistant Planner Alison Thornberry

Approval of Agenda

Committee Member Liddell moved and Vice Chair Bickford seconded a motion to approve the agenda. The motion passed 4-0.

Approval of Minutes

November 4, 2010

Committee Member Liddell moved and Vice Chair Bickford seconded a motion to approve the Minutes. The motion passed 4-0.

Public Comments

None.

Public Hearings

- 1. TR 10-304, Tree Removal/Alteration Permit, Contreras, 56-58 Rodeo Avenue.** Tree Removal/Alteration Permit to allow the alteration of one Coast Live Oak tree and one Red Cedar tree at 56-58 Rodeo Avenue (APN 064-132-01).

The public hearing was opened. Assistant Planner Thornberry presented the Staff Report.

Committee questions and comments to staff:

- The arborist has suggested topping the Coast Live Oak 60 percent, but the City regulations says that topping total foliage should be limited to no more than 25 percent of the tree. This does not qualify as "feasible tree work," where the first priority is the health and appearance of the tree.
- The arborist also suggested topping the Red Cedar tree 50 percent, again, way over the 25 percent limit. The Red Cedar is a beautiful and perfectly conical tree that is part of that area's landscape.
- The trees in that area have bloomed out in a top-heavy manner, with at least the oak due to the way they were previously trimmed.

- A more practical and advantageous way to approach this, instead of cutting off 60 percent of the tree, which would only expose rooftops and take away from the character of the neighborhood, would be if both trees were trimmed and pruned back so a view is provided.
- Another alternative is cutting a view into the oak tree and possibly doing the same thing to the cedar. *Staff responded the arborist's report indicates the arborist considered it, but decided the trimming method was preferable.*
- How was it determined that there was a prior trimming of the trees that caused the trees to bloom in a top-heavy manner? *Staff responded that this was the arborist's opinion following a site visit.*
- The Red Cedar has come back from the previous trimming to become a beautiful tree. The arborist's view that these trees are weak and ready to fall down is not even close.
- The arborist report states the Red Cedar does not respond well to heavy topping, but it "should" survive.
- Is it possible to have the arborist answer some of the Committee's questions? *Staff responded the applicant and arborist were expected to attend this evening's meeting but are not present. If the Committee has question for the arborist, then the hearing can be continued to the next meeting.*

The public comment period was opened.

City Council Member Carolyn Ford, indicated the following:

- The issue here is that staff does not have its own arborist. In this case it is the applicant's arborist that staff is relying upon. There are different opinions out there and the City needs to contract for its own arborist, who would have the City's interests at heart, to give the Trees & Views Committee a second opinion on tree issues.

Staff comment:

- If, after questioning the applicant's arborist, the Committee is still not comfortable with his recommendation, the Committee could require the applicant to pay for staff to hire a consultant to conduct a peer review of the arborist's work to ensure the arborist explored all options.

The public comment period was closed.

Staff comment:

- One option would be to thin the trees 25 percent, not top them, which would retain the overall form of the trees.

Committee comments:

- The Oak cannot be cut until April to avoid Sudden Oak Death.
- Any windowing of the Red Cedar will destroy the integrity of its shape.
- Cutting 25 percent off the Red Cedar will destroy it, because it is a conical tree. Even 25 percent removal and windowing of the oak is not necessary at this point.

- These trees need to be looked at individually and not just take 25 percent off each. Trees, oaks in particular, can be damaged if 25 percent is removed from the top.
- A Condition of Approval should be added which states, the trees shall be trimmed appropriately to protect their health, but also for the owner to obtain the desired views.

Committee Member Elliott moved and Vice Chair Bickford seconded a motion to approve a Tree Alteration Permit for 56-58 Rodeo Avenue subject to the condition of approval. The motion failed 3-1.

Chair Colfax moved and Committee Member Liddell seconded a motion to direct staff to secure a neutral arborist not associated with a tree trimming service and at the cost of the property owners to recommend to the Trees & Views Committee how to best preserve the health of the trees and their integrity while recognizing the potential need to allow an improved view. The motion passed 4-0.

Old Business

None.

New Business

2. Neighborhood Award and Recognition by Trees & Views Committee

Committee comments:

- This award seeks to restore civil recognition for people who do an outstanding job of maintaining the character of Sausalito's unique foliage.
- The award could be implemented through yearly nominations by the Committee and could be recognized with a plaque and mention in "In The Loop."
- The award date could be set one year from this meeting and then start publishing about it in In The Loop, or through mailings.
- Mary Ann Sears, one of the great leaders of tree preservation in Sausalito recently passed away. The Committee should consider naming the award after her as recognition of her contributions.
- The plaques awarded could be displayed in the homeowner's yard or in the library.
- The homeowners should have their own plaque to display in their yard so people can take note as they walk past, but it would also be nice to have the winners displayed on a plaque in the library, either on a series of smaller plaques or one large one.
- Perhaps a local merchant would agree to contribute the cost of a plaque a year.
- Next spring would be a good time to look at yards and make potential recommendations for the first award.

Staff comments:

- Staff will determine the cost of the different display options and report back to the Committee.

3. Review of Procedures for Trees on Public Property

Committee comments:

- This item is on the agenda because a very large Coast Live Oak tree adjacent to 1 San Carlos was removed with no notice to the Committee or the neighborhood, and no clear plans for planting a substitute tree have been given.
- Although Sudden Oak Death given as justification to remove the tree, the fact that there was no public notification is disturbing when the tree did not present an immediate threat.
- As Sudden Oak Death becomes an increasing concern it is important to know the proper procedures to follow when a tree is suspected of having Sudden Oak Death, for noticing of removal of the tree, what trees will be planted as replacements, and for notifying the neighborhood.
- The decision to remove public trees is made by Public Works. The Committee would like the Director of Public Works to be present at the next Committee meeting to speak about the case of the oak tree on San Carlos.
- It is an excellent idea to have protocol set in place with scientific basis as justification to cut trees down, and have a professional arborist in place to address the issue.
- The Committee should not be faced with a tree that has already been cut down. The Committee should be noticed that Public Works is concerned about a tree and the Committee should then look at the tree.

Staff comment:

- Chapter 17.28.010 of the Municipal Code, an excerpt from the Title 17, Streets, Sidewalks, and Public Places section of the Municipal Code states, "The City Engineer shall have supervision over all matters relating to trees, bushes, and shrubs now or hereafter planted in, along, or on public streets, lanes, ways, sidewalks, walkways, and other public areas, and also over all matters relating to trees, bushes, or shrubs encroaching on or overhanging public areas or which may hereafter encroaching on or overhanging such areas." The City Engineer is in the Public Works Department and it is under this provision that the oak tree in the public right-of-way was removed.

Committee question to staff:

- How did Public Works determine that the oak tree at San Carlos had Sudden Oak Death? *Staff responded they contracted with an arborist who made that diagnosis after inspecting the tree and recommended its removal.*

Committee comments:

- The Committee's goal in trying to modify the process is to provide transparency in these matters. The regulation provided by staff speaks of supervision, but it does not state that person has actual approval of the process.
- If the Committee cannot at least weigh in on the removal of trees, the existence of the Committee is questionable.

1 Staff comments:

- 2 • The oak tree at San Carlos was dedicated by the Women's Club. Clause
3 17.28.090 of the tree regulations, Work on Selected and Dedicated Trees
4 Unlawful without Permit states, "It is unlawful for any person, firm, or
5 corporation to cut, prune, or remove any tree selected and dedicated by the
6 Sausalito Women's Club or the City of Sausalito unless and until a permit to do
7 so has been approved by the Trees and Views Committee of the City of
8 Sausalito." The Public Works Director indicated he was not aware of this
9 clause at the time he ordered the oak tree removed; it was an oversight on his
10 part.
11 • The oak tree should have come to the Committee for a permit, but only
12 because it was a dedicated tree. There are many large trees in the public right-
13 of-way that are not dedicated, in which case only the original provisions
14 regarding the City Engineer's supervision of the trees would apply.
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16 Committee comments:

- 17 • It is alarming that Public Works is removing trees without being aware of the
18 procedures in place.
19 • There should be a plan as to what tree and how large will be replanted in place
20 of the oak tree on.
21 • The Committee has no power because it has no tools to work with in respect to
22 fines to create disincentive.
23 • There are very clear procedures here. If there is no reinforcement of these
24 written regulations, then the Committee needs to address that.
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27 Comments by City Council Member Carolyn Ford:

- 28 • The City has violated its own ordinance and should be held accountable.
29 • The situation with the removal of the oak tree on San Carlos happened
30 because the City does not have an arborist on staff.
31 • The City should take every step to replace the oak tree with another sizable
32 tree.
33 • The City should be penalized in some way for removing the oak tree without a
34 permit.
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37 Committee comments:

- 38 • The Committee should ask arborist Ed Gurka and experts from Berkeley or
39 Davis to give talks to educate the Committee and the public regarding Sudden
40 Oak Death.
41 • The Committee does not want the issue to only be about the one oak tree. The
42 questions are what does the City do without an arborist on staff, and what does
43 the City do about Sudden Oak Death?
44

45 Committee recommendation to staff:

- 46 • The Committee recommends that an arborist be consulted with regard to what
47 type of sizable tree should be planted to replace the oak tree that was
48 removed. If not another Live Oak, the tree should be as large as possible and
49 grows rapidly, be ornamental, and proper with regard to the overall community.
50 The arborist's recommendation should be brought back to the Committee.

- The Director of Public Works should come before the Committee to addresses the issue regarding the removal of the oak on San Carlos, as well as discuss the general procedures for removing trees on public land.

Staff comments:

- The Director of Public Works, the Director of Community Development, and the City Attorney will be preparing written guidelines for addressing trees on public property. There are presently no written guidelines.
- The Director of Public Works will be provide a monthly written report to the Trees & Views Committee of the activities of the Public Works in the past month, or any foreseeable ones coming in the future month, regarding maintenance of trees in public areas.
- The Director of Public Works is preparing an inventory of City trees and will present it to the Trees & Views Committee to improve maintenance of City trees.

Committee questions to staff:

- Will the Director of Public Works' monthly report include what trees would potentially be removed for the next month? *Staff responded that is the expectation.*
- Can the Committee be notified of any tree removal on public property in advance? *Staff responded it does not have the authority to require the Director of Public Works to do that. The Director of Public Works operates under the authority of Section 17.28.010. If he feels it is an emergency situation and a tree or trees need to be removed, there is no notice requirement.*
- Right now if a tree is not dedicated by the Women's Club or the City, can Public Works could remove that tree without any public notice or permit? *Staff responded that is correct, but the Committee can make recommendations on how the wording of the Trees & Views regulations should be amended.*

Comment by City Council Member Ford:

- The trees that have been dedicated by the Women's Club and the City have not been reviewed in a long time. The Committee should consider asking for a review of the City's dedicated trees along with the inventory, and also determine if there are any other trees that might qualify to be dedicated trees, as that has not been reviewed in several years.

Communications

Staff Communications

- Staff has received notification from the attorney representing Nicole Back that she has filed papers in court to move forward with enforcement of the Committee's recommendations on the Glen Drive project.

Adjournment

The meeting was adjourned at 8:25 p.m.

Submitted by
Jeremy Graves, AICP
Community Development Director

Approved by
Grant Colfax
Chair

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