


# STAFF REPORT

## SAUSALITO TREES AND VIEWS COMMITTEE

**Project** Kendell Myoporum Shrubs / Kendell Court Condominiums  
Tree Removal Permit  
TRP 11-204

**Meeting Date** July 7, 2011

**Staff** Alison Thornberry, Assistant Planner 

### REQUEST

Approval of a **Tree Removal Permit** to allow the removal of 13 Myoporum shrubs located on the 700 block of Nevada Street, along the Kendell Court Condominium complex .

### PROJECT INFORMATION

**Applicant** Nancy Osborn

**Owner** Kendell Court Home Owners Association, Nancy Osborn Representative

**Location** Kendell Court Condominiums, along the 700 block of Nevada Street (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 13 Myoporum shrubs located at the Kendell Court Condominiums along Nevada Street.

An Arborist Report was prepared on June 11, 2011 by Certified Arborist, Randy Harris, to assess the health, structural condition, and suitability for preservation of the 13 Myoporum shrubs located on the Kendell Court Condominium property.

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

- The shrubs consist of standard and multi stemmed plants measuring nine inches in circumference to 40 inches in circumference, measured at three feet above grade.
- All shrubs are in various stages of decline and some of the shrubs are nearly dead.
- One of the shrubs is crowding and interfering with a Coast Live Oak.
- The shrubs decline is due to a heavy infestation of *Myoporum thrips*. There is a chemical treatment available to attempt control over the infestation. Even with the chemical application, control will be limited and continued treatment will be necessary.
- Recommendation is to remove the shrubs and replant with a different species and avoid the chemical application and the cost associated with treatment. The shrubs have no economic value, they are causing a fire hazard as they die, and neighboring vegetation will thrive once they are removed.

## **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 13 Myoporum shrubs are creating a nuisance to the neighboring properties and neighboring vegetation (crowding a desirable Coast Live Oak), as well as causing potential fire hazards. The shrubs are also severely infested with Myoporum thrips causing them to die. Therefore the removal of these Myoporum shrubs is important for good, professional practices of forestry and landscape design, and will reduce the potential hazard to life or property by removing the fire hazard. Due to these factors, it is determined that the removal for the Myoporum shrubs is necessary to accomplish **Objectives a and d** 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 submitted that the Kendell Court Homeowners Association Landscape Committee will be replacing the removed shrubs with 15 evergreen shrubs and 15 False Leaf Holly. Therefore the applicant is fulfilling **Objective a** listed above.*

## **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 trees have 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 13 Myoporum shrubs at the Kendell Court Condominiums (TRP 11-204).

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**).

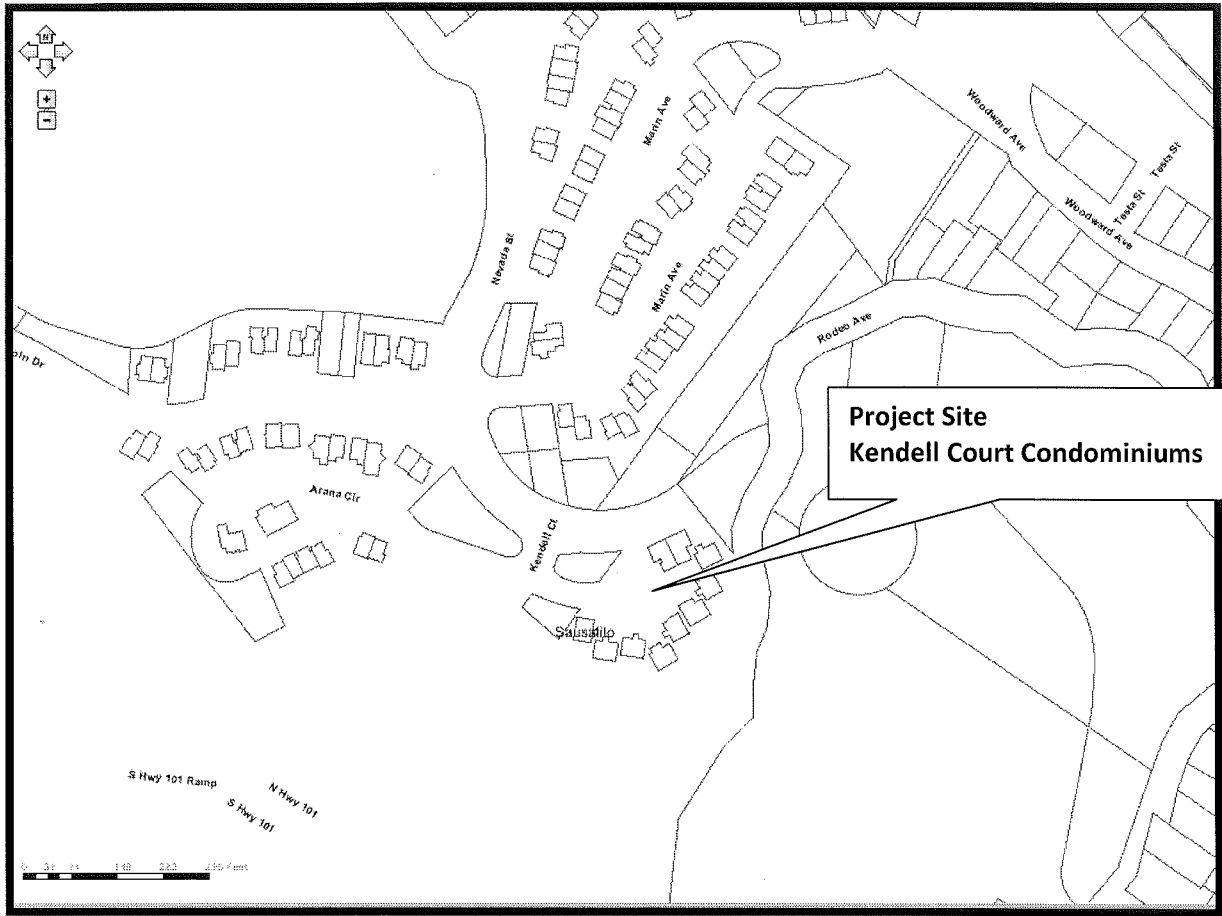
**EXHIBITS**

- A. Vicinity Map
- B. Arborist report and photographs, dated June 11, 2011
- C. Criteria for Approval or Denial of Tree Removal Permits
- D. DRAFT Resolution

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# Vicinity Map



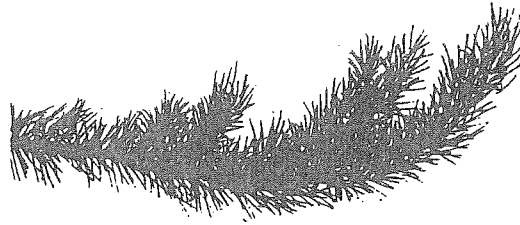
I:\CDD\PROJECTS - ADDRESS\K\Kendall Ct Condo\Vicinity Map 07.07.2011

Exhibit A

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RANDY HARRIS, PRESIDENT  
WCISA Certified Arborist  
#420  
CA State Contractor's  
License #630158

# ARTISTRY IN TREES



## Arborist Report

June 11, 2011

Nancy Osborn  
2 Kendell Court  
Sausalito, CA 94965

RECEIVED

JUN 29 2011

CITY OF SAUSALITO  
COMMUNITY DEVELOPMENT

### RE: Hedge Row of Thirteen Myoporum Shrubs

The shrubs consist of standard and multi stemmed plants measuring 9 inches in circumference to 40 inches in circumference, measured at approximately three feet above grade.

All are in various stages of decline and some plants are nearly dead. The decline is due to a heavy infestation of *Myoporum thrips*.

Chemical treatment is available; treatment would be as follows.

Prune off all infested foliage in March.

Treat with Spinosad (Conserve) or Abamectin (Avid). Note: some applicators are using a chemical cocktail for treatment.

Treat again after new foliage has pushed.

Treat again in the fall.

With all of the applications recommended, control will still be limited and continued treatment will be necessary.

My recommendation would be to remove the shrubs, replant with a different species and avoid the chemical application and the cost associated with treatment.

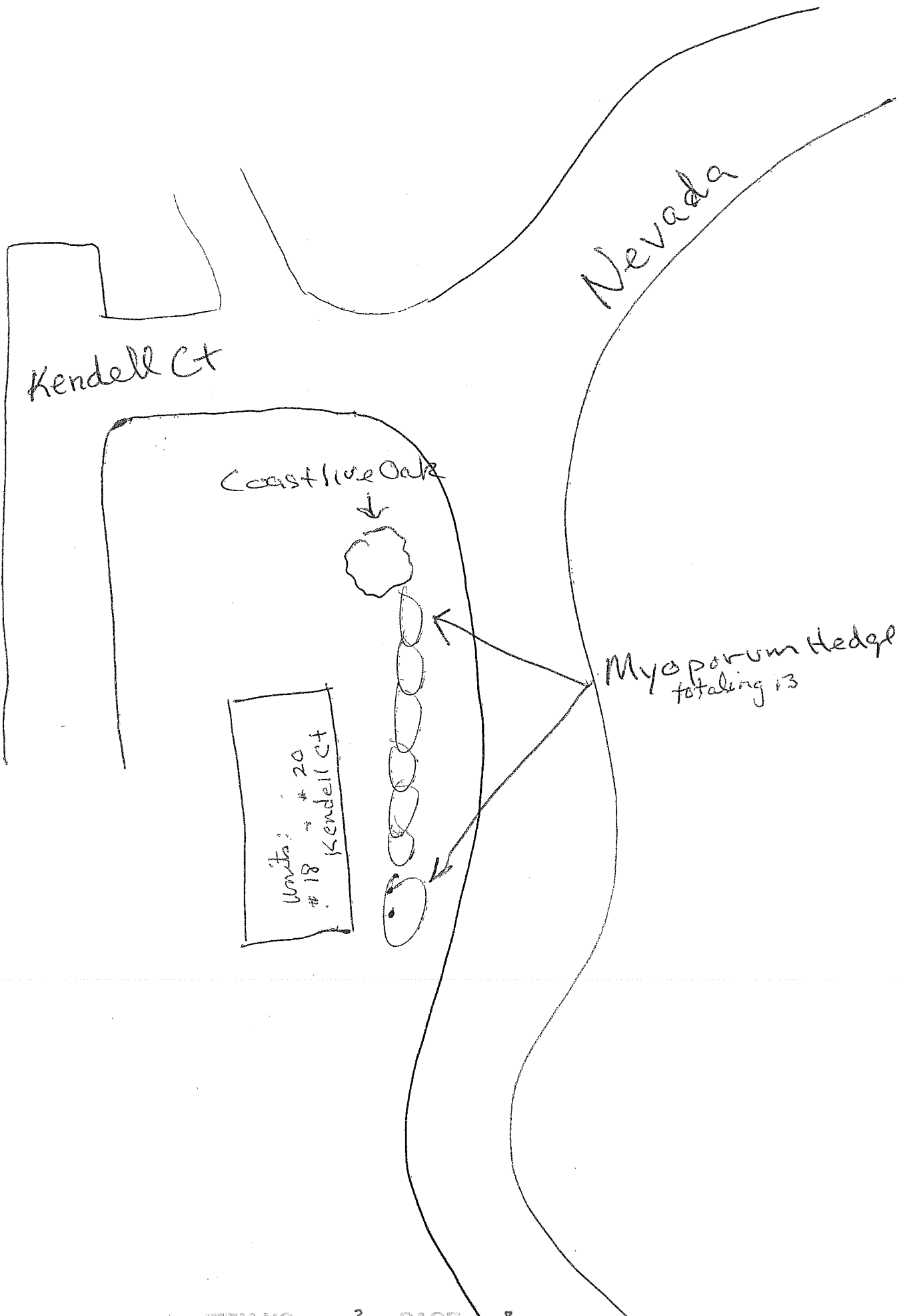
I also noted that one of the shrubs is crowding and interfering with a very nice Coast Live Oak and the shrub next to that one has uprooted.

1. The reason for removal is decline and heavy infestation of Myoporum Thrips
2. No economic value.
3. Fire danger rises as the shrubs continue to die.
4. Neighboring vegetation will thrive after removal.
5. Soil stability will not change
6. Stump removal is recommended.
7. Hummingbird Landscape will replace Myoporum hedge with a more appropriate hedge.

Should you have question, please call anytime.

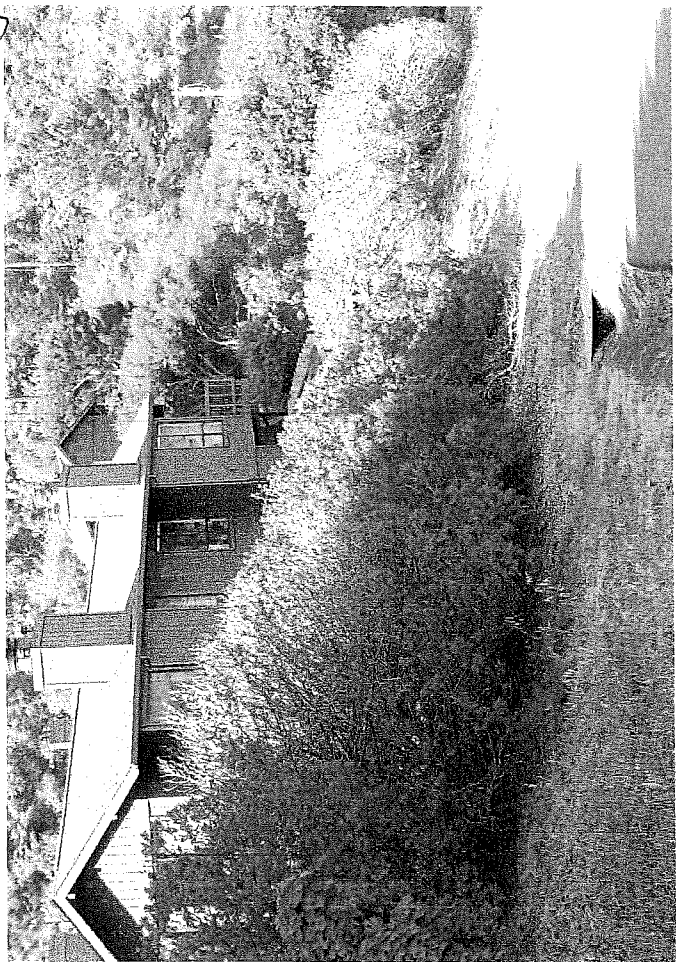
Randy Harris, Arborist

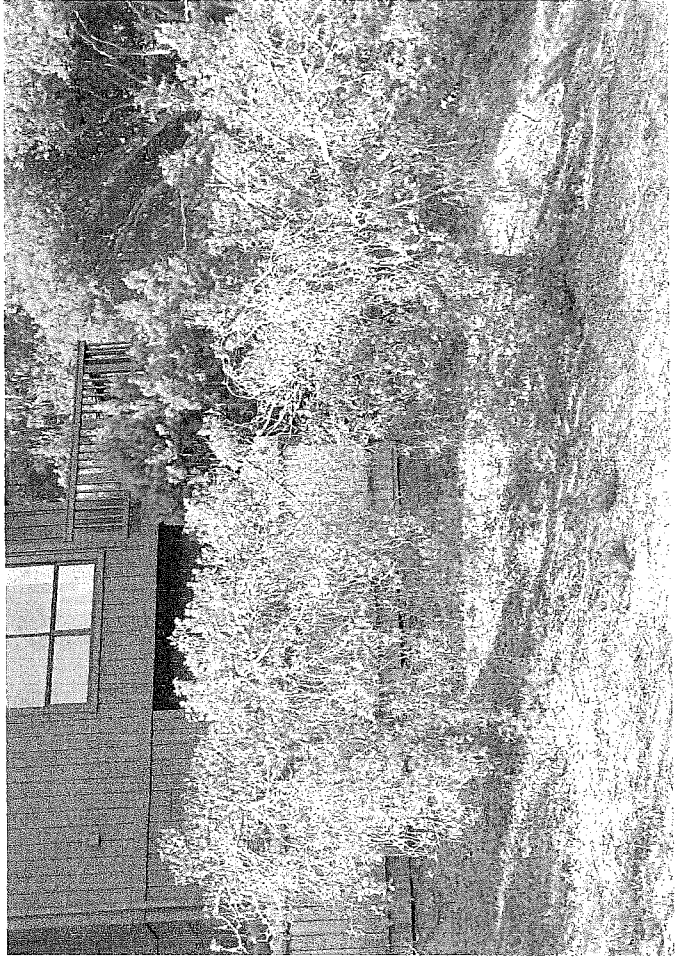
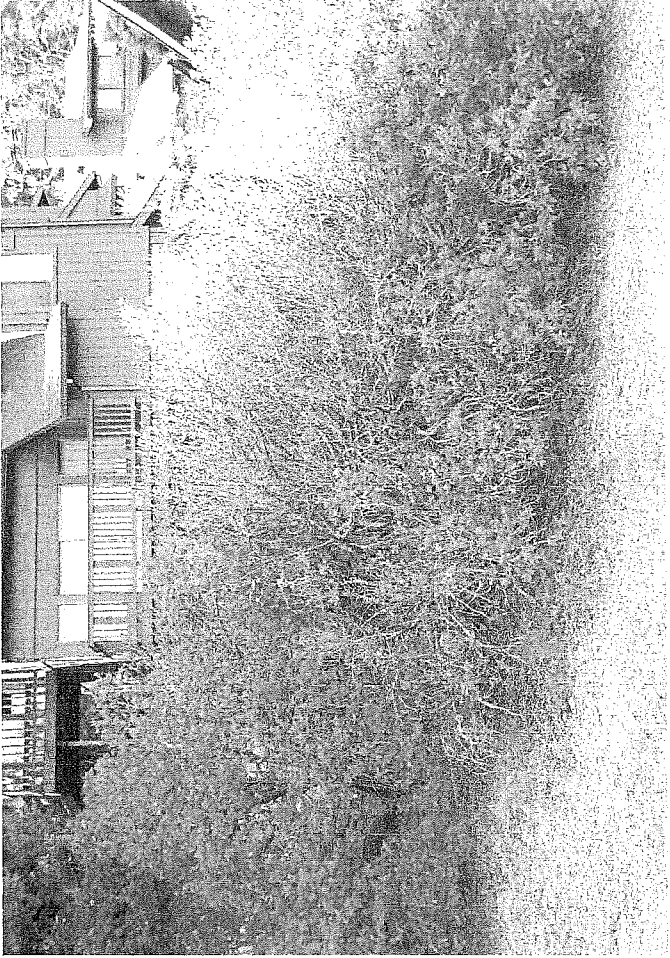
Exhibit C  
(4 pages)





Units 18 + 20 Kendall Ct. showing drained mygerson hedge





**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.

\\CDD\Boards & Committees\TVC\Admin\Criteria for TRP

Exhibit C

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

**TREE REMOVAL PERMIT FOR 13 MYOPORUM SHRUBS LOCATED  
AT THE KENDELL COURT CONDOMINIUMS (TRP 11-204)**

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**WHEREAS**, on June 29, 2011 a Tree Removal Permit application was filed by the applicant, Nancy Osborn, on behalf of the property owner, Kendell Court Condominium Home Owners Association, requesting to remove 13 Myoporum shrubs located at the Kendell Court Condominiums along the 700 block of Nevada Street; 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 13 Myoporum shrubs at the Kendell Court Condominiums 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 D  
[3 pages]

TREES AND VIEWS COMMITTEE RESOLUTION

July 7, 2011

TRP 11-204

KENDELL COURT CONDOMINIUMS

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 the Kendell Court Condominiums.

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:
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**TREES AND VIEWS COMMITTEE RESOLUTION**  
**July 7, 2011**  
**TRP 11-204**  
**KENDELL COURT CONDOMINIUMS**

**ATTACHMENT 2: CONDITIONS OF APPROVAL**

These conditions of approval apply to the Tree Removal Permit submitted on June 29, 2011.

1. The removed shrubs shall be replaced with 15 evergreen shrubs and 15 False Leaf Holly, in a minimum 5-gallon containers, in a location to be determined by the property owner. The replacement shrubs shall be planted within 60 days of tree removal.
2. 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.

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