

## STAFF REPORT

**DATE:** March 7, 2013  
**TO:** Trees and Views Committee  
**FROM:** Alison Thornberry-Assef, Assistant Planner  
**SUBJECT:** Trees and Views Ordinance Update

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### Discussion

The top priority for the TVC for the past two years has been to update the code to better fit the needs of the community and Committee. On February 1, 2013 the Trees and Views Committee was asked to review the existing Trees and Views Regulations and determine which ways each member thinks the current code could and/or should be amended. Attached are the responses I have received detailing different ideas and thoughts on which aspects of the code should be updated, modified or removed and how it could be made better.

### Recommendation

Staff recommends the Committee review and discuss the items submitted by each Committee Member and compile the suggestions into one list that can be used for the Committee's Priority Calendar item.

### Exhibits

- A. Letter from Member Tom Wilhite, date-stamped received February 12, 2013
- B. Email from Chair Marylee Bickford, date-stamped received February 12, 2013
- C. Email from Member Ellen Rosenstein, date-stamped received February 14, 2013
- D. Letter from Member Peter Montagne, date-stamped received February 19, 2013

I:\CDD\Boards & Committees\TVC\Memos\TVC Ordinance Update 03.07.2013

Tree and View Preservation Ordinance – Chapter 11.12 of the Municipal Code

Notes – Tom Wilhite, Trees and Views Committee Member

February 12, 2013

### 11.12.020 DEFINITIONS

CBH / DBH: There must have been a good reason for changing from circumference at breast height (CBH) to diameter at breast height (DBH), but it seems like an extra step for no good reason. A homeowner who's trying figure out this measurement might be confused, since circumference can be measured directly by wrapping a measuring tape around the tree, while diameter must be either measured with special calipers (which the homeowner is unlikely to possess) or calculated by dividing the circumference by  $\pi$ .

The last sentence in the DBH definition, which is a repeat of the "Claimant" definition, should be deleted.

For clarity, consider indenting the definitions listed under "Tree" (Dedicated Tree, Desirable Tree, etc.).

Protected tree: The common name of *Quercus agrifolia* is Coast Live Oak, not Coastal Live Oak. It is sometimes called California Live Oak.

Also, I'm not sure why Coast Live Oak is singled out for special protection. I don't feel that it is a particularly desirable species, as it has greedy roots, drops a large amount of litter, and is highly susceptible to Sudden Oak Death.

### 11.12.030 PROTECTED TREES

A.1.c.: The last sentence, which is a repeat of the d. section, should be deleted.

A.1.d.: Should be indented to match formatting of A.1.a through A.1.c.

The section with the boldface head "City's Responsibility" should be numbered "2" not "1".

Under that section, the "b" sentence should begin with "The Trees and Views Committee..." (delete "all other applications to")

B.3. The numbering/lettering is confusing. Under "a", we currently have 1, 2.a, 2.b, and 2.c, but shouldn't these just be 1, 2, 3, and 4? Also, they probably should be indented for clarity.

The item currently listed as "2.c) heading or topping" seems to be missing some words. Should it say, "This is the least preferable method, due to the negative impact on the tree's health..."?

C.2., next to last line: First words should be "any time" not "anytime".

F., G., H.: There are several references to the City Arborist. Do we have a City Arborist?

#### **11.12.040 VIEWS**

B.3., paragraph 2, line 4 is missing a word: "...which shall be held within forty five (45) days from the date..."

C.: Throughout this section, there are references to "Tree Committee". Should this be changed to "Trees and Views Committee"?

C.3.f.3): Delete hard return after "...affect the tree's..."

D. Again, there are several references to the City Arborist. Is there one?

## Alison Thornberry

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**From:** Mary Bickford [maryleebickford@hotmail.com]  
**Sent:** Tuesday, February 12, 2013 8:29 PM  
**To:** Alison Thornberry  
**Subject:** TVC - code change

**Categories:** Red Category

Hello Alison,

Following are the changes I suggest to the ordinance/code:

1. PUBLIC WORKS -

View claims and heritage and protected tree removal (unless emergency) subject to TVC review (see 11-12-040) section D

A tree removed by Public Works is replaced by Public Works Stumps ground

2. TOPPING OF TREES -

Disallowed public and private sector - fine in place

3. ARBORIST

Arborist present for PGE cuts and Public Works cuts

4. COAST REDWOOD AND MONTEREY CYPRESS

These trees removed form undesirable trees.

Fall under TVC

Exhibit B

## Alison Thornberry

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**From:** Ellen Rosenstein [ermarket@pacbell.net]  
**Sent:** Thursday, February 14, 2013 8:48 AM  
**To:** Alison Thornberry  
**Subject:** feedback on ordinances

**Categories:** Red Category

alison -

i am writing in response to your request for our thoughts on what might be amended in the ordinances pertaining to trees and views.

i agree with the purpose and intent of our tree and view ordinances. as a resident of sausalito for over twenty years, i understand and appreciate what both the trees and views add to our community. my very short tenure on the committee offers me little in the way of experience with the ordinances/municipal code but after reading them i think the ordinances are quite thorough and need only minor revisions. the revisions i would like considered are these:

- that the department of public works not be the sole governing authority on the removal of trees.
- that monterey pine, monterey cypress and coastal redwood be removed from the undesirable trees list
- that we consider eliminating the filing fee to remove a protected tree as it could be a deterrent.
- in our last meeting it was explained that tree alterations of more than 25% of the foliage or trees 10" in diameter or 4" in diameter for coast oaks requires a permit. i can't find this information within the ordinances. please consider making this more obvious as it might help to prevent a lot of "over pruning".

as i mentioned, i think the ordinances governing the trees and views for the city are quite thorough. however, i am concerned with how they are communicated and enforced. from my experience, it seems that many in the community have no idea that there are these ordinances and don't worry about them if they do, because they won't be enforced. one idea to consider for how to approach their communication would be in addition to providing the ordinances in their entirety on the web, that there also be a summary of them to make them more accessible. for example, the flow chart you provided the new members for the tree removal permit process at our last meeting aided in the understanding of the process. even tree removal/alteration permit application instructions offer an easier understanding of the process. another idea to consider would be to provide the summary and the complete ordinances to each new homeowner in the city -- perhaps through their real estate agent or a welcome package. we could also consider some outreach in the community through the woman's club, rotary club, chamber etc. to make more members of the community aware of our intent and purpose. we could also reach out to arborists working in the city to work with their customers to gain a better understanding of tree removal and maintenance in sausalito.

as to the issue of enforcement, i still don't have a clear understanding of how these ordinances are enforced. i would be curious as to how many residents of the community actually notify the city of trees being cut without a permit. i wonder if neighbors would be reluctant to call in one another for fear of retribution. perhaps your experience proves otherwise. maybe we can brainstorm this issue as a committee.

i hope this is the type of information you were looking for. please feel free to contact me with any comments or questions.

- ellen

ellen rosenstein

Exhibit C

Alison Thornberry - Assoc  
Assistant City Planner  
City of Sausalito  
420 Litch Street  
Sausalito Ca 94965

RECEIVED

FEB 19 2013

CITY OF SAUSALITO  
COMMUNITY DEVELOPMENT

Re: TRC Code Updates

Dear Alison,

Please excuse the tardiness of my letter and its non-email format. I still prefer longhand, cursive communication and I ask your forbearance.

Outlined below are my thoughts without benefit of prioritizing or significant assessment. They are meant to be compiled along with all the others I presume for the March meeting.

1. Personally, I like the organization of and clarity of two separate ordinances - one trees, one views. Philosophical primacy of which one does or should impact more in Sausalito would be a source of rich discussion fodder. Tiburon code seems the best organized since Belvedere

Exhibit D  
(3 pages)

delineates things in The Municipal Code.

2. I find the statement of policy in Tibebu's formulation, Numbers 1-6 helpful, instructive, and would be of guidance to a reviewing body at any level.

3. I believe that in Saucalito's ordinance there should not be 'Pruning' and 'Routine Pruning'. It should be noted that several bites of the apple may well result in exceeding the one quarter standard of one pertinent period (year, season, growing season, calendar year??). I have a neighbor who has continuously "pruned" coastal oaks in a series of such prunings, so that now the oaks have lovely large-limbed stumps. Some method of verification whether with before and after photos, or a work log of prunings in affidavit form might aid this process.

4. I do believe that the term coastal oak, by definition a 'Protected Tree', should include its cousins the blue oak, California black oak, interior live oak, canyon live oak, Engelman's oak or the valley oak.

tree. Is there any way of knowing whether such exemplars exist in Sausalito and, if so, in what numbers?

5. Re: Enforcement. I think that the enforcement section should indicate that there may be separate violations under state law and damages therefor. I think the ordinance should state that there may be existing remedies under common law claims of negligence, breach of contract, trespass, conversion, fraud or tortious causes of action.

Certainly, I believe that the ordinance should contain a provision, like Tiburon's 15A-10, that a violation is a public nuisance and that the City of Sausalito can sue for its abatement.

I hope the above is legible and not too long-winded. I look forward to work on the TRC and the continued hard work and diligence of the City staff.

Lastly, I wish you an easy time with your remaining pregnancy, and a short and blessed delivery. Good luck.

Sincerely,  
Peter Montagna

Peter Montagna 331 3046

ITEM NO. PAGE 8