

STAFF REPORT

SAUSALITO TREES AND VIEWS COMMITTEE

Project Dzivi Tree / 207 West Street
Tree Removal Permit
TRP 13-021

Meeting Date April 8, 2013

Staff Lilly Schinsing, Administrative Analyst (signature)

REQUEST

Approval of a **Tree Removal Permit** to allow the removal of one diseased Coast Live Oak Tree located near in the rear of the site at 207 West Street.

PROJECT INFORMATION

Applicant Treemasters

Owner Bark Dzivi

Location 207 West Street (APN 065-231-19) (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

Treemasters, on behalf of property owner Bart Dzivi, has submitted an application for the removal of one diseased Coast Live Oak tree (*Quercus agrifolia*) located at the rear of the site at 207 West Street. An Arborist Report was prepared on January 8, 2013 by ISA Certified Arborist, David Hill, which provides a summary of an inspection for health conducted on the backyard Coast Live Oak.

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

- The subject tree is a Coast Live Oak standing approximately 25 feet tall with a tree spread of approximately 25 feet;
- The subject tree has two trunks measuring 10 inches and 8 inches in diameter as measured at breast height (DBH);
- The subject tree recently lost limbs, which prompted the need for an arborist's investigation;
- The subject tree is showing signs of Sudden Oak Death (SOD) *Phytophthora ramorum* infection;
- It appears that the subject tree's root were cut within 2 feet of the trunk on the north side of the property fence and the arborist's report indicates that root pruning can increase susceptibility to SOD and other secondary pest attraction and affect structural stability of the tree.
- Removal of the Coast Live Oak is recommended.

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.

*The subject tree shows signs of Sudden Oak Death (SOD), which is a disease of oak trees caused by an invasive plant pathogen, Phytophthora ramorum. SOD is estimated to have killed more than 1 million oak and tanoak trees during the last decade. In addition, more than 100 other plant species are susceptible to the pathogen. The subject tree also shows signs of root pruning within 2 feet of the trunk which can increase the susceptibility to SOD and other secondary pest attraction in addition to affecting structural stability. Removal of the Coast Live Oak is required to insure public safety as it related to the health of the tree, and potential hazards to life and property, thus satisfying **Objectives a and d** listed above.*

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 property owner will replace the tree with a desirable tree of 24-inch box container size. The replacement tree shall be planted within 60 days of the subject tree's removal, thus satisfying **Objective a** listed above.*

PUBLIC NOTICE AND CORRESPONDENCE

On March 29, 2013, 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 (**Exhibit E**) which makes the required determinations for approval of a Tree Removal Permit to allow removal of the diseased Coast Live Oak Tree located near in the rear of the site at 207 West Street (TRP 13-021).

Alternatively, the Trees and Views Committee may:

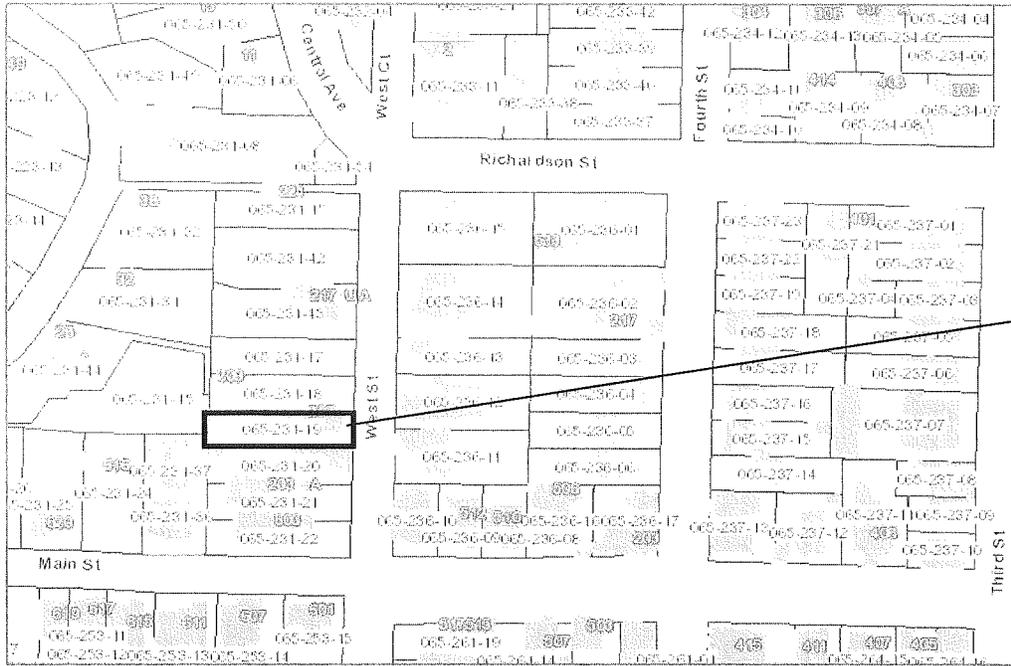
- Approve the Tree Removal Permit with modifications;
- Continue consideration of the item for additional information; or
- Deny the Tree Removal Permit and identify one or more of the Findings for Denial listed in Section 11.12.030.B.3 (see **Exhibit D**).

EXHIBITS

- A. Vicinity Map
- B. Arborist Report and photographs, date-stamped received January 22, 2013
- C. Supplement to Arborist Report, date-stamped received April 4, 2013
- D. Criteria for Approval or Denial of Tree Removal Permits
- E. Draft Resolution

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Vicinity Map



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EXHIBIT A
(1 PAGE)

TREEMASTERS

3175 Kerner Blvd Ste. A
San Rafael, CA 94901
(415) 455-9933 Main
(415) 455-9934 Fax



WWW.TREEMASTERS.COM
Email: treemail@treemasters.com



January 8, 2013

Bart Dzivi
207 West St.
Sausalito CA 94965

Arborist Report

Bart Dzivi requested TREEMASTERS to inspect one back yard Coast Live Oak *Quercus agrifolia* for health. The tree has recently lost a couple of limbs, which prompted the inspection.

On January 2nd I visited the site and would like to report:

- The tree is a Coast Live Oak *Quercus agrifolia*
- The trees has two trunks, 10in. & 8in. DBH
- The tree is approximately 25ft. tall.
- The tree spread is approximately 25ft.
- The tree is showing signs of SOD (Sudden Oak Death) *Phytophthora ramorum* infection.
- It appears that the Neighbor's plumber cut roots on their side of the fence for sewer line or storm water drainage repairs. Within 2ft. of trunk.
- Root pruning stress can increase susceptibility to SOD and other secondary pest attraction. Root pruning can affect structural stability.

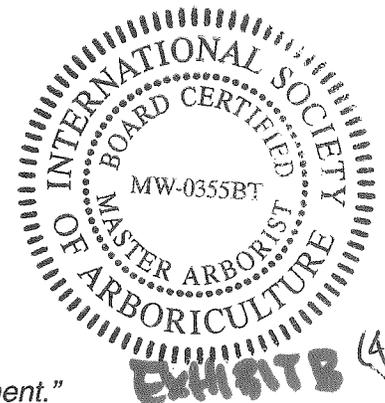
Conclusion: Based on the inspection of this tree & the site, TREEMASTERS recommends removal of one back yard Coast Live Oak *Quercus agrifolia*.

Limitations

The health and hazard assessments in this report are limited by the visual nature of the assessment. No trees were climb to obtain an up-close examination of the exact nature of branch or trunk leader attachments. Arial defects maybe obscured by foliage, branches or other trees. No trees were examined using invasive techniques. Structurally sound, healthy trees are wind thrown during severe storm events. Consequently, a conclusion that a tree that does/does not require corrective surgery or removal is not a guarantee of risk, hazard or sound health.

Sincerely,

David Hill
ISA Certified Master Arborist MW-0355BT



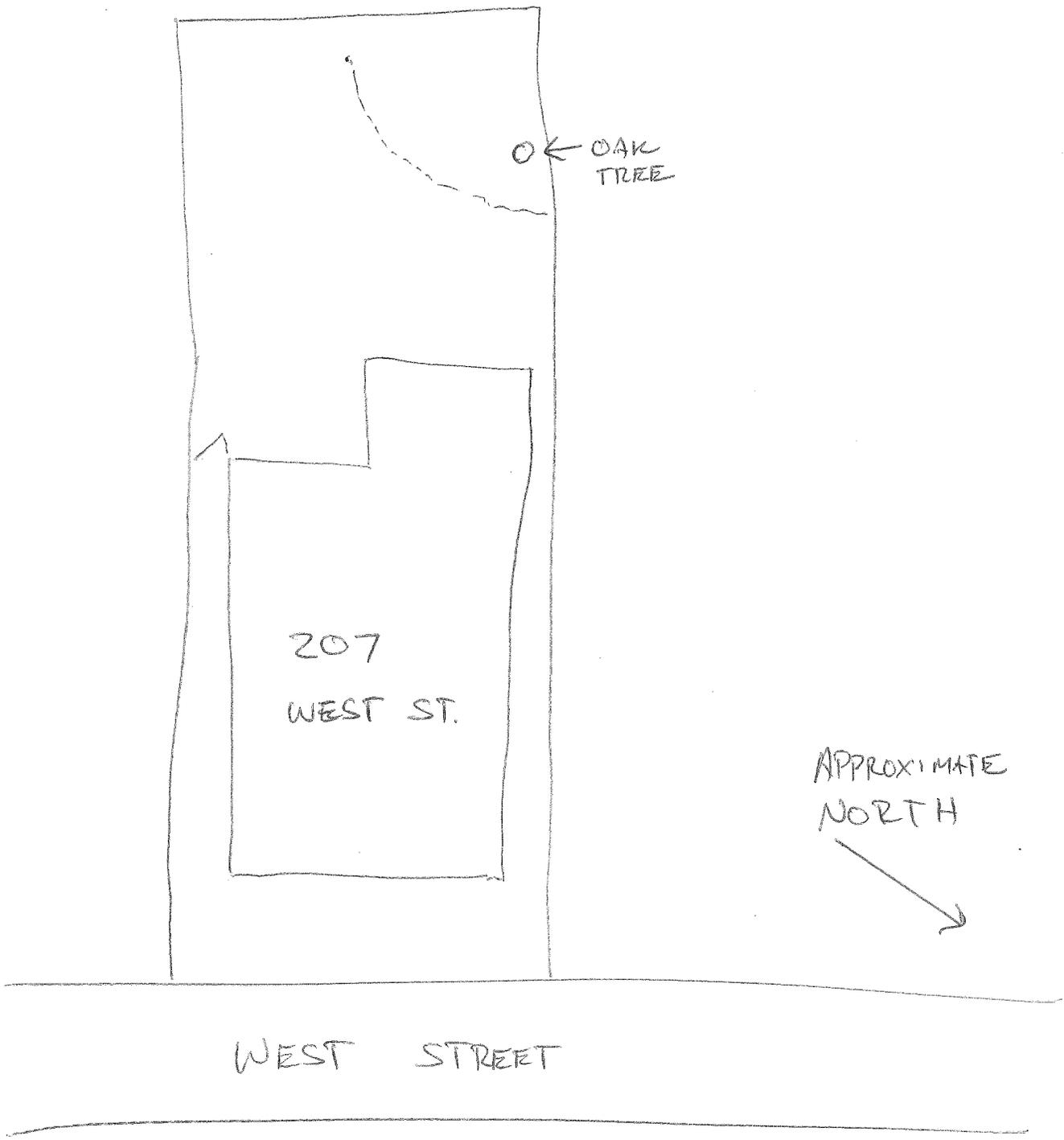
ITEM:1 PAGE:5
"Providing great care and attention
to the ONE TREE we are working on at that moment."

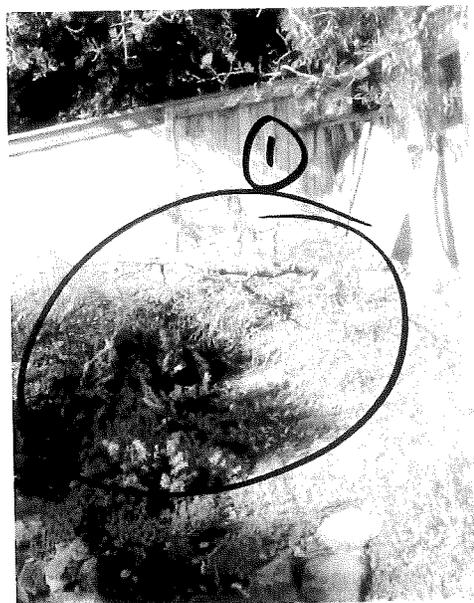
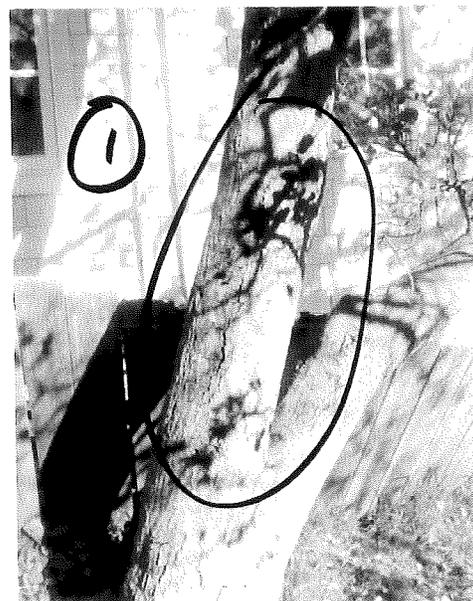
EXHIBIT B (4 PAGES)

RECEIVED

JAN 22 2013

CITY OF SAUCALITO
COMMUNITY DEVELOPMENT





RECEIVED
JAN 22 2013
CITY OF SAUSALITO
COMMUNITY DEVELOPMENT

207

WEST ST. ITEM: 1 PAGE: 7

Bartly A. Dzivi
207 West Street
Sausalito California 94965

RECEIVED
JAN 22 2013
CITY OF SAUSALITO
COMMUNITY DEVELOPMENT

January 17, 2013

To Whom it May Concern:

The undersigned, Bartly A. Dzivi, authorizes TreeMasters to apply for a tree removal permit from the City of Sausalito, and sign all necessary documents on my behalf.

Very Truly Yours,



Bartly A. Dzivi

CREW 0.5 + 2 1/2 EQ 56' LS 1/4 1/2 3/4 FULL W 1/2/13 - 10-11 AM

Permit

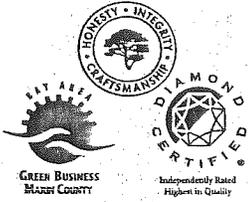
Fully Insured

TREEMASTERS

(415) 455-9933 • Fax (415) 455-9934
3175 Kerner Blvd Ste. A • San Rafael, CA 94901
WWW.TREEMASTERS.COM
treemail@treemasters.com



CA Lic. #660226



Name: Bart Dzivi Date: 12/19/2012

Company: _____ E-mail: bart@dzivilawfirm.com

Address: 207 West St Sausalito CA 94965 USA MARK WEEK 17

Billing: _____

Phone: 415-637-8789 Cell

Map: 627-B4 X-Street: Main St Ref. By: Google-repeat Attached

Description of Job: **TREEMASTERS** will perform the following work itemized below and furnish the following labor, materials & equipment to complete that work:

Job Items	Set-up, breakdown and dump fee:	\$120
1) Remove one back yard Coast Live Oak <i>Quercus agrifolia</i>		640
A) Grind related stump leave mulch <i>See Concealed Contingencies on reverse side</i>		320
B) Haul stump mulch leaving stump void filled with mulch slightly above grade		80
NOTE: Tree will require a Tree Removal Permit.	Permit Fee	175

Set-up & Break down Discount

-60

NOTE WE WILL BE BRINGING EQUIPMENT UP THE DRIVEWAY WHICH MAY CRACK DRIVEWAY, TREEMASTERS NOT LIABLE FOR DRIVEWAY DAMAGE

Note: Trees not listed on this contract were not evaluated for cost of services

Haul Brush & Debris Haul Wood Wood left cut 16" Rounds piled at base of tree Leave Stump Mulch

Estimator: David Hill ISA Board Certified Master Arborist MW-0355BT Date: 1/2/13 Job Cost Total: \$1455.00 ^{DF}

CLIENT HAS THE RIGHT TO REQUIRE CONTRACTOR TO PROVIDE A PERFORMANCE AND PAYMENT BOND.

Authorization To Proceed: The Client hereby authorizes Treemasters to perform the job as described above. Unless otherwise agreed upon in writing by Treemasters, Client agrees to make total payment of the estimated costs and all authorized additional costs upon completion of the Job. By signing below, Client acknowledges that *Client has read and understands all of the provisions on the front and back of this Agreement and agrees to abide by all terms and conditions.* Client also acknowledged the receipt of the attached Notice to Owner.

Client's Signature [Signature] Date: 1/2/13

Time For Completion: Treemasters' work crews and equipment will arrive at the job site unannounced unless otherwise noted in this Agreement. Treemasters agrees to substantially commence work within 60 days after Client has executed this agreement and shall diligently pursue the Job to completion within 14 working days, subject to permissible delays. Work will begin approximately on N/A, and all work will be completed approximately on N/A. Substantial commencement of the work shall be deemed to be the date when Treemasters first supplies workers to the job who actually start Job operations. Treemasters' failure to commence work substantially within 20 days after the approximate date specified is a violation of the Contractors' State License Law.

Deposit: Client agrees to make the following deposit of \$ 0. (Pursuant to California law, deposit cannot exceed \$1,000 or 10% of contract price, whichever is less). Client shall pay said deposit with signed contract, or by: N/A

"Providing great care and attention to the ONE TREE we are working on at that moment."



Item: 1 PAGE: 9

TREEMASTERS

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San Rafael, CA 94901
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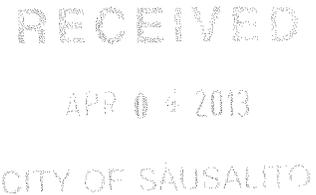


WWW.TREEMASTERS.COM
Email: treemail@treemasters.com



January 8, 2013

Bart Dzivi
207 West St.
Sausalito CA 94965



Arborist Report Supplement

Economic value: ISA Guide for Plant Appraisal 9th Edition
Trunk Formula Method

Species: Coast Live Oak *Quercus agrifolia*

Condition: Fair 50%

Trunk Circumference: 50.24in. Diameter: at stump cut, 16in.

Location = [Site 60 % + Contribution 50 % + Placement 40 %] divided by 3 = 50%

Species rating: 80 %

Installed Tree Cost: (Replacement with 2in. caliper Apple *Malus* = \$480.00)

Unit Tree Cost: \$160 / sq.in.

Appraised Trunk Area: 298 sq.in.

Basic Tree Cost: 298sq.in. x \$160/sq.in. + \$480 = \$47680.00

Appraised Value: \$47680 x 80% x 50% x 50% = **\$9500.00**

NOTE: Location of new tree placement will be determined by the final plan between Bart & the landscape contractor he will use, TREEMASTERS does not have this information.

NOTE: If this tree remains on this site, it will continue to decline from SOD, so eventually it will die. The Neighbor's will continue to reduce the height for view, so it will always have a flat top. Because it is close to the Neighbor's home its growth habit will always be asymmetrical, leaning to one side & since the roots have been cut to accommodate new drain lines on the Neighbor's side of the fence the chances of structural failure are increased. Leaving this tree will not allow the home owner can not improve the site for future enjoyment.

Sincerely,

David Hill

ISA Certified Master Arborist MW-0355BT



EXHIBIT C
(1 page)



"Providing great care and attention
to the **ONE TREE** we are working on at that moment."

ITOMIL TABELLO



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.

I:\CDD\Boards & Committees\TVC\Admin\Criteria for TRP

**SAUSALITO TREES AND VIEWS COMMITTEE
RESOLUTION NO. 2013-XX**

**TREE REMOVAL PERMIT FOR ONE COAST LIVE OAK TREE
LOCATED AT 207 WEST STREET (TRP 13-021)**

WHEREAS, on January 22, 2013 a Tree Removal Permit application was filed by the applicant, Treemasters, on behalf of the property owner, Bart Dzivi, requesting the removal of one backyard Coast Live Oak Tree (*Quercus agrifolia*) located at 207 West Street (APN 065-231-19); and

WHEREAS, a notice for the application was posted on the Tree Owner's property on March 29, 2013; and

WHEREAS, the Trees and Views Committee considered the application at a public meeting on April 8, 2013, 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 207 West Street is approved. This decision is based upon the determinations provided in Attachment 1 and subject to the conditions of approval provided in Attachment 2. A Site Plan is provided 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:

Lilly Schinsing
Administrative Analyst

ATTACHMENTS

- 1- Findings
- 2- Conditions of Approval
- 3- Site Plan

ITEM: 1 PAGE 12

EXHIBITS
(4 PAGES)

TREES AND VIEWS COMMITTEE RESOLUTION

April 8, 2013

TRP 13-021

207 West Street

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 207 West Street:

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.
 - c. To take reasonable advantage of views.
 - d. To pursue good, professional practices of forestry or landscape design.

*The subject tree shows signs of Sudden Oak Death (SOD), which is a disease of oak trees caused by an invasive plant pathogen, Phytophthora ramorum. SOD is estimated to have killed more than 1 million oak and tanoak trees during the last decade. In addition, more than 100 other plant species are susceptible to the pathogen. The subject tree also shows signs of root pruning within 2 feet of the trunk which can increase the susceptibility to SOD and other secondary pest attraction in addition to affecting structural stability. Removal of the Coast Live Oak is required to insure public safety as it related to the health of the tree, and potential hazards to life and property, thus satisfying **Objectives a and d** listed above.*

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 project is conditioned to require one replacement tree to be in a 24-inch box container of desirable species, to be determined by the property owners and shall be planted in a location to be determined by the property owner. The replacement tree shall be planted within 60 days of the Coast Live Oak tree removal, thus satisfying **Objective a** listed above.*

TREES AND VIEWS COMMITTEE RESOLUTION

April 8, 2013

TRP 13-021

207 West Street

ATTACHMENT 2: CONDITIONS OF APPROVAL

This condition of approval applies to the Tree Removal Permit submitted on January 22, 2013.

1. One replacement tree of a 24-inch box container of desirable species shall be planted in a location to be determined by the property owner and within 60 days of the removal of the Coast Live Oak tree.

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.

