

# STAFF REPORT

## SAUSALITO TREES AND VIEWS COMMITTEE

**Project** Hothem Tree / 122 San Carlos Avenue  
Tree Removal Permit  
TRP 11-185

**Meeting Date** July 7, 2011

**Staff** Alison Thornberry, Assistant Planner 

### REQUEST

Approval of a **Tree Removal Permit** to allow the removal of one Coast Live Oak located on the front of the property at 122 San Carlos Avenue.

### PROJECT INFORMATION

**Applicant** Kristi Swift, Swift Tree Care

**Owner** Carol Hothem

**Location** 122 San Carlos Avenue (APN 065-123-07) (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 on behalf of the property owner for the removal of Coast Live Oak (*Quercus agrifolia*) located at the front of the property at 122 San Carlos Avenue.

The applicant's Arborist Report was prepared on May 26, 2011 by Certified Arborist, Craig Swift, to assess the health, structural condition, and suitability for preservation of Coast Live Oak that is located on the property at 122 San Carlos Avenue.

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

- The tree is growing in a retaining wall/planter in the front yard of 122 San Carlos Avenue.
- The tree is bifurcated and approximately 40 inches in diameter on both spars.
- The tree is growing over the street and garage and has grown into a utility pole next to the tree.
- The tree has no economic value and its current hazardous condition creates a liability to the property owner.
- The root crown of the tree shows signs of severe root rot and Sudden Oak Death.
- Due to repetitive cut backs, for views, the tree has developed numerous cavities.
- The tree is considered to be hazardous and immediate removal is recommended, the root system may collapse at any time.

This tree removal application originally came to the City as an Emergency Tree Removal Permit. Per Section, 11.12.030.F of the Sausalito Municipal Code the Public Works Department hired an outside arborist to inspect the trees requested for removal. This tree was inspected by the City's arborist provided

by the Public Works Department, Juan Ochoa of Bartlett Tree Experts. The Bartlett Tree Experts deemed the tree a non-emergency and is presented to the Committee for consideration.

The City's Arborist Report was prepared on June 13, 2011 by Certified Arborist, Juan Ochoa, with the objective to evaluate the current safety and health condition of Coast Live Oak located on the property at 122 San Carlos Avenue.

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

- The tree is in fair health condition due to past severe topping of the crown and limited root space.
- One of the major limbs hangs over San Carlos Avenue and is showing signs of decline. The limb is thin, with small discolored foliage and decay close to the point of attachment to the main trunk.
- The remaining of the crown is full with green leaves of normal size.
- The right limb that hangs over the garage building has a large pocket of decay and represents a hazard, this limb should be removed or cabled to eliminate the risk of branch failure.
- The root collar of the tree is buried and should be excavated to allow for inspection of insect and disease infestation, to detect the presence of girdling roots and to promote plant health. The roots should be sampled and tested for Phytophthora root rot before the decision is made as to whether or not the tree be removed.

Due to the recommendation by the City's Arborist Juan Ochoa, staff recommends the applicant retain a Certified Arborist to excavated the root collar of the tree and test the roots for Phytophthora root rot, to determine possibility for preservation. A Condition of Approval has been included that states:

"Prior to the removal of the Coast Live Oak, the applicant shall obtain a Certified Arborist, who is not affiliated with a tree maintenance company conducting any tree maintenance or removal activities on the site, to excavate the root collar of the tree and test the roots for Phytophthora root rot. The analysis of this test shall state any and all findings regarding the test, the arborist's conclusion, and recommendations for preservation. The test and analysis shall be submitted to the Community Development Department for review. If the tree's condition is not hazardous, the applicant may remove the limb hanging over San Carlos Avenue, and may remove the limb or cable the limb hanging over the garage, in order to avoid any potential limb failure. Removal of the tree would be subject to additional review of the Trees and Views Committee" (see **Exhibit E, Attachment 2**).

## **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.

*The tree has decay and root rot at the base and leans toward the garage and street. The tree is a potential hazard to life and property because of its proximity to existing structures and public streets. Removal of this tree is necessary to accomplish **Objective a** listed above.*

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.

*The applicant has stated that they plan to grind the stump and replace the tree with a suitable landscape specimen. Staff has created a condition that the replacement tree shall be in a 36-inch box container of desirable species, to be determined by the property owner, and shall be planted in a location to be determined by the property owner. The replacement tree shall be planted within 60 days of tree removal, thus satisfying **Objective a** listed above.*

## **CONCLUSION**

The root rot test and analysis shall be submitted to the Community Development Department for review.

- 1) If the tree is deemed hazardous and in danger of falling;
  - (a) The tree may be removed.
- 2) If the tree's condition is not hazardous;
  - (a) The applicant may remove the limb hanging over San Carlos Avenue, and may remove or cable the limb hanging over the garage, in order to avoid any potential limb failure; and
  - (b) Removal of the tree would be subject to additional review of the Trees and Views Committee

## **PUBLIC NOTICE AND CORRESPONDENCE**

On June 29, 2011, a notice of this proposal was posted at the front of the subject property, visible to the surrounding neighborhood, and the tree has been tagged.

As of the writing of the staff report the City has not received any correspondence.

## **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 remove the Coast Live Oak (*Quercus agrifolia*) with the condition that a Certified Arborist excavate the root collar of the tree and test the roots for Phytophthora root rot at 122 San Carlos Avenue (TRP 11-185).

Alternatively, the Trees and Views Committee may:

- Approve the Tree Removal Permit with modifications;
- 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 D**).

## **EXHIBITS**

- A. Vicinity Map
- B. Swift Tree Care [Applicant's] Arborist Report and photographs, date May 26, 2011
- C. Bartlett Tree Experts [City's] Arborist Report and photographs, dated June 13, 2011
- D. Criteria for Approval or Denial of Tree Removal Permits
- E. DRAFT Resolution

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Vicinity Map



**SUBJECT PROPERTY**  
122 San Carlos Avenue

Exhibit A

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# Swift Tree Care

RECEIVED

JUN 13 2011

## Arborist Statement

CITY OF SAUSALITO  
COMMUNITY DEVELOPMENT

5/26/2011

To Whom It May Concern:

RE: 122 San Carlos Drive, Sausalito  
Carol Hothem - property owner  
Brandon Tyson - landscape Designer

I inspected 1 Pacific Coast Live oak growing in a retaining wall/planter in the front yard of the above mentioned address. The bifurcated tree is approximately 40" in diameter on both spars. The tree is growing over the street and garage. The tree has grown into and is possibly supporting the utility pole next to the tree. The guy wire supporting the pole has become slightly slack.

I do not feel that there is an economic value to this tree. In its current hazardous condition I would consider it a liability to the property owner. There will be no effect on the neighboring vegetation once this tree has been removed. The tree is growing in a rock retaining box. There will not be any loss of soil or loss of stability once the tree is removed.

The root crown of this tree is showing signs of severe root rot and Sudden Oak Death. Due to repetitive cut backs, for view, the tree has developed numerous cavities. The tree has outgrown its location. I consider this tree to be a hazard and recommend removal ASAP. The root system may collapse at any time.

We plan to grind the stump and Brandon Tyson plans to replace the tree with a suitable landscape specimen. Please do not hesitate to call with any questions.

Sincerely,

Craig Swift

Certified I.S.A. Arborist #486

CA Contractor #596473

  
415-488-0522 Tele

415-488-1966 Fax

swifttreecare.com

Exhibit B  
[5 pages]

RECEIVED

JUN 13 2011

CITY OF SAUSALITO  
COMMUNITY DEVELOPMENT

Roof eaves rotting. Signs of  
Sudden oak Death Disease.

Site Plan

Backyard

House

Primary

Landscaping

AK  
Trail

Garage

Property line

SAN CARLOS



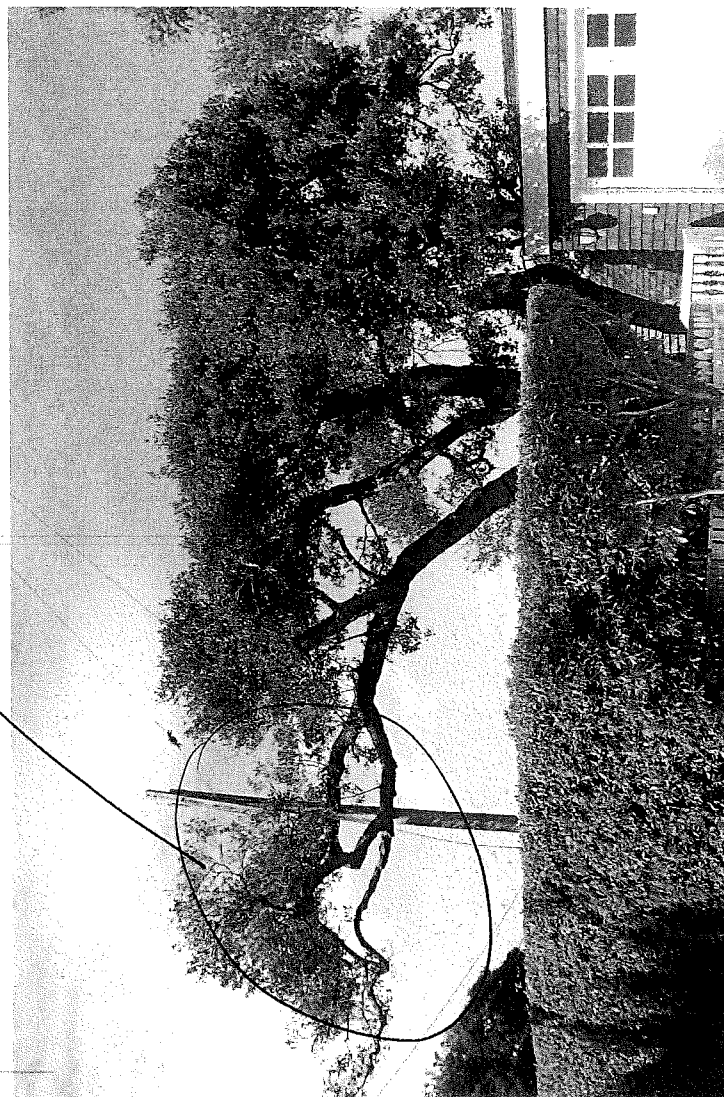


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JUN 13 2011

CITY OF SAUSALITO  
COMMUNITY DEVELOPMENT

leaning into pole  
slack guy wire



RECEIVED

JUN 13 2011

CITY OF SAUSALITO  
COMMUNITY DEVELOPMENT

122 San Carlos

many cavities visible  
indicates rot and unstable  
structure



RECEIVED

JUN 13 2011

CITY OF SAUSALITO  
ADMINISTRATIVE DEPARTMENT

122 San Carlos

Oak planted in very small  
container. Thinning canopy  
indicates severe stress.

Tree is leaning against  
power/serviceline pole.



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# BARTLETT TREE EXPERTS

400 SMITH RANCH ROAD, SAN RAFAEL, CA 94903 • (415) 472-4300 • FAX (415) 472-8650

June 13, 2011

City of Sausalito  
Department of Public Works  
Attn: Kent Basso  
530 Nevada St.  
Sausalito, CA 94965

**RE:** Coast Live Oak (*Quercus agrifolia*) located at 122 San Carlos Ave in Sausalito.

Dear Mr. Basso:

Per your request, on Friday, June 10, 2011, I inspected the Live Oak located at 122 Central Ave in Sausalito. The objective of the inspection was to evaluate the current safety and health condition of the tree.

The tree is in fair health condition due to past severe topping of the crown and limited root space. One of the major limbs hangs over San Carlos Ave and is showing signs of decline. This branch is thin, with small discolored foliage and decay close to the point of attachment to the main trunk (See Picture 1). The remaining of the crown is full with green leaves of normal size.



Picture 1. Declining lateral branch hanging over San Carlos.

THE F.A. BARTLETT TREE EXPERT COMPANY  
SCIENTIFIC TREE CARE SINCE 1907

Corporate Office: P.O. Box 3067, Stamford, Connecticut 06905-0067 • (203) 323-1131, FAX (203) 323-1129  
www.bartlett.com

ITEM NO. 2 PAGE 13

Exhibit C  
3 pages



The trunk divides into two stems approximately two feet from the ground. The right stem that hangs over the garage building has a large pocket of decay and represents a hazard (See Picture 2). To eliminate the risk of branch failure this limb should be removed. Otherwise, a cable should be installed to reduce the risk of failure and to provide branch support.



Picture 2. Large pocket of decay on stem that hangs over the garage.

The root collar of the tree is buried and should be excavated to allow for inspection of insect and disease infestation, to detect the presence of girdling roots and to promote plant health (See Picture 3). Roots should be sampled and tested for Phytophthora root rot.



Picture 3. Root collar should be excavated to allow for inspection.



At the time of the tree inspection, a hole had been dug out close to the base of the tree. I could not see if any of the roots had been cut, however care should be taken to avoid root damage during construction.

In my opinion, the root collar of the tree should be excavated and the roots should be tested for Phytophthora root rot before the decision is made as to whether or not the tree be removed.

Please contact me directly if you have any questions or concerns regarding this letter.

Sincerely,

Juan M. Ochoa  
ISA Board Certified Master Arborist WE-6480B  
Bartlett Tree Experts  
Tel: (415) 472-4300 x 18  
Fax: (415) 472-8650  
[jochoa@Bartlett.com](mailto:jochoa@Bartlett.com)

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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.

I:\CDD\Boards & Committees\TVCAAdmin\Criteria for TRP

Exhibit D

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**SAUSALITO TREES AND VIEWS COMMITTEE  
RESOLUTION NO. 2011-XX**

**TREE REMOVAL PERMIT FOR ONE COAST LIVE OAK LOCATED  
AT 122 SAN CARLOS AVENUE (TRP 11-185)**

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**WHEREAS**, on June 13, 2011 a Tree Removal Permit application was filed by the applicant, Kristi Swift of Swift Tree Care, on behalf of the property owner and tree owner, Carol Hothem, requesting to remove one Coast Live Oaks (*Quercus agrifolia*), to reduce failure and the potential hazard to life and property at 122 San Carlos Avenue (APN 065-123-07); and

**WHEREAS**, a notice for the application was posted on the Tree Owner's property on June 29, 2011; and

**WHEREAS**, the Trees and Views Committee considered the application at a publicly noticed meeting on July 7, 2011, 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 information contained in the staff report and considered all oral and written testimony on the subject application; 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 Tree Removal Permit to remove the Coast Live Oak (*Quercus agrifolia*) at 122 San Carlos 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 \_\_\_\_, 2011, 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

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Exhibit E  
[3 pages]

**TREES AND VIEWS COMMITTEE RESOLUTION**

July 7, 2011

TRP 11-185

122 SAN CARLOS 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 122 San Carlos Avenue.

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

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.

*The tree has decay and root rot at the base and leans toward the garage and street. The tree is a potential hazard to life and property because of its proximity to existing structures and public streets. Removal of this tree is necessary to accomplish **Objective a** listed above.*

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.

*The applicant has stated that they plan to grind the stump and replace the tree with a suitable landscape specimen. Staff has created a condition that the replacement tree shall be in a 36-inch box container of desirable species, to be determined by the property owner, and shall be planted in a location to be determined by the property owner. The replacement tree shall be planted within 60 days of tree removal, thus satisfying **Objective a** listed above.*

**TREES AND VIEWS COMMITTEE RESOLUTION**  
**July 7, 2011**  
**TRP 11-185**  
**122 SAN CARLOS AVENUE**

**ATTACHMENT 2: CONDITIONS OF APPROVAL**

These conditions of approval apply to the Tree Removal Permit submitted on June 13, 2011.

1. Prior to the removal of the Coast Live Oak, the applicant shall obtain a Certified Arborist, who is not affiliated with a tree maintenance company conducting any tree maintenance or removal activities on the site, to excavated the root collar of the tree and test the roots for Phytophthora root rot. The analysis of this test shall state any and all findings regarding the test, the arborist's conclusion, and recommendations for preservation. The test and analysis shall be submitted to the Community Development Department for review. If the tree is deemed hazardous and in danger of falling, it may be removed. If the tree's condition is not hazardous, the applicant may remove the limb hanging over San Carlos Avenue, and may remove the limb or cable the limb hanging over the garage, in order to avoid any potential limb failure. Removal of the tree would be subject to additional review of the Trees and Views Committee.
2. One replacement tree in a 36-inch box container of desirable species, to be determined by the property owner, shall be planted in a location to be determined by the property owner. The replacement tree shall be planted within 60 days of tree removal.
3. This approval will expire in one (1) year from the effective date of this resolution if the property owner has not exercised the entitlement hereby granted.

**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.

4. A Certified Arborist shall be present during any and all work to be done on the permitted trees.
5. 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.
6. 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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