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JUN 13 2011



Ed Gurka, Consulting Arborist
Member, American Society of Consulting Arborists

CITY OF SAUSALITO
CONSULTING ARBORISTS
DEVELOPMENT

August 16, 2009

ASSIGNMENT:

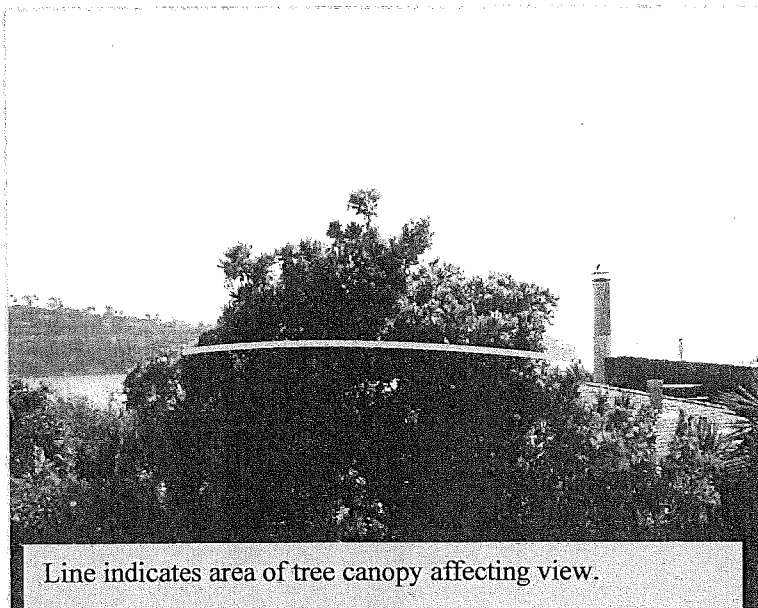
On August 12, 2009, I received a telephone call from Arash Salkhi. Mr. Salkhi stated that he had a tree-trimming situation requiring an arborist report and requested my services. I agreed to meet with Mr. Salkhi to collect information for the arborist report. We set an appointment and agreed to meet on August 13, 2009 at 8:30 AM.

ASSIGNMENT LIMITATIONS:

The report is limited to observations from 509 Litho Street and a section of Girard Avenue accessed from upper Locust Street. Precise tree measurements were not performed. They were estimated from beneath the tree outside of the neighboring property fence. The section of the tree that is the basis of this report is limited to the upper 20 percent of the canopy where focus of the proposed work would take place. Additional observations were made from the 509 Litho Avenue residence in what is to be the main living area of the home. Photos included in this report depict the view from the living area and the upper canopy obstructing the view.

OBSERVATIONS and DISCUSSIONS:

On August 13, 2009, I met with Mr. Salkhi at his property, 509 Litho Street, Sausalito, California. 509 Litho Street, in Sausalito is a property with a home in construction and is being converted from a two-unit residence to a single-family dwelling. We proceeded to the second floor of the home to a location that is the main living area of the home. In this area, a picture window with a northeast view of the Richardson Bay, Belvedere, and Angel Island is a desirable feature of the property. Mr. Salkhi stated that a neighbor's tree directly across from his property was obstructing a view from this window, see photograph to the right. He was in the initial steps of talking with the neighbor to request permission to trim the tree and provide the view from his living room window. Mr. Salkhi asked if it was possible to perform the work and to prepare a report describing methods to achieve this objective.



Line indicates area of tree canopy affecting view.

The plant is described as an *Arbutus unedo*, Strawberry tree. It is an evergreen shrub or small tree. Mature height is 8-35 feet with equal spread. The estimated height of this tree at the west corner of 93 Girard Avenue is 20-25 feet in height and equal spread.

Exhibit D
[18 pages]

RECOMMENDATIONS:

The *Arbutus* undo plant adapts well to pruning. It can be trained as a small tree or large shrub and is often used as a screening hedge, a small tree, or a shrub. The plant has a *decurrent* growth pattern, described as a plant that produces multiple equally dominant stems that form a rounded canopy and can successfully be pruned for canopy reduction. Pruning to achieve a view of the Bay and Belvedere Island would require reducing approximately 2 feet of the uppermost portion of the Strawberry Tree. The proposed reduction would require one (1) to one and one-half (1 ½) inch diameter cuts to the upper 20 percent of the tree canopy. Cuts are to be made to side growing branches than will assume the direction of growth. Where cuts to side growth are not possible, using a gradual reduction in stages over a period of time shall be used to accomplish the objective for height reduction. The ANSI A-300 Pruning Standards Guidelines shall be used for all reduction work to this tree. Work is best performed in late fall and winter months when the plant is dormant. This will reduce sucker growth and allow the tree to develop new directional growth for the future growing season.

This selective pruning to the upper 20 percent of the canopy would allow light to enter the center of the canopy resulting in lower foliage production on interior branches producing a dense canopy with foliage along the length of the inner branches. Lower section of the remaining 80 percent of the canopy would not be pruned to retain privacy for the neighboring property.



Proposed trimming would reduce upper canopy using 1-1 ½-inch cuts. See pruning lines on branches.

SUMMARY:

Arbutus unedo is considered a small tree or a large shrub that adapts well to pruning by producing regrowth along branching where pruning cuts were made. Foliage regrowth will fill pruned areas and height reduction can be accomplished. The percentage of the upper canopy affected to accomplish the request view pruning can be accomplished using ANSI A-300 for Tree Care Operations, Tree, Shrub, and Other Woody Plant Maintenance-Standard Practices (Pruning), 5.6 Pruning types. And Tree Pruning Guidelines, Chapter on Pruning Mature Trees (Maintenance Pruning) page 9, Crown Reduction.

Contact Information:

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Affiliations and Licenses:

International Society of Arboriculture, Certified Arborist # 418, 1984 to present.
American Society of Consulting Arborists, Member, 2000 to present.
California Department of Pesticide Regulation, Pest Control Advisor PCA 74846, 1989 to present.
City of Sausalito, Municipal Arborist, 1989-2004
Independent Consulting Arborist Services, 2004-present.

References:

American National Standard, ANSI A300 (Part 1)-2001 Pruning, *for Tree Care Operations-* Tree, Shrub, and Other Woody Plant Maintenance- Standard Practices (Pruning)
Tree Pruning Guidelines, Official Publication of the International Society of Arboriculture 1995.

II

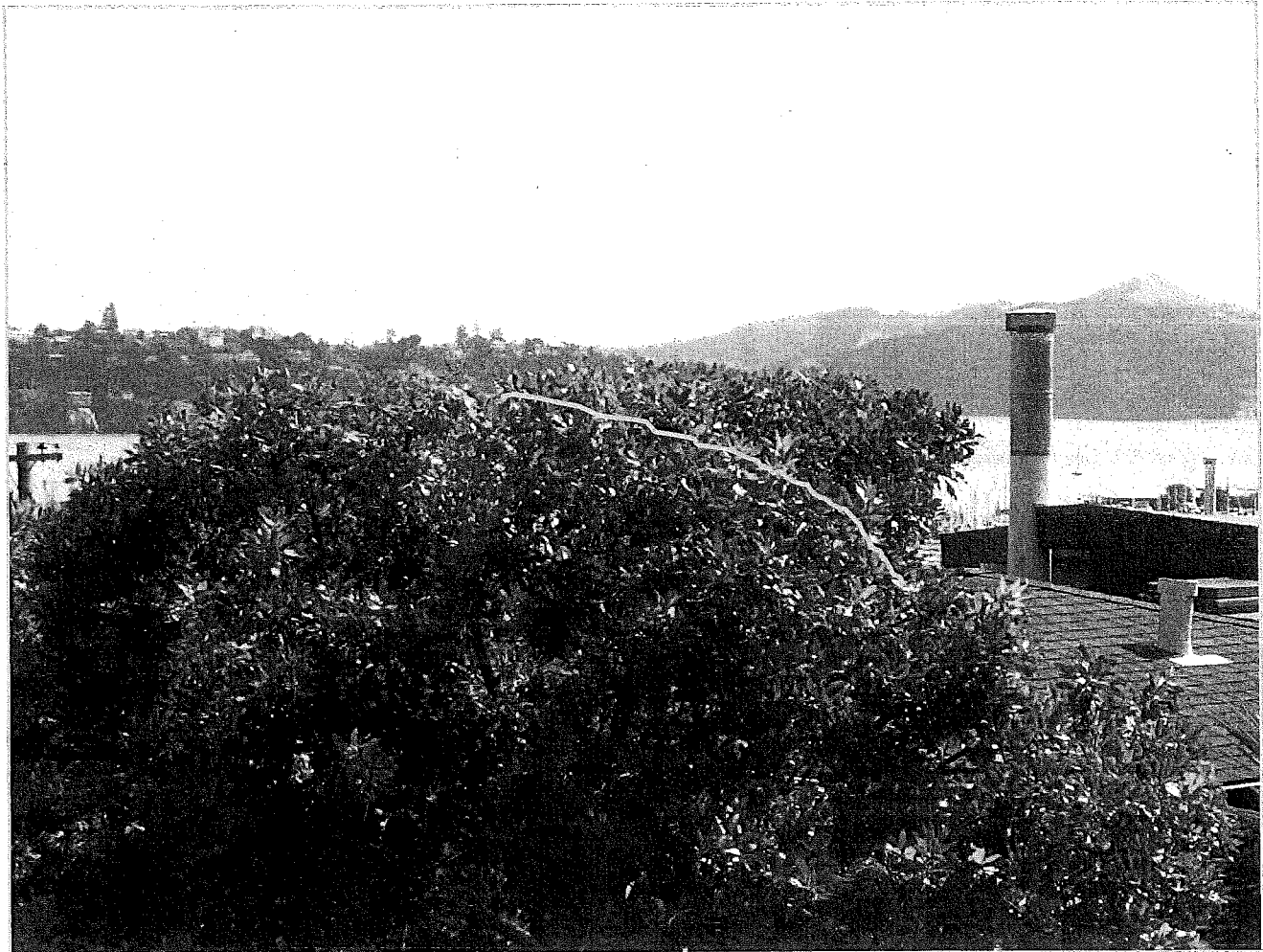
Arborist Report, Salki, 509 Litho Street, Sausalito, California

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CITY OF SAUSALITO
COMMUNITY DEVELOPMENT

The additional work includes pruning the section of the canopy that obstructs the vista known as "Raccoon Strait," a water passageway between Tiburon, Belvedere, and Angel Island. The additional work is subject to ANSI A-300 pruning standards guidelines that directs pruning operation procedures and is the arboriculture industry standard. This additional work would improve the still obstructed view since it is the only object in the line of site when viewed from the specific vantage point.



Yellow line indicates additional proposed pruning work to create a more natural rounded upper crown canopy, and symmetrically resemble the opposite side of the canopy. Vantage point is main living area of 509 Litho St. Photograph dated 4/14/10.



Tree photograph prior to pruning work taken 8.13.2009 and from Arborist Report dated 8.16.2009.

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Ed Gurka, Consulting Arborist
Member, American Society of Consulting Arborists

Member, International Society of Arboriculture
Certified Arborist, Western Chapter, # 0418

June 6, 2011

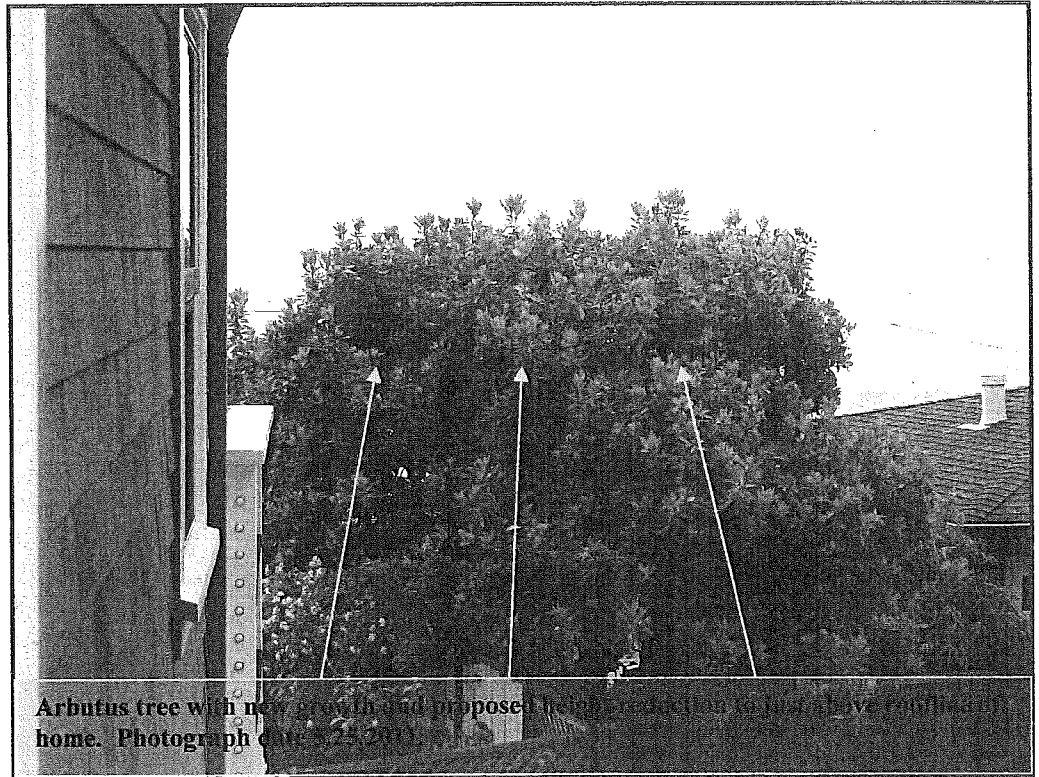
ASSIGNMENT:

I received a request from Mr. Arash Salkhi, the property owner of 509 Litho Street, Sausalito, to prepare an arborist report for view pruning of a neighbor's tree that would improve the view from his property. This report will update previous reports dated August 16, 2009 and April 20, 2010, that provided recommendations on the neighbor's tree.

OBSERVATIONS and DISCUSSIONS:

I arrived at the 509 Litho Street May 25, 2011, to collect information for this report. The focus of this report is an *Arbutus unedo*. The common names used to describe this tree are Strawberry or Madrone tree. The tree's characteristics, described in Sunset Western Gardening book, are that it has a mature height of 35 ft. and an equal spread. *Arbutus unedo* is native to Southern Europe and Ireland. This species has its origin in a Mediterranean climate. *Arbutus unedo* is an evergreen that can be trained to a small tree or shrub form.

The *Arbutus unedo* is located to the north of 509 Litho Street, on the property of 93-95 Girard Avenue Assessors parcel # 064-221-24. The tree is measured at 17.5 feet in height with an equal spread. The tree had pruning work in 2009. The pruning work consisted of height reduction approved by the Sausalito Trees and Views Committee that determined the tree be reduced for view improvement from the 509



Arbutus tree with new growth and proposed height reduction. Arbutus tree is located on the north side of 509 Litho Street. Photograph dated 5/25/2011.

Litho Street property. The tree pruning work was completed, and the result was a height reduction of two feet. The public work's staff was present for the work and the two feet was the maximum work allowed.

RECOMMENDATIONS:

The original view pruning operation in 2009 was performed based on the assumption the work be done in stages over a period of years to reduce the impact to the tree. The 2009 minimal height reduction of two feet did not produce the desired results and only slightly changed the obstructed view from the 509 Litho Street property. Now additional work is necessary to again reduce the height and increase the view for the property occupant of 509 Litho Street. The vantage point is of the Richmond bay, Tiburon, Belvedere, Angel Island, and Raccoon Straights from the main living area of the home. This view is related to a view vantage described in the Sausalito Trees and Views Ordinance.

Since growth increased during two growth cycles, the result is added height and spread to the canopy. The intended approach of a gradual reduction is to accomplish the view objectives and to allow the tree to adapt to the crown reduction work in contrast to performing the work in one operation. In this pruning operation, the work can be accomplished by making smaller pruning cuts from ½ -to 3 inches in diameter. The cuts are made to lateral branches at least ½ the size of the parent scaffold branches being reduced. The pruning work necessary to achieve this objective would be that the crown is reduced by two to three feet. The crown reduction work shall be limited to the upper top canopy of the tree. This description of view pruning work is for a one-time operation as the canopy will again produce upper foliage. At that time an assessment can be made for future pruning work at two-year intervals to maintain a consistent height.

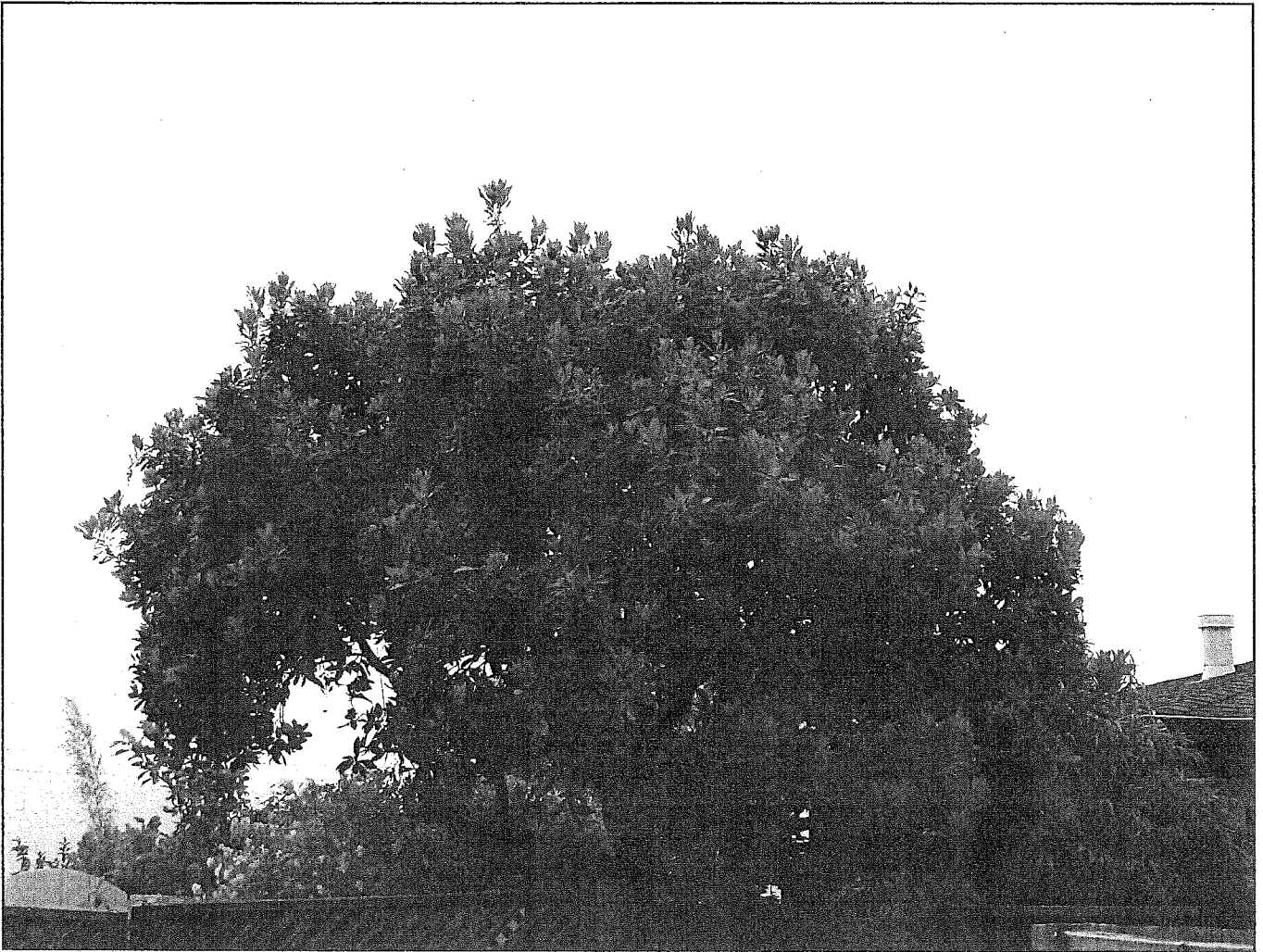
All work shall be performed using the American National Standards ANSI A-300 pruning standards and Companion Best Management Practices, Tree Pruning International Society of Arboriculture Publications.

SUMMARY:

This Arbutus unedo is a tree that grew to develop into a standard structure form. Arbutus is also a multi-stem shrub form. What determines the structure usually begins in the nursery when the plant is young and the structure is created by pruning techniques. To create a tree lower branches are removed to develop a "standard" form and when the shrub form is desired lower limbs are retained and the height is reduced. It is most certain that this tree's structure not be reversed to a shrub form but that height reduction is possible through this pruning operation and then at two-year intervals following an arborist assessment.



Arbutus unedo from top stairway at 509 Litho Street, 5.25.2011



Arbutus unedo at street level 5.25.2011.



Ed Gurka, Consulting Arborist
Member, American Society of Consulting Arborists

Member, International Society of Arboriculture
Certified Arborist, Western Chapter, # 0418

July 21, 2011

ASSIGNMENT:

I received a request from Mr. Arash Salkhi, property owner of 509 Litho Street, Sausalito, to prepare an Arborist Report for revisiting view pruning of a neighbor's tree. The request is for an Arborist Report that would again improve the view from his property. No pruning work was accomplished in 2009. The tree was belatedly and incorrectly trimmed in April 2010. The view pruning work performed in 2010 was the result of a Sausalito Trees and Views Committee meeting that voted in favor of the pruning work. Since annual pruning has not been performed since 2010, the tree has grown to the original height and beyond the 2009 condition before the hearing process. Although the photograph depicting the original view blockage in 2009 was taken in August of that year, and the Trees and Views Committee recommendation was made in November, 2009, no trimming was in fact accomplished until April, 2010, some eight months after the August 13, 2009 photograph, a lengthy delay which had allowed another 16"-20" of growth in the overall canopy. The tree trimming of April, 2010, was from the topmost portion of the tree canopy, which contained a bushy shoot rising a distinct 18"-24" above the main canopy (see photograph on page 5, dated 8.13.2009). The tree trimming was therefore minimal, uncertain, and uneven. It afforded no relief as to views from 509 Litho Street. Neither the owner nor this writer was notified of the date of the April, 2010, trimming by the City of Sausalito, and thus were not present to observe and comment. This Arborist Report will provide information on how the objective pruning can be accomplished and time intervals necessary to maintain the view. This report is necessary to fulfill requirements for a Trees and Views Committee hearing once again.

OBSERVATIONS and DISCUSSIONS:

I arrived at the 509 Litho Street May 25, 2011, to collect information for this report. This report includes two site visits to collect information and photographs for this report. They are the site visits of May 25 and July 7, 2011. The focus of this report is a tree described as an *Arbutus unedo*. The common names used to describe this tree are Strawberry or Madrone tree. The tree's characteristics, described in Sunset Western Gardening book, are that it has a mature height of 35 ft. and an equal spread. *Arbutus unedo* is native to Southern Europe and Ireland. This species has its origin in a Mediterranean climate. *Arbutus unedo* is an evergreen that can be trained to a small tree or shrub form.

The neighbor's *Arbutus unedo* tree that is obstructing the view is located to the north of 509 Litho Street, on the neighboring property at 93-95 Girard Avenue. The Assessors parcel is lot number 064-221-24. The tree is measured at 17.5 feet in height with an equal spread. The tree had pruning work in 2009. The pruning work consisted of height reduction approved by the Sausalito Trees and Views Committee that determined the tree be reduced for view improvement from the 509 Litho Street property. The tree pruning work was completed, and the result was a height reduction of two feet. The public work's staff was present for the work and the two feet of the upper canopy was pruned for a limited view restoration. The understanding was that the tree would require additional pruning work on an annual basis to remove upper canopy growth produced during the growth cycle.

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RECOMMENDATIONS:

The original view pruning operation in April of 2010, was performed based on the assumption the work would be done in stages over a period of 2 years reducing the height by 2 feet in each pruning operation to reduce the impact to the tree. This would have reduced the tree to the property roofline of 93-95 Girard Avenue. The vantage point must be taken into account when the pruning operation takes place to create an accurate pruning point. The reason the last pruning operation was unsuccessful is that the vantage point was not considered during the pruning operation. The pruning only considered the top 2 feet of the canopy. In April of 2010, eight months after the Trees and Views Committee decision for view pruning was approved a minimal height reduction of two feet did not produce the desired results and only slightly changed the obstructed view from the 509 Litho Street property. Arbutus unedo species grow at the rate of 12-24 inches per year and mature height is 35 feet. Now additional work, as yet not performed is necessary to complete these requirements and recover the view for the property occupant of 509 Litho Street. The vantage point is of the Richmond bay, Tiburon, Belvedere, Angel Island, and Raccoon Strait from the main living area of the home. This view is related to a view vantage described in the Sausalito Trees and Views Ordinance.

Since canopy growth increased during three growth cycles, a three-year period, the result is added height and spread to the canopy. In a Mediterranean climate similar to the San Francisco Bay area, the winters are mild and the growth period of plants is extended. The intended approach of a gradual reduction was to accomplish the view objectives and to allow the tree to adapt to the crown reduction work in contrast to performing the work in one operation. This scheduled objective was not pursued and the tree has grown beyond the intended size. Since annual pruning work has not been performed, now additional work is needed to remove more foliage beyond the original intentions.

In this pruning operation, the work can be accomplished by making pruning cuts from ½ -to 3 inches in diameter. The cuts are made to lateral branches at least ½ the size of the parent scaffold branches being reduced. **This pruning objective is consistent with ANSI, A-300 pruning standards.**

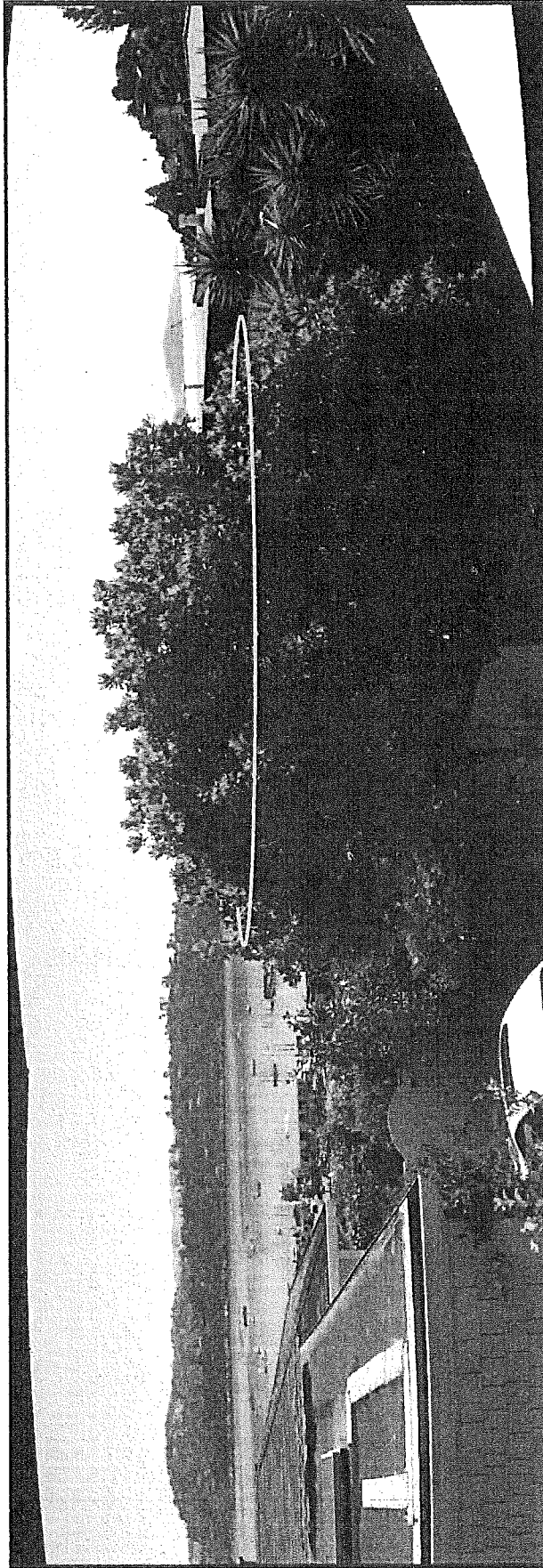
The Sausalito Tree and View Preservation Ordinance section 11.12.020 defines "View" as: A vista of San Francisco-Richardson Bay, neighboring communities, surrounding hills, or a nearby or distant wooded area from the primary living area of the home. "Views" include, but are not limited to skylines, bridges, distant cities geologic features, hillside terrains and wooded canyons or ridges. The term view does not mean an unobstructed panorama of all or any of the above. These criteria applied at the last Trees and Views Committee hearing in 2009 was the basis of the committee decision in favor of view pruning the Arbutus tree.

The pruning work necessary to achieve this objective would be that the crown is reduced by three feet or more depending on the proper pruning points of the tree, referenced in the ANSI A-300 standards. This would provide a temporary and limited view of Richardson Bay, Raccoon Strait, Angel Island, Tiburon, and Belvedere Island that is now obstructed or limited by the tree. The view pruning proposed would not provide an unobstructed panorama view of all these features but would provide a limited view and recover some of the described features in the view description of the Sausalito Tree and View Preservation Ordinance.

A photograph of this description is presented on the following page 3 of this report. The picture is taken at a height of 4 feet just above the outdoor deck railing. The deck is just outside of the living room and separated by full length sliding glass doors. The panorama indicates the view vista and tree that is obstructing the view. This panorama includes familiar landmarks described in the view description of the Sausalito Ordinance. They are, The Richardson Bay (partial obstructed), Raccoon Straits (completely obstructed), Angel Island (partial view), and Tiburon/Belvedere (both partially obstructed and completely obstructed.)

Arborist Report, Mr. Salkhi, 509 Litho Street, Sausalito, California
Prepared by, Ed Gurka, Independent Services, San Rafael, CA.

The proposed pruning marks on the following photograph illustrate the extent of the pruning necessary to restore and preserve a view from 509 Litho Street



Panorama from deck of 509 Litho St. showing extent of tree and view conflict 7.5.2011. The neighboring tree at 93-95 Girard Avenue obstructs the vista of Angel Island, Raccoon Strait, and the Richardson Bay. The photograph position is from 4 feet and equal to a sitting position. The reference is a white triangle in the right lower corner of the photograph that is the deck railing at 4 feet.

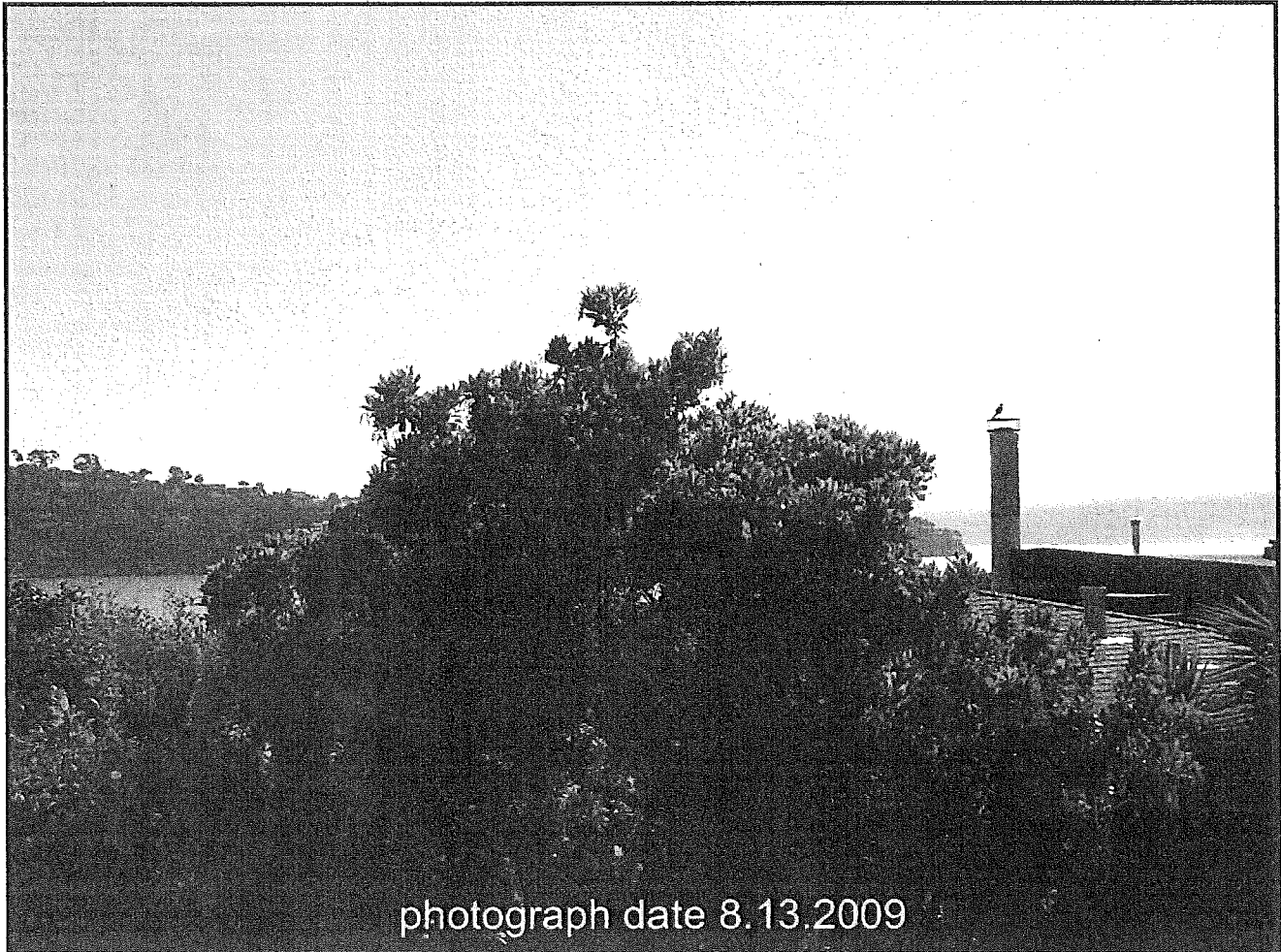
SUMMARY:

In preparing this report, access to the property was not made or available to provide specific information on the tree view conflict. Vantage points are from the street and deck of 509 Litho Street. The photograph showing the view impairment is illustrated in the panorama photograph on page three, which also indicates the requested height reduction for view relief. Since the tree has increased in height and spread during the time from 2009 to 2011 photographs in this report illustrate the changes in tree growth over a three-year period.

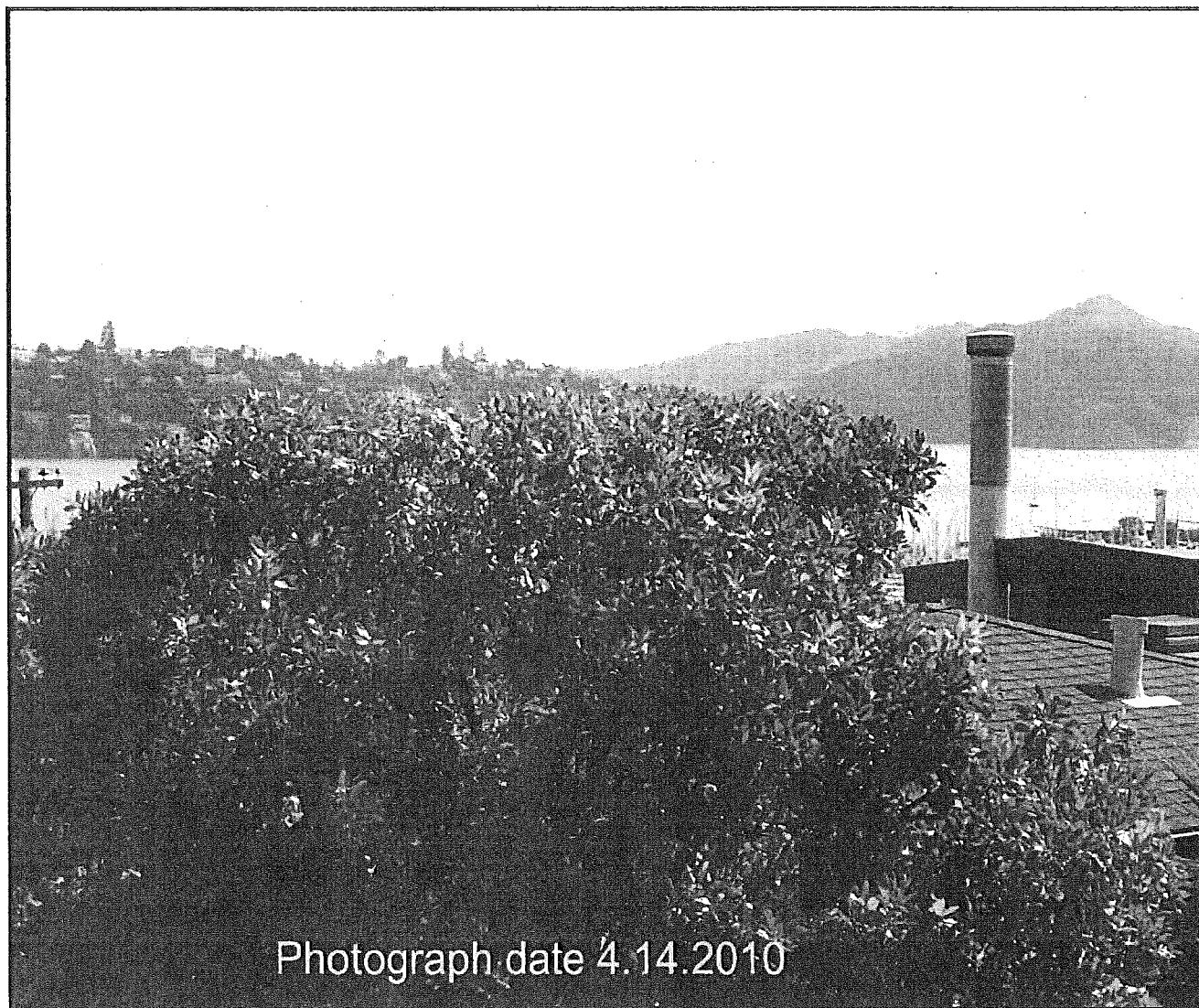
- On page 5 of this report, the photograph dated **8.13.2009**, shows the tree prior to the pruning work at the initial request. At the Sausalito Trees and Views Committee hearing the committee voted and determined that a view-pruning request is granted.
- In the second photograph of the tree (page 6,) photograph dated **4.14.2010**; the completed pruning work reduced the tree by 2 feet. The view was improved but not as desired because the recommendation was to reduce the tree in two stages.
- Now in July 2011, see photograph page 7 photograph dated **7.5.2011**; the tree has re grown to its original height and once again obstructs the view vista of 509 Litho Street. This supports the information provide by the Selectree web site that the annual growth of the tree is from 12-24 inches per year.

In preparation of this report, additional information was requested to complete the request for a Trees and Views Committee hearing. In addition to the above information that provides the photographic history during a three-year period, tree alteration request is provided in response to the City of Sausalito Arborist Report Requirements.

- H. The reason for alteration is for view relief from the main living area of 509 Litho Street.
- I. There are no risk factors associated if the tree remains with the exception of the view obstruction.
- J. Structural or health effects of the alteration are not affected if the tree is pruned to the established ANSI A-300 pruning standards that are recognized by the International Society of Arboriculture.
- K. There would no effects on the on neighboring vegetation.
- L. The frequency of the of the pruning to maintain the view are that the tree can be pruned annually to remove the minimum foliage and make smaller cuts. Hesitating and performing annual cuts will require deeper cuts into the canopy. This is dependent on the extent of pruning recommended in his report, reducing the tree by 3 feet to lateral growth that will direct the future growth.
- M. Suggestions for improving the health of the tree are to inspect the tree for any changes in the present condition and to apply Arboricultural Best Management Practices (See ISA BMP series literature.)

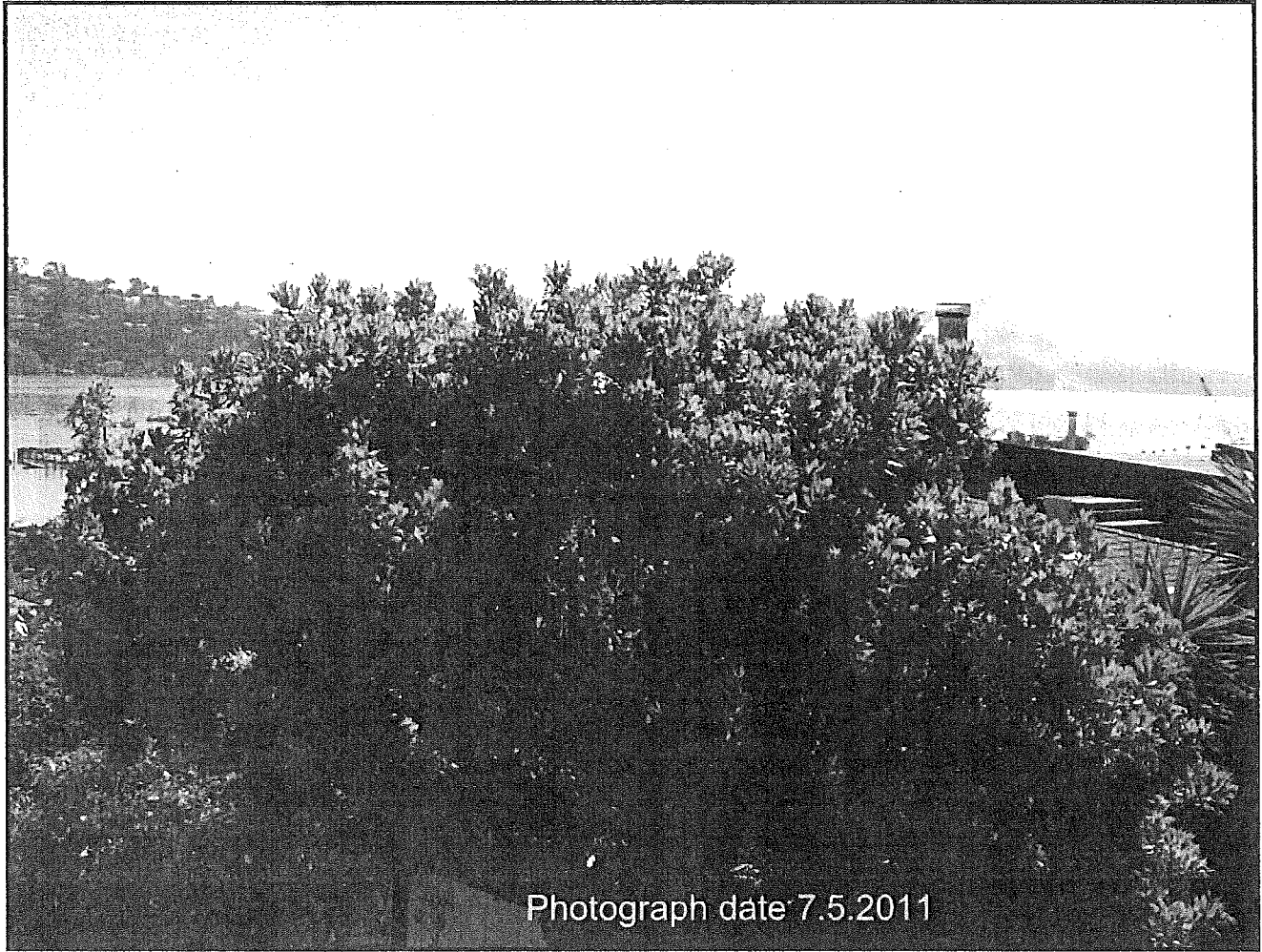


Arbutus tree prior to pruning approved by Trees and Views Committee in November, 2009.



Photograph date 4.14.2010

Photograph taken following the pruning operation approved by the Trees and Views Committee 2010. The pruning height was reduced by 2 ft. and continues to obstruct the view from 509 Litho Street property.



Arbutus tree in present condition as it continues to grow beyond the original height of 2009.



Aerial view of 509 Litho Street with arrow indicating direction of view and location of the Arbutus tree at 93-95 Girard Avenue. Google maps 10.24.2009.

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Location of tree on property line between 501 Litho and 93-95 Girard Avenue.

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AUG 01 2011

CITY OF SAUSALITO
COMMUNITY DEVELOPMENT

July 31, 2011

Attention: Sausalito Trees and Views Committee Members

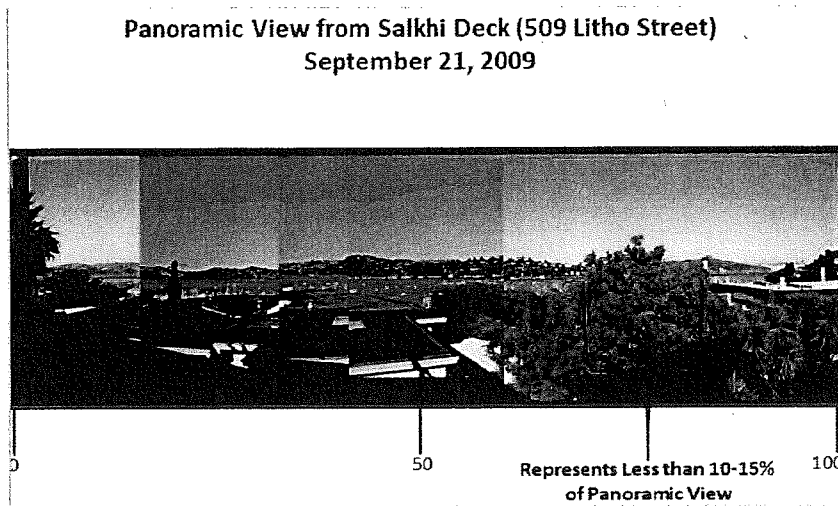
We received the lengthily report prepared and submitted by Mr. Frazier, the Salkhi's attorney, and think it is important to provide the Tree and View Committee members a succinct outline of what has transpired since the TVC ruling on this issue back in November 2009 and restate our position on the matter.

Throughout this entire ordeal, we continue to take issue on three key points:

1. A "View" as defined by the Sausalito's Trees and Views Preservation Ordinances in section 11.12.020 does not entitle a property owner to an unobstructed panoramic view of the San Francisco-Richardson Bay.

View: A vista of the San Francisco-Richardson Bay, neighboring communities, surrounding hills, or a nearby or distant wooded area from the primary living areas of the home. "Views" include, but are not limited to skylines, bridges, distant cities, geologic features, hillside terrains and wooded canyons or ridges. The term "view" does not mean an unobstructed panorama of all or any of the above.

If one visits 509 Litho and stands on the deck or in the main living area of this house it is clear that our tree only limits a very small percentage of the overall view of Richardson's Bay. The Salkhi's are not entitled to an unobstructed panoramic view yet they continue to ignore the city ordinances and push for more.



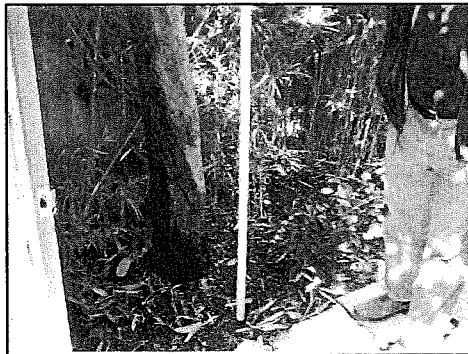
2. The cuts proposed by the Salkhi's arborist will be harmful to the health of the tree and enclosed is an arborist opinion to substantiate our concerns. See attached report from Kent R. Julin, Ph.D. Principal Consulting Arborist. International Society of Arboriculture Certified Arborist #WE-8733A. California Registered Professional Forester #2648.

Exhibits
[4 pages]

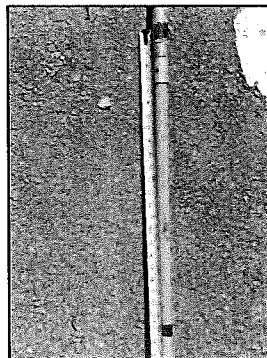
3. As property owners we are entitled to our privacy. Trimming this tree in the manner suggested by the Salkhi's arborist will impact the privacy of our guest room and back deck, where we spend a significant amount of time.

Timeline since November 18, 2009 TVC meeting

- Per the guidance of Dan Zepponi and Kent Basso, City of Sausalito Supervisors of Public Works, we were encouraged to wait for the TVC meeting minutes to be issued so there was a clear directive on the recommendation put forth by the TVC.
- Meeting minutes were received in mid-January 2010. The order from the TVC was (Grant Colfax, pg. 35) "...trim within reason the two feet recommendation per Ed Gurka, the tree to reduce the growth of the tree."
- We contacted Dan Zepponi and Kent Basso to discuss the process of having the tree trimmed per the TVC order and they advised us that we needed to obtain three arborist bids.
- Three arborist bids were obtained and submitted to the city. A decision was made to give the trimming job to Tree Masters since they could execute the cut in the quickest timeframe. Mr. Salkhi approved the use of Tree Masters and paid for the work.
- In April 2010, Dan Zepponi and Kent Basso, City of Sausalito Supervisors of Public Works, came to our property to direct, supervise, and document the trimming of the tree. Measurements and photos were taken of the 2 feet cut. Pictures taken by the city of the trimming event are below.
 - The pole placement at the bottom of the tree.



- The 2 feet measurement and marking on the pole.



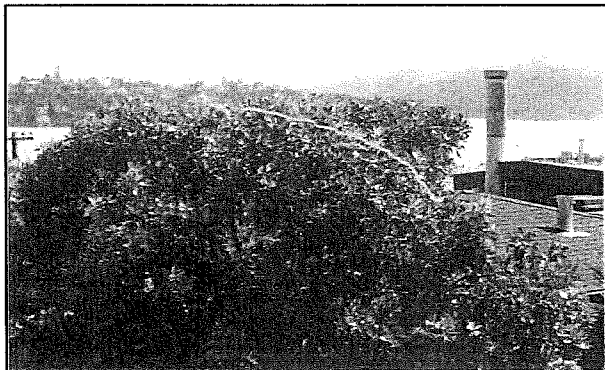
- The pole placement and height of tree before the cut.



- The pole placement and height of tree after the cut.



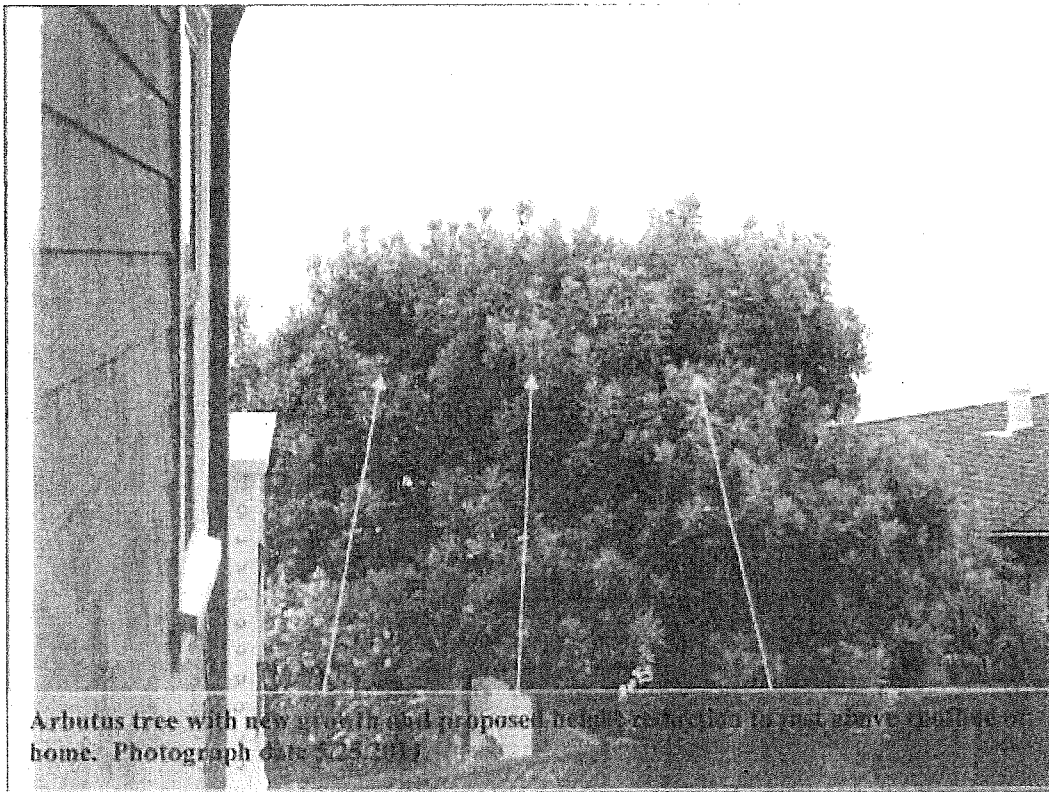
- Several weeks later we were contacted by Jonathon Goldman, Director of Public Works, requesting we cut more off the tree. We contacted the Mayor of Sausalito as we felt Mr. Goldman had over stepped his authority by giving into the relentless pressuring of Mr. Salkhi.
- In December 2010 we were served with a law suit which was dismissed without prejudice after our attorney, Steve Cox, and Mr. Frazier agreed to meet and work towards a resolution.
- At the meeting with Frazier, we agreed to trim the right hand side of the tree providing the enhanced view of Raccoon Straits and Angle Island as proposed in Gurka's 4/14/10 report.



Yellow line indicates additional proposed pruning work to create a more natural rounded upper crown canopy, and symmetrically resemble the opposite side of the canopy. Vantage point is main living area of 509 Libra St. Photograph dated 4/14/10.

Mr. Salkhi and his attorney wanted more cuts to be made. The additional cuts requested will not only be harmful to the tree but will also invade our privacy which is why we could not agree with Mr. Frazier and the issue is now back in front of the TVC.

- One additional key note is that in Gurka's most recent report (June 6, 2011) and the photos submitted by Mr. Frazier to the TVC are not taken from the Salkhi's main living area but from the staircase leading up to the house.



In summary, we are completely exhausted by the Salkhi's relentless pursuit to get their way in this matter. They have handled this in such an aggressive and threatening manner which has not only been unproductive but the farthest thing from neighborly behavior. We are hopeful now that several members of the TVC have visited both properties that it is clear how the Salkhi's requests completely disregard the health of the tree and our concern for privacy.

Sincerely,

Shelby Cox and Kathryn Carlsen

93 Girard St., Sausalito, CA

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ARBORSCIENCE

PROVIDING SOUND TREE ADVICE

CITY OF SAUSALITO

P.O. Box 111 • WOODACRE, CA 94973 • (415) 419-5197 • KENT.JULIN@COMMUNITYDEVELOPMENT

July 31, 2011

Shelby A. Cox
93 Girard Avenue
Sausalito, CA 94965

View Obstruction Report 93 Girard Avenue, Sausalito, CA

ASSIGNMENT

ARBORSCIENCE was hired by Shelby Cox to review a view obstruction claim from the owners of 509 Litho Street related to her strawberry tree (*Arbutus unedo*) and to assess pruning recommendations for this tree provided by arborist Ed Gurka (report dated June 6, 2011). I inspected the site on July 27, 2011.

LOCATION

The subject tree is rooted near the western property corner inside the fence and behind a single-family home owned by Kathyne Carlsen and Shelby Cox at 93 Girard Avenue (APN: 064-211-24). The obstructed view in question is from the deck and dining room of a single-family home owned by Arash and Nooshin Salkhi at 509 Litho Street (APN: 064-211-38).

SCOPE OF WORK AND LIMITATIONS

Information regarding property boundaries, land and tree ownership were provided by Shelby Cox and Marin County Assessor records. I have neither personal nor monetary interest in the outcome of this matter. All determinations reflected in this report are objective and to the best of my ability. All observations and conclusions regarding trees, shrubs, and site conditions in this report were made by me, independently, based on my education, experience, and inspections of the site.

SAUSALITO VIEW OBSTRUCTION GUIDANCE

View obstructions caused by trees are addressed in the City of Sausalito Tree and View Preservation Ordinance (Chapter 11.12 of the Municipal Code). Trees may not unreasonably obstruct the view from other property (11.12.040).

Exhibit F
[4 pages]

Standards used to evaluate the character of a view include (1) the vantage point from which the view is sought, (2) the extent to which the view might be diminished by other than growth involved in the claim, and (3) the extent of the view that existed at the time claimant(s) purchased the property the property. Standards used to evaluate the character of a view obstruction include (1) the extent of the alleged view obstruction as a percentage of the total view (estimate), and (2) the impact on the beneficial, economic value and enjoyment of the claimant's property caused by the growth. The standard used to evaluate the extent of benefits and/or burdens derived from the growth in question include (1) the visual quality, including but not limited to species, size, growth, form, and vigor, (2) the location with respect to the overall appearance, design and/or use of the tree owner's property, and (3) visual, auditory, wind screening and privacy provided by the growth to the owner and the neighbors, (4) the effects on neighboring vegetation provided by the growth, and (5) the impact of the beneficial use, economic value and enjoyment of the tree owner's property caused by the growth.

SETTING AND HISTORY

The Cox-Carlsen home was constructed in 1953 and last sold on May 1, 2009. The Salkhi home was originally constructed as a duplex in 1961, was last sold on May 7, 2007, and then converted into a single-family home in 2009. Remodeling this structure resulted in the conversion of the northwestern portion of the deck into enclosed living space. This work made the northeastern corner of the house—where the dining room and deck now are—the new focal view point for the home. Views from the remaining sections of the house were diminished nearly 50% by walls.

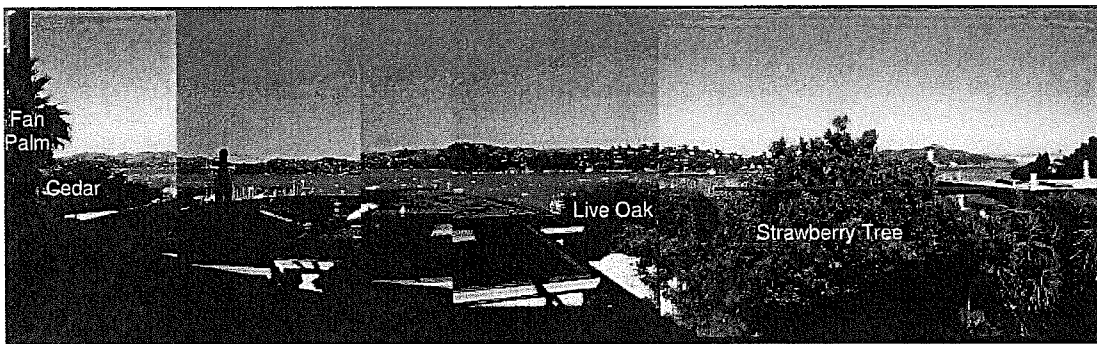


View opportunities were significantly reduced by the Salkhi remodel

VIEW AND PRIVACY SCREENING ASSESSMENT

Perspective. Existing views and obstructions were assessed using a September 2009 photo collage provided by Shelby Cox from the 509 Litho Street deck and using an image from a Frank Howard Allen YouTube video of the Salkhi property.

Character of View. The downhill view spectrum from the 509 Litho Street deck and dining room areas spans from due north (Ring Mountain Area) 110 degrees clockwise to Berkeley (see photo below). Horizon-line views from this vantage point include Richardson Bay, the Tiburon Peninsula, Belvedere Island, Angel Island, and the East Bay Hills.



Character of Obstructions. Established trees create partial and complete obstructions to both Richardson Bay and the distant ridges. These obstructions include a fan palm at 501 Litho Street (5% obstruction of the ridge and bay), a Deodar cedar at 403 Bonita Street (2% obstruction of the bay and ridge), coast live oaks on City of Sausalito property (11% partial obstruction of the bay), and the subject strawberry tree (16% obstruction of the bay and ridge above the red line in September 2009). The photo above was taken before the strawberry tree was pruned 2 feet in April 2010. The extent of the strawberry tree's obstruction when the home was purchased by the Salkhis in 2007 should be documented.

Character of Screening. The strawberry tree completely screens the bedroom in the western corner of the Cox-Carlsen home. It also softens the view of a large portion of the Cox-Carlsen home from the Salkhi deck.

PRUNING CONSIDERATIONS

The subject strawberry tree is an exceptionally healthy, well-maintained tree. It stands about 17 feet tall and has a crown spread of nearly 13 feet. When standing beneath this tree one can see that its green canopy layer is only 2-3 feet thick. In 2010 the subject tree was reduced in height by 2 feet. Arborist Ed Gurka recommends that an additional 2-3 feet be cut off the top of this tree to accomplish Salkhi's view desires. Removing the upper 2-3 feet of this tree would create 10-foot-wide opening to the center of the tree that would allow direct

sunlight to penetrate, making the upper tree branches susceptible to sunscald. It would also reduce the estimated total canopy area by 10 to 30%. American National Standards (ANSI) A300 pruning standards recommend that no more than 25% of a tree canopy be removed in a single year.

CONCLUSIONS AND RECOMMENDATIONS

Before any pruning work is performed, the Salkhis should provide documentation of their view when they purchased the property in May 2007 per the City of Sausalito View Ordinance. Bradley Real Estate Company was the listing agent and it may have photographs. Strawberry trees grow relatively slowly; it is likely that the proposed pruning would trim this tree down to a level that existed 5 to 10 years ago. Once the 2007 height of the strawberry tree is established, then the tree should be maintained at that height.

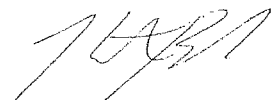
Consideration should also be given to the effect that the Salkhi remodel had upon their view. It is my opinion that view character and extent were significantly changed by their remodeling project; the minor view obstruction (16%) that the strawberry tree presented was magnified by the remodel.

Pruning 3 feet from the top of the subject tree would also change its aesthetic appeal by creating a 10-foot-wide opening in the tree crown. This amount of pruning would also exceed ANSI A300 pruning standards and would affect the systemic health of the subject tree. No more than 1 foot of the strawberry tree's canopy should be removed during a given year. Any pruning should be done in late winter before spring growth occurs.

Finally, the aesthetic and screening values of the subject tree to both properties should receive due consideration. It is a beautiful, symmetrically shaped tree that contributes to the value of both homes. The Salkhis view of the Cox-Carlsen home is softened by the tree. The tree also provides critical screening of a bedroom in the Cox-Carlsen home.

Sincerely,

ARBORSCIENCE



Kent R. Julin, Ph.D.
Principal Consulting Arborist
International Society of Arboriculture Certified Arborist #WE-8733A
California Registered Professional Forester #2648

Findings and Standards for View Claims

Municipal Code Sections 11.12.040.B.4 and C.3-4

Section 11.12.040.B.4 of the Sausalito Municipal Code

... "The Trees and Views Committee shall submit a written Advisory Decision to the parties. The Decision shall include the Trees and Views Committee's findings with respect to the Standards listed in subsection C-3 and 4 of this Section [11.12.040] and recommended restorative actions as well recommending allocation of costs for the same." ...

Section 11.12.040.C.3-4 of the Sausalito Municipal Code

"3. Standards for Resolution of Claims in Arbitration

The Tree Committee shall, as a group, inspect the premises of both claimant(s) and tree owner(s) to verify the nature and extent of the alleged view obstruction. For purposes of this section, the Tree Committee and/or any involved Arborist may enter upon the property of either or both parties. The Tree Committee shall evaluate the Standards set forth below based on the site visit, the property file on record at City Hall, the submitted data and the public meeting.

- a. The character of the view:
 - 1) The vantage point from which the view is sought.
 - 2) The extent to which the view might be diminished by factors other than growth involved in the claim.
 - 3) The extent of the view that existed at the time claimant(s) purchased the property. (Is the party attempting to create, enhance or restore a view?).

- b. The character of the view obstruction:
 - 1) The extent of the alleged view obstruction as a percentage of the total view (estimate).
 - 2) The impact on the beneficial use, economic value and enjoyment of the claimant's property caused by the growth.

- c. The extent of benefits and/or burdens derived from the growth in question:
 - 1) The visual quality, including but not limited to species, size, growth, form and vigor.
 - 2) Location with respect to overall appearance, design and/or use of the tree owner's property.
 - 3) Visual, auditory, wind screening and privacy provided by the growth to the owner and the neighbors.
 - 4) Effects on neighboring vegetation provided by the growth.
 - 5) The impact of the beneficial use, economic value and enjoyment of the tree owner's property caused by the growth.

- d. Restorative actions shall be limited to the following:
 - 1) No action.
 - 2) Thinning to reduce density e.g., open windows.
 - 3) Shaping to reduce height or spread, using thinning cuts only (drop crotch).
 - 4) Heading or topping.
 - 5) Tree removal with necessary replacement planting.

Exhibit G
[2 pages]

- e. Each type of restorative action shall be evaluated based on the above findings and with consideration given the following factors:
 - 1) The effectiveness of the restorative action in restoring the view.
 - 2) Any adverse impact of the restorative action on the benefits derived from the growth in question.
 - 3) The cost of the restorative action as obtained from the view claim. The Tree Committee may determine that additional estimates are required.
 - 4) The effects upon privacy of the tree owner. Values of quiet and privacy should receive equal consideration with values of view and sunlight.

- f. All restorative actions shall be undertaken with consideration given to the following factors:
 - 1) All restorative actions must be consistent with subsection C-3, subparagraphs "d" and "e" of this Section.
 - 2) Restorative actions shall be limited to shaping, thinning, and/or heading of branches where possible.
 - 3) When shaping and/or thinning of branches is not a feasible solution, heading or topping shall be preferable to tree removal if it is determined that the impact of topping does not destroy the visual proportions of the tree, growth pattern or health, or otherwise constitute a detriment to the tree in question (arborist's advice required).
 - 4) Tree removal shall only be considered when all other restorative actions are judged to be ineffective. Replacement planting can be required on the property of the parties.
 - 5) An Arborist's report is required in determining the nature and cost of replacement plant materials, installation of such plant materials, and time required for such plant materials to become well established.
 - 6) In those cases where tree removal eliminates or significantly reduces the tree owner's benefits of visual screening, wind screening or privacy, replacement screen plantings shall, at the tree owner's option, be established prior to removal; notwithstanding the provisions of subparagraph "e" above, the tree owner may elect tree removal with replacement planting as an alternative to shaping, thinning, heading or topping.
 - 7) All shaping, thinning, heading, topping and tree removal required under this Chapter must be performed under the daily supervision of an Arborist.

4. Implementation of Decision

Within thirty (30) days of the arbitration decision, the tree owner will obtain at least three bids for the prescribed work from Arborists and shall present all bids to claimant. Within fifteen (15) days after presentation of the bids, the claimant shall deposit with the tree owner an amount equal to the percentage of the lowest bid deemed appropriate by the Tree Committee. The tree owner shall, at his sole discretion, choose the company by which he wishes the work done and shall order the work done within fifteen (15) days after receiving the claimant's deposit. The tree owner shall pay the difference between the deposit amount and the bid amount of the company he has chosen. The authorized work of correction shall be done by an Arborist under the sole direction and control of the tree owner.

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