

STAFF REPORT

SAUSALITO TREES AND VIEWS COMMITTEE

Project Matschullat Tree / 77 Harrison Avenue
Tree Removal Permit
TRP 11-257

Meeting Date October 6, 2011

Staff Alison Thornberry, Assistant Planner



REQUEST

Approval of a **Tree Removal Permit** to allow the removal of one Coast Live Oak at 77 Harrison Avenue.

PROJECT INFORMATION

Applicant Swift Tree Care

Owners Robert Matschullat

Location/Size 77 Harrison Avenue; APN 065-123-10
31,710 Square Feet (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 for the removal of one Coast Live Oak located on the property at 77 Harrison Avenue.

An Arborist Report was prepared on August 23, 2011 by Certified Arborist, Craig Swift, to assess the health, structural condition, and suitability for preservation of a Coast Live Oak (*Quercus agrifolia*) that is located in the rear yard of the residence.

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

- The reason for removal – the tree is dead standing and looming over a pedestrian pathway and patio;
- The tree does not have any economic value since it is completely dead and hazardous;
- The tree will continue to become unstable and will eventually fail;
- The effect of the removal on neighboring vegetation will be positive. Removing the dead standing tree will prevent the valuable plants below from being damaged when the tree fails;
- The stability of the soil will not be effected by removing the tree

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.

Since the tree has been pronounced dead, has no economic value and will continue to become unstable and hazardous and eventually fall the removal of the tree will insure the public safety and pursue good practices of forestry. The removal of the tree is necessary to accomplish objectives 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 does not recommend replanting since the removal of the dead standing tree will allow the other oaks in the area to obtain more sunlight. However, Staff has created a condition that the dead tree be replaced. The replacement tree shall be in a 24-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.*

PUBLIC NOTICE AND CORRESPONDENCE

On September 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.

No correspondence has been received on the Tree Removal Permit.

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 allow removal of the Coast Live Oak (*Quercus agrifolia*) on the property located 77 Harrison Avenue (TRP 11-257).

Alternatively, the Trees and Views Committee may:

- Approve the Tree Removal Permit with modification of the determinations;
- 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 August 23, 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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Swift Tree Care

RECEIVED

AUG 23 2011

CITY OF SAUSALITO
COMMUNITY DEVELOPMENT

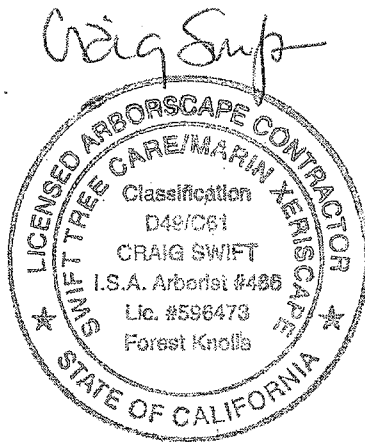
8/23/2011

Arborist Report

To Whom It May Concern:

RE: Removal Of Dead Standing Oak - 77 Harrison Street, Sausalito California

1. Photographs of the dead tree have been sent to City of Sausalito Planner - Allison Thornberry.
2. The reason for removal - Tree is dead standing and looming over a pedestrian pathway and patio.
3. Tree does not have economic value as it is completely dead and hazardous.
4. The tree will continue to become unstable and will eventually fail. Target value is high.
5. The effect on neighboring vegetation will be positive. Removing the dead standing tree will prevent the valuable plants below from being damaged when the tree fails.
6. The stability of the soil will not be effected by removing this tree.
7. At this time Arborist does not recommend replanting. Removing this dead standing tree will allow the other oaks in the immediate area to obtain more sun and grow.











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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 A COAST LIVE OAK
LOCATED AT 77 HARRISON AVENUE (TRP 11-257)**

WHEREAS, on August 23, 2011 a Tree Removal Permit application was filed by, the applicant, Swift Tree Care, on behalf of the property owner, Robert Matschullat, requesting the removal of one Coast Live Oak (*Quercus agrifolia*) located at 77 Harrison Avenue (APN 064-331-14); and

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

WHEREAS, the Trees and Views Committee considered the application at a public meeting on 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 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 Coast Live Oak located on the Tree Owner's property at 77 Harrison 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 _____, 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

Exhibit D
(3 pages)

TREES AND VIEWS COMMITTEE RESOLUTION

October 6, 2011

TRP 11-257

77 Harrison 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 77 Harrison 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.
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 - d. To pursue good, professional practices of forestry or landscape design.

Since the tree has been pronounced dead, has no economic value and will continue to become unstable and hazardous and eventually fall the removal of the tree will insure the public safety and pursue good practices of forestry. The removal of the tree is necessary to accomplish objectives a and d.

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.

*Staff has created a condition that the replacement tree shall be in a 24-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
October 6, 2011
TRP 11-257
77 Harrison Avenue

ATTACHMENT 2: CONDITIONS OF APPROVAL

This condition of approval applies to the Tree Removal Permit submitted on December 8, 2010.

1. The removed tree shall be replaced with a 24 inch box tree 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.

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.

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