

STAFF REPORT

TREES AND VIEWS COMMITTEE

Project Salkhi View Claim / 509 Litho Street
View Claim TRP 11-184

Public Hearing Date October 6, 2011

Staff Alison Thornberry, Assistant Planner



REQUEST

Approve the resolution for the Fact Finding and Advisory Decision for the restoration of views for 509 Litho Street.

PROJECT BACKGROUND

At the September 1, 2011 meeting, the Trees and Views Committee made a Fact Finding and Advisory Decision that the Strawberry Tree (*Arbutus unedo*) located on Tree Owner, Shelby Cox's, property at 93 Girard Avenue be trimmed and reduced in order to restore the views at the Claimant, Arash Salkhi, residence at 509 Litho Street.

Staff has prepared a draft Resolution for the Committee to review and approve. As discussed at the September 1, 2011 meeting, Staff has included six Conditions of Approval. All six Conditions of Approval relate to specific trimming and maintenance requirements set by the Trees and Views Committee members at the September 1, 2011 meeting (see **Exhibit A, Attachment 2**). Conditions of Approval three through five, address the specific type of trimming and to be performed and the amount of trimming discussed and voted upon by the committee members.

The sixth Condition of Approval state that both property owners and arborists be present for each trimming that is to be completed annually. Condition seven states, "After the initial trimming is executed, a base line height of the tree shall be established by both the Claimant and Tree Owner's Arborists. Information regarding the established height shall be submitted to the Community Development Department to be kept as an official record." The final condition, Condition eight states that the trimming is to take place within 30 days of approval of the Resolution (see **Exhibit A, Attachment 2**)

The Committee has the ability to approve, modify, or delete these Conditions of Approval.

RECOMMENDATION

Staff recommends the Trees and Views Committee take the following actions regarding the attached resolution to reduce the height of the Strawberry Tree located at 93 Girard Avenue, in order to restore the views from the Claimant, Arash Salkhi's, residence at 509 Litho Street:

- Review the Draft Resolution; and
- Make any appropriate modifications; and
- Approve the Resolution.

Alternatively, the Trees and Views Committee may:

- Continue the item for additional information and/or project revisions; or
- Modify the Fact Finding and Advisory Decision and direct Staff to return with a modified Resolution.

EXHIBIT

A. DRAFT Resolution

I:\CDD\PROJECTS - ADDRESS\L\Litho 509\TRP 11-184\TVCSR 10.06.2011

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

**FACT FINDING AND ADVISORY DECISION FOR RESTORATION
OF VIEWS FROM THE RESIDENCE AT 509 LITHO STREET (TRP 11-184)**

WHEREAS, on July 13, 2011 an application was filed by the Claimant, Arash Salkhi, requesting the Trees and Views Committee make a Fact Finding and Advisory Decision on restoration of views from his residence at 509 Litho Street (APN 064-211-38) that entails the height reduction of the Strawberry Tree (*Arbutus unedo*) located on property owned by Tree Owner, Shelby Cox, at 93 Girard Avenue (APN 064-211-24); and

WHEREAS, the Trees and Views Committee conducted a site visit to both properties on July 14, 2011; and

WHEREAS, the Trees and Views Committee conducted a duly-noticed public hearing on September 1, 2011 and October 6, 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 reports as well as any and all oral and written testimony on the proposed project; and

WHEREAS, the Trees and Views Committee finds that the project is categorically exempt from California Environmental Quality Act (CEQA) pursuant to Section 15301 of the CEQA Guidelines.

NOW, THEREFORE, THE TREES AND VIEWS COMMITTEE HEREBY RESOLVES:

SECTION 1. The Strawberry Tree (*Arbutus unedo*) located on the Tree Owner's property at 93 Girard Avenue shall be trimmed by reducing the crown of the tree to the height determined by the Trees and Views Committee on November 18, 2010.

SECTION 2. This decision is based upon the Findings provided in Attachment 1 and subject to the conditions of approval provided in Attachment 2 and photograph shown in Attachment 3.

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
- 3- Annotated Photograph, dated-stamped received June 13, 2011

I:\CDD\PROJECTS - ADDRESS\Litho 509\TRP 11-184\TVCRESO 10.06.2011

TREES AND VIEWS COMMITTEE RESOLUTION

October 6, 2011

TRP 11-184

509 Litho Street

ATTACHMENT 1: FINDINGS

In accordance with Municipal Code Section 11.12.040.B.4, the Trees and Views Committee makes the following findings with respect to the view claim of 509 Litho Street (Claimant's residence) regarding the tree located on 93 Girard Avenue (Tree Owner's property).

11.12.040.C.3 Standards for Resolution of Claims

A. Character of View

1. *The view from the Claimant's residence include Sausalito hills, Richardson's Bay, Tiburon, Belvedere, Angel Island, Raccoon Straits and the San Francisco Bay. The Claimant seeks restoration of these views, or portions thereof, from the following vantage points of the Claimant's residence: front entrance, front deck, dining/living room area.*
2. *There are minimal obstructions to the above described views other than the Strawberry Tree located on the Tree Owner's property, with the exception of a Fan Palm at 501 Litho Street, a Deoder Cedar at 403 Bonita Street, and Coast Live Oaks on City property.*
3. *Strawberry Trees are a slow growing tree, and at the time the Claimant purchased the property in 2007, the tree was much smaller and shorter than it is today. The Claimant had more of a view of Richardson's Bay and the Raccoon Straits when the property was purchased.*

B. Character of View Obstruction

1. *The subject tree on the Tree Owner's property obstructs the views from the main living areas of the Claimant's residence. The Strawberry Tree obstructs approximately 100 percent of Raccoon Straits, 45 percent of Angel Island and 20 percent of Richardson's Bay.*
2. *The views are extremely important to the use and enjoyment of the Claimant's residence. The Claimant's residence was designed to highlight the existing views. The obstruction of the views by the tree on the Tree Owner's property decrease the Claimant's property value and decrease the views available to the Claimant.*

C. Extent of Benefits and/or Burdens Derived from the Growth.

1. *The Strawberry Tree is an exceptionally healthy, well-maintained tree. It stands approximately 17 feet tall and has a full green, crown spread of nearly 13 feet. The tree is an attractive and symmetrically shaped tree that contributes to the value of both homes. The approved trimming of the tree will not affect the health or vigor of the tree.*

2. *The tree is located in the rear corner of the Tree Owner's property. The Strawberry Tree completely screens the bedroom in the western corner of the Tree Owner's home and also softens the view of a large portion of the Tree Owner's home and yard as viewed from the Claimant's front deck.*
 3. *The Strawberry Tree provides visual and auditory screening and privacy has been provided by the growth of the tree. However, the trimming required to improve the view from the Claimant's property do not affect the current visual and auditory screening or the privacy to the rear bedroom and yard.*
 4. *The Strawberry Tree does not affect the neighboring vegetation provided by the tree's growth. The only property that has been affected by the new growth of the tree is the Claimant's property, as the tree affects his existing view.*
 5. *The subject tree's growth interferes with the use and enjoyment of the Claimant's residence. It restricts and obstructs significant existing views. Because of the portion of view blocked by the tree, it will lower the economic value of the Claimant's property by approximately \$50,000, according to the opinion of a local real estate broker.*
- D. *Appropriate Restorative Actions*
- *The Strawberry Tree is to be trimmed to the height approved by the Trees and Views Committee in 2010; the height is to be determined by using old trim cuts for reference;*
 - *The right side of the tree is to be trimmed as requested by the Claimant and shown in a photograph submitted by Certified Arborist, Ed Gurka (see **Attachment 3** for photograph showing the approved trimming location).*
 - *All new growth extending out from the left side of the tree's canopy should be trimmed down to meet the rest of the canopy.*

E. *Factors Determining Restorative Action*

The trimming of the Strawberry tree as listed above would restore the views for the Claimant, while not significantly affecting the screening or privacy of the Tree Owner's property due to the factors stated above.

The property owner at 509 Litho Street shall pay the full cost of the trimming of the Strawberry Tree. The approved trimming shall be conducted on an annual basis.

TREES AND VIEWS COMMITTEE RESOLUTION

October 6, 2011

TRP 11-184

509 Litho Street

ATTACHMENT 2: CONDITIONS OF APPROVAL

1. The following steps shall be taken for the trimming of the tree:
 - a. Within thirty (30) days of the approval of this resolution, the Tree Owner shall obtain at least three bids for the prescribed work from certified arborists and shall present the bids to the Claimant.
 - b. The Tree Owner will, at his/her sole discretion, select the company by which he/she wishes the work to be done. The Claimant shall be responsible for paying the costs of the lowest bid. The Tree Owner shall pay the difference, if any, between the lowest bid and the bid amount of the selected company.
 - c. The Tree Owner's arborist shall trim the tree within thirty (30) days of presentation of the bids to the Claimant.
2. The initial trimming of the Strawberry Tree shall be to the height approved by the Trees and Views Committee in 2010, as determined by the following criteria:
 - a. The old trim cuts;
 - b. The right side of the tree trimmed as shown in the annotated photograph submitted by Certified Arborist, Ed Gurka (see **Attachment 3** for annotated photograph).
 - c. All new growth extending out from the left side of the tree's canopy trimmed down to meet the rest of the canopy.
3. After the initial trimming of the Strawberry Tree is completed, a base line height for the tree shall be mutually established by the Claimant's arborist and the Tree Owner's arborist. A diagram and photographs showing the base line height shall be submitted to the Community Development Department to be kept as an official record. All future trimming of the Strawberry Tree shall be performed to maintain the tree at the base line height.
4. The Claimant and Tree Owner and their respective arborists shall be present during the time of the all trimming activities, unless the Claimant and/or the Tree Owner waive the requirement for their respective arborist to be present.
5. The tree shall be trimmed annually with the parties present, as noted above.

Advisory Notes

Advisory notes are provided to inform affected parties of Sausalito Municipal Code requirements, and requirements imposed by other agencies. These requirements include, but are not limited to, the items listed below.

1. All tree work shall be performed to the American National Standards (ANSI) A300 pruning

standards.

2. Pursuant to Municipal Code Section 11.12.040.B, in the event litigation is required to enforce the decision of the Trees and Views Committee the party bringing any private civil action must promptly notify the City of Sausalito's Community Development Department in writing of such action.
3. 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.
4. 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.

I:\CDD\PROJECTS - ADDRESS\L\Litho 509\TRP 11-184\TVCRESO 10.06.2011

TREES AND VIEWS COMMITTEE RESOLUTION

October 6, 2011

TRP 11-184

509 Litho Street

ATTACHMENT 3: PHOTOGRAPH

BLANK

II

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

RECEIVED

JUN 13 2011

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.

BLANK