

STAFF REPORT

SAUSALITO TREES AND VIEWS COMMITTEE

Project Gaffney Tree / 42 Edwards Avenue
Tree Removal Permit
TRP 11-229

Meeting Date August 4, 2011

Staff Alison Thornberry-Assef, Assistant Planner



REQUEST

Approval of a **Tree Removal Permit** to allow the removal of two Bay Laurels located on the property at 42 Edwards Avenue.

PROJECT INFORMATION

Applicant/Owner William Gaffney

Location 42 Edwards Avenue (APN 065-301-33) (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 property owner, William Gaffney, has submitted an application for the removal of two Bay Laurels (*Umbellularia californica*) located on the property 42 Edwards Avenue. The applicant is requesting removal since he was informed by his insurance company his policy would be cancelled due to the large Bay tree growing next to and below his house.

An Arborist Report was prepared on June 29, 2011 by Certified Arborist, Louie Brunn, to assess the health, structural condition, and suitability for preservation of the two Bay Laurels located at 42 Edwards Avenue.

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

Tree 1

- 125.26 inches in Circumference at Breast Height (CBH) and 40 inches in Diameter at Breast Height (DBH);
- Large Bay tree that was topped at the level of the top of the garage;
- The tree is approximately 25% of its normal height due to old topping.

Tree 2

- 50.27 inches CBH and 16 inches DBH;
- Smaller diameter Bay tree growing to the level of the top of the building;
- The structure of this tree is normal.

The arborist states that both trees grow under the eaves of the house and garage. Bay trees are Pyrophytic trees and normal clearances required for fire safety can't be obtained due to the location of the trees. There

are four mature Oak trees and one large Big Leaf Maple in this area. Removal of the Bay trees would provide less exposure of Sudden Oak Death pathogen to the Oak trees.

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.

Tree 1 and Tree 2 are located dangerously close to the residence and pose a serious fire hazard danger in their current locations and sizes. Removal of the trees would insure the public safety as it relates of the potential fire hazard.

Removal of the trees will also help to ensure the health of the nearby Oak trees, by eliminating the threat of Sudden Oak Death. Sudden Oak Death is also highly contagious to other Oaks in the area, and should be removed to pursue good, professional practices of forestry design.

*Removal of Tree 1 and Tree 2 is necessary to accomplish **Objective 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.

*The arborist has stated that there are numerous volunteer saplings in the area and replacement isn't recommended. But Staff has created a condition that the removal of the two Bay Laurels should be replaced by two desirable trees, in a location determined by the property owner. This condition is necessary to satisfy **Objective a.***

PUBLIC NOTICE AND CORRESPONDENCE

On July 28, 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 Tree Removal Permit to allow removal of the two Bay Laurels located at 42 Edwards Avenue (TRP 11-229).

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 C**).

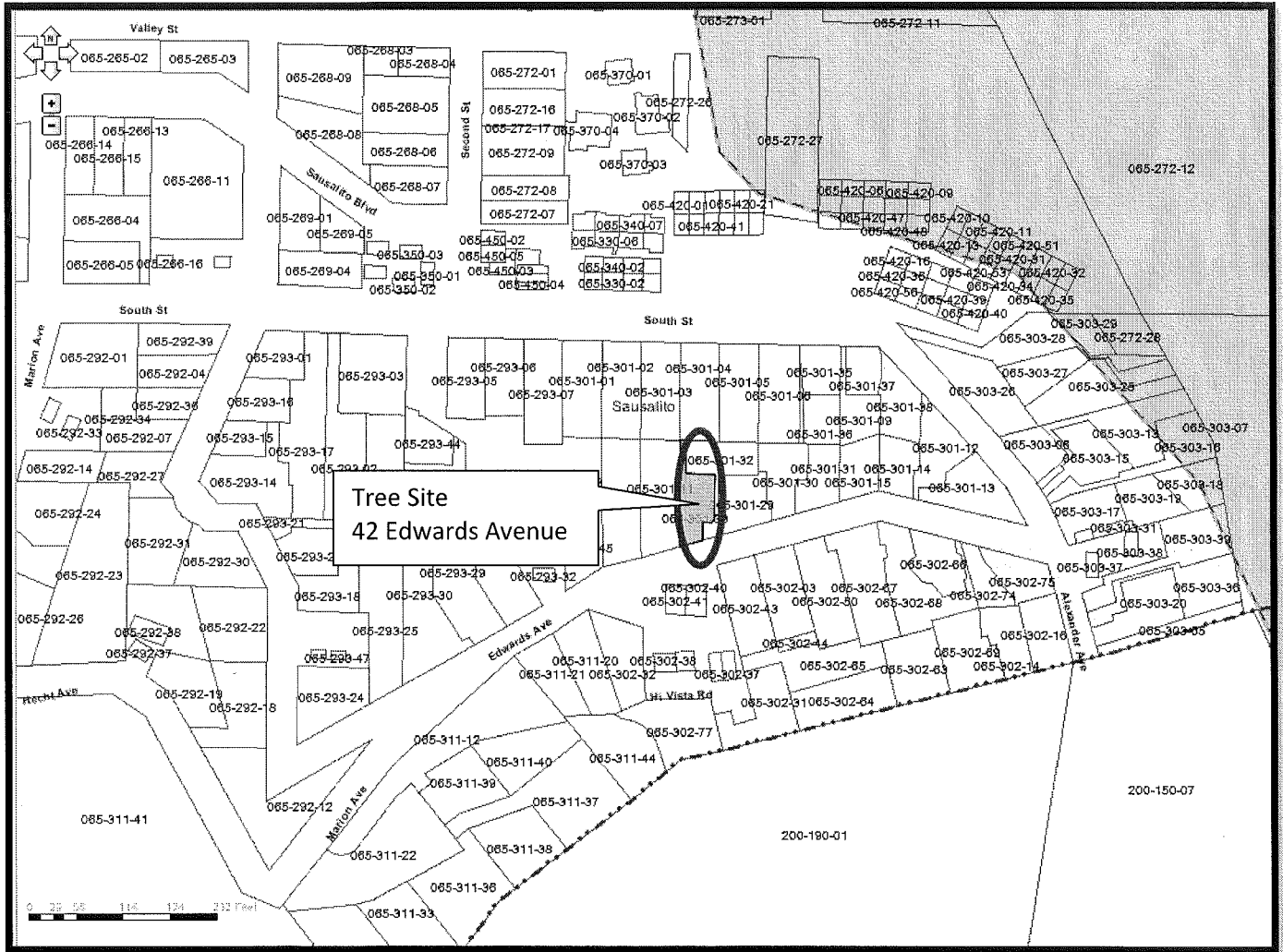
EXHIBITS

- A. Vicinity Map
- B. Arborist report and photographs, date stamped July 20, 2011
- C. Criteria for Approval or Denial of Tree Removal Permits
- D. DRAFT Resolution

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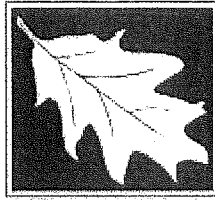
VICINITY MAP



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Exhibit A

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Marin County Arborists Inc
PO Box 2538, San Rafael CA 94912
Tel: 415-457-8733 Fax: 415-455-8110

RECEIVED

JUL 20 2011

CITY OF SAUSALITO
COMMUNITY DEVELOPMENT

June 29, 2011

Bill Gaffney
42 Edwards Avenue
Sausalito, CA 94965

Tree: Two (2) Bay Laurel – Umbellularia californica T1 – 40”dbh, T2 – 16”

Arborist Report

Bill Gaffney the homeowner at 42 Edwards Avenue was informed by the insurance company that his policy was being cancelled due to the large Bay tree growing next to and below his house.

T1 – Large Bay tree that was topped at the level of the top of the garage. Sprouts are growing at the point of this topping cut from the canopy of this tree. This tree is approximately 25% of its normal height due to old topping.

T2 – Smaller diameter Bay tree growing to the level of the top of the building. The structure of this tree is normal.

Both trees grow under the eaves of the house and garage. Bay trees are Pyrophytic trees and normal clearances required for fire safety can't be obtained due to the location of the trees. The strip of land between #46 and #42 is heavily wooded. There are four (4) mature Oak trees and one large Big Leaf Maple tree in this area. Removal of the Bay trees would provide less exposure of Sudden Oak Death pathogen to the Oak trees.

Due to their location the tree removal should not impact erosion and the adjacent trees will fill in any void in canopy coverage within a few years. There are numerous volunteer saplings in this area. Replacement planting isn't recommended. ISA guidelines for plant appraisal would value these trees at;

T1 - \$1,300.00

T2 - \$2,950.00

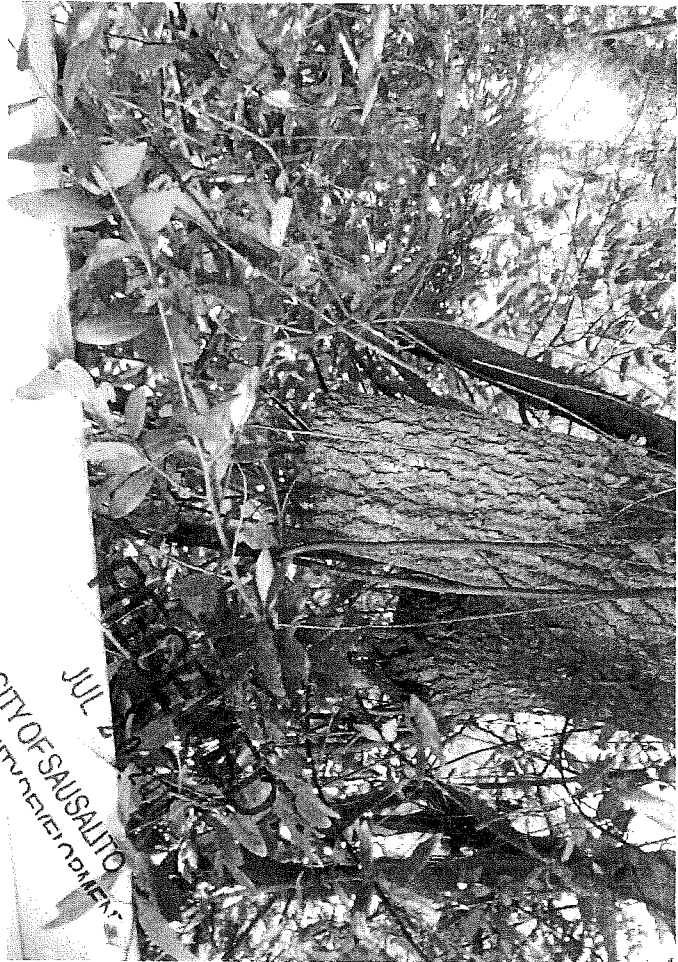
Report completed by:

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

EXHIBIT B
[3 pages]

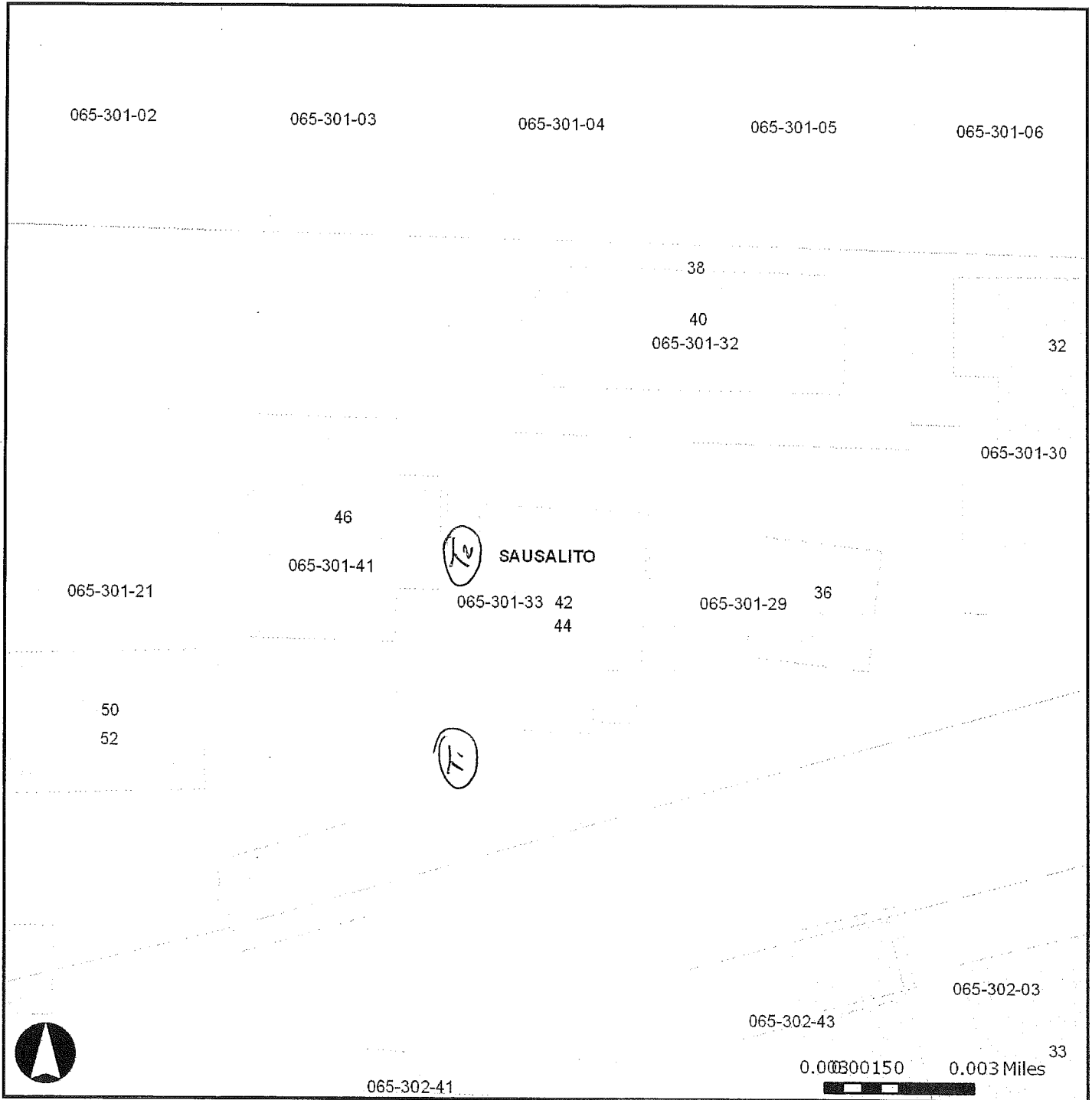
Shelled@marincountyarborists.com





Bill Conway
42 Edwards Ave. Sausalito






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CITY OF SAUSALITO
COMMUNITY DEVELOPMENT

Map



- Parcels 
- Parcels 
- Major Roads
 -  Highway 101, 580
 -  Major Road

- Addresses
- Parcels
- Building Footprints (2004) 

- City Limit Line 
- Ocean Bay 

RECEIVED

JUL 20 2011

CITY OF SAUSALITO
COMMUNITY DEVELOPMENT

T1 = Tree #1
T2 = Tree #2

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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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Exhibit C

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

**TREE REMOVAL PERMIT FOR TWO BAY LAURELS LOCATED
AT 42 EDWARDS AVENUE (TRP 11-229)**

WHEREAS, on July 20, 2011 a Tree Removal Permit application was filed by the property owner, William Gaffney, requesting the removal of two Bay Laurels (*Umbellularia californica*) located at the front of the property at 42 Edwards Avenue (APN 065-301-33); and

WHEREAS, a notice for the application was posted on the Tree Owner's property on July 28, 2011; and

WHEREAS, the Trees and Views Committee considered the application at a public meeting on August 4, 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:

Removal of the two Bay Laurels located at 42 Edwards Avenue as described in the staff report 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:

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

August 4, 2011

TRP 11-229

42 Edwards 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 42 Edwards 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.
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TREES AND VIEWS COMMITTEE RESOLUTION
August 4, 2011
TRP 11-229
42 Edwards Avenue

ATTACHMENT 2: CONDITIONS OF APPROVAL

This condition of approval applies to the Tree Removal Permit approved on August 4, 2011.

1. Two replacement trees in 24-inch box containers of a desirable species, to be determined by the property owner, shall be planted in a location to be determined by the property owner within 60 days of removal of the Bay Laurels.

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. A Certified Arborist shall be present during any and all work to be done on the permitted trees.
2. 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.
3. 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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