# SAUSALITO TREES & VIEWS COMMITTEE Thursday, March 3, 2011 Draft Minutes

#### Call to Order

Chair Colfax called the meeting to order at 6:30 p.m. in the City Council Chambers of City Hall, 420 Litho Street, Sausalito.

Present:

Chair Grant Colfax, Vice Chair Mary Lee Bickford,

Committee Member Betsy Elliott, Committee Member Wingham Liddell,

Committee Member Ronald Reich

Staff:

1 2

Community Development Director Jeremy Graves

Assistant Planner Alison Thornberry-Assef, City Attorney Mary Wagner

# **Approval of Agenda**

Committee Member Reich moved and Committee Member Liddell seconded a motion to approve the agenda.

### **Public Comments**

None.

# **Approval of Minutes**

February 3, 2011

Committee Member Reich moved and Committee Member Liddell seconded a motion to approve the Minutes as submitted. The motion passed 5-0.

Committee Member Reich moved and Committee Member Liddell seconded a motion to consider the Kurtzig View Claim (Item 1) to later on the agenda when the Claimants arrive. The motion passed 5-0.

## **Public Hearings**

2. TR 11-021, Tree Removal Permit, Ainsworth, 73 San Carlos Avenue. Tree Removal Permit to remove one Coast Live Oak located on the front of the property at 73 San Carlos Avenue (APN 065-163-37).

The public hearing was opened. Assistant Planner Thornberry-Assef presented the Staff Report.

Committee questions and comments to Louie Brunn, the arborist:

• If the tree were not removed, how many years would it continue to live before dying completely? Mr. Brunn responded the tree has been attacked by bark beetles, which destroys the cambium layer, so the tree is just living off of the moisture that is present and will live for another three to six months, if that.

- What if only the obviously dead and dying part of the tree were removed? *Mr. Brunn responded the tree is perched out over the road and would be unstable and a hazard.*
- If this tree is removed will a replacement tree be planted? Mr. Brunn responded yes, the applicants would plant a number of trees on the site.
- Did the tree have any foliage the last time you saw it? *Mr. Brunn responded the tree has green foliage that is turning brown.*
- There has been a considerable amount of disruption to the roots of that tree, because it is right next to a stairway. *Mr. Brunn responded he had seen the deteriorating condition of the tree before any construction occurred.*

The public comment period was opened. Being none, the public comment period was closed.

## Committee comments:

This tree should be replaced with another Live Oak.

# Committee questions to Mr. Brunn:

- What is the condition of the other older Live Oak on the property? *Mr. Brunn* responded that tree is in good condition, but he would not recommend planting more Live Oaks on the property until they are able to decide what is happening with Sudden Oak Death.
- Is it possible the soil on the property might be contaminated with Sudden Oak Death? *Mr. Brunn responded no, but there are other ways the disease can be spread and they have not determined all the methods of infection.*

Vice-Chair Bickford moved and Committee Member Liddell seconded a motion to use a Coast Live Oak in a 24-inch box container as a replacement tree, planted as close as possible to the site of the Live Oak to be removed. The motion passed 5-0.

1. TR 10-392, View Claim, Kurtzig, 297 South Street. A view claim regarding the obstruction of views from the Claimant's property at 297 South Street (APN 065-293-41) by trees located on the Tree Owner's property at 211 South Street (APN 065-293-07). The Claimants seek an advisory decision regarding the restoration of water views from their property at 297 South Street.

The public hearing was opened. Assistant Planner Thornberry-Assef presented the Staff Report.

## Committee question of staff:

• The Committee received late correspondence today from the Tree Owner. Does that mean any vote made on the resolution at this meeting will be negated? Staff responded any decision of the Committee could be taken to some other dispute resolution mechanism. The fact-finding decision is advisory and is treated in the litigation with the preference of a rebuttable presumption in favor of the decision of the Trees and Views Committee.

1 2

Sara and Andy Kurtzig, the Claimants submitted a cost proposal from Marin County Arborists, Inc. for trimming and for removal of the subject trees and indicated the following:

 The subject trees should be removed, not trimmed since the cost of trimming over many years exceeds the cost of removal.

The public comment period was opened.

Patricia Arieff, 299 South Street, indicated the following:

- She and her husband live one level below the Kurtzigs.
- They agree with the Kurtzigs' request for tree removal as the solution, because their view has also been obscured. Trimming will not restore their view.
- They urge replacement of the trees with plantings, as recommended by the arborist, that are compatible with the space and the happiness of all five properties involved, including the Tree Owner's right to privacy.

The public comment period was closed.

#### Committee comments:

- Due the cost for the parties involved the logical conclusion is to remove the trees.
- No matter what this Committee recommends, it will not be the end of this situation for any of the parties involved, who are encouraged to mediate and be responsible neighbors and citizens.
- The Committee has never required a Tree Owner to remove trees specifically for another neighbor. How can a compromise be reached, acknowledging that this is an ongoing problem? The role of this Committee is not to say trees should be removed or not removed in certain situations. To modify the draft resolution to require the removal of the subject trees, while that could be a more permanent solution, sets the Committee down a dangerous path.
- Requiring the trees to be trimmed would strike a balance between the right to what people do with their own property with the right to a view.

Committee Member Reich moved and Vice-Chair Bickford seconded a motion to approve the draft resolution as submitted supporting restoration of water views from 297 South Street. The motion passed 4-1 (Elliott – No).

3. TRP 11-065, Tree Alternation Permit, Langsom Trust, 77 Bulkley Avenue. Tree Alteration Permit to alter one Big Leaf Maple located on the front of the property at 77 Bulkley Avenue.

The public hearing was opened. Assistant Planner Thornberry-Assef presented the Staff Report.

Committee questions to staff:

Is the limb that needs to be removed dangerous? Staff responded the arborist
has determined that the limb is decayed and is a potential hazard in danger of
falling. The applicant requested an emergency removal, which could have been

- approved by the Public Works Department, but it was felt the situation was not dire and the permit request was brought to the Trees and Views Committee.
- How much of the tree's height is to be reduced? Staff responded the arborist did not state an actual height, although there are photographs that depict how much the height would be reduced.

Presentation was made by Ed Gurka, the arborist.

# Committee questions to Mr. Gurka:

- Is there any way to reduce the advance of the decay? Mr. Gurka responded the only way to do that is to prune the decay out. There is no way to slow it. Seventy-five percent of the limb is gone, leaving only 25-percent to hold the full weight of the limb, which is subject to wind and the weight of the foliage produced in the spring.
- Do you also recommend reducing the end weight, and what would that entail? Mr. Gurka responded it would have to be done selectively. The ground below the opposite side of the tree is bulging, indicating the tree may be moving. A plumb line or other device should be set up to monitor movement over an annual period. If the remaining limb is moving, and depending on how much, it possibly should also be removed.
- Drop crotch pruning is recommended for the canopy. What exactly is that? Mr. Gurka responded it is a softer term for topping. It produces growth that reduces the height of the tree. The only real maintenance that can be done on the tree is to continually maintain it at that level as the growth of it cannot be restored because of the way the limbs are attached. If the limb in question is not removed as soon as possible he would recommend safety precautions be put around it to protect the public.

The public comment period was opened.

## Mr. Langsom indicated the following:

- He represents the Langsom Trust, the Tree Owner.
- The base of the tree is not on their property, but is on Bulkley Avenue, part of the public right-of-way.
- The tree is going to fall and possibly hurt someone, a matter he has brought to the City's attention for many years.

#### Mike Hock indicated the following:

He is a local contractor and agrees with Mr. Gurka's assessment.

## Committee questions to Mr. Gurka:

- Is the limb in question so weak that it could be blown down in a strong wind? Mr. Gurka responded it is very possible given the amount of decay in the limb, especially if it has foliage. In a strong wind the limb starts twisting, creating tension and torsion, and will break at its weakest point, the ten-foot decay pocket covering 75-percent of it.
- How did this tree get into this condition to start with? Mr. Gurka responded it grew out at an angle because it was growing out away from the structures

 above it. The tree is much too large for the space in which it is planted, necessitating the other limb to be removed at some point in the future.

The public comment period was closed.

#### Committee comments:

- It needs to be determined whether the tree is on City property or not.
- The immediate danger of the limb coming down needs to be addressed.

Committee Member Elliott moved and Committee Member Reich seconded a motion to approve a Tree Alteration Permit for Component 1 (as listed in the staff report) for the tree at 77 Bulkley Avenue with an inspection by the Trees and Views Committee of Components 2 and 3 with an arborist at a later date. The motion passed 5-0.

**4. TRP 11-069, Tree Removal Permit, Parode, 510 Valley Street.** Tree Removal Permit to remove one Douglas Fir located on the rear of the property at 510 Valley Street.

Presentation was made by Bob Dyson, the applicant, and Ed Gurka, the arborist.

# Committee questions to Mr. Gurka:

- Although the tree is growing laterally, what is the health of the tree? *Mr. Gurka responded it is putting out dense green foliage. His approach for removal is a long-term solution.*
- If the broken asphalt around the tree were removed, how much larger might the tree grow? Mr. Gurka responded the tree is now at 40-percent of its mature size in diameter. The average life of a Douglas Firs is approximately 100-200 years.
- What are the affects of this tree having been improperly topped some time ago? Mr. Gurka responded the topping of this tree caused its present structural problem, which will require constant maintenance. If it remains, the side limbs will have to be reduced, exposing it to more fungus, disease, and insect damage. This is not what the natural shape of this tree should be.
- What would you recommend be planted to fill the deficit left when the tree is removed? Mr. Gurka responded trees in the area will grow larger and vegetation that will become denser as it benefits from the new sunlight coming in. He does not know what else could be put in that spot. If the Douglas Fir stump is not ground out it would be difficult to add another tree there.
- Of all the trees in that area, what is the potential height of the tallest growing tree? Mr. Gurka responded the camellia tree would be 20-25 feet. The pittosporum tree in the neighbor's yard would be 25-30 feet. The citrus trees will not get very tall. All will be at reasonable heights that will not obstruct views.

The public comment period was opened.

Bob Dyson indicated the following:

- He has had the tree windowed a couple of times, but the tree keeps growing.
- This tree should never have been planted in this location.

The public comment period was closed.

#### Committee comments:

- The damage has been done and it does not appear this tree can be saved.
- The subject tree is the only large tree in that area with a canopy that provides bird habitat and is a protected Heritage tree. Although it is not perfect, it is a crime to see it go.
- The tree is too large for the lot size and will get bigger.

Committee Member Reich moved and Committee Member Elliott seconded a motion to approve a Tree Removal Permit for 510 Valley Street with the tree cut as close to the ground as possible. The motion passed 4-1 (Bickford – No).

5. TRP 11-012, Tree Removal Permit, Whiskey Springs Condominium Homeowners Association. Tree Removal Permit to allow the removal of 15 Italian Stone Pines and two White Alders located on the grounds of the Whiskey Springs Condominiums.

Committee Member Elliott indicated she would recuse herself because she lives within 500 feet of the subject property.

The public hearing was opened. Assistant Planner Thornberry-Assef presented the Staff Report.

# Committee questions to staff:

- Why did you recommend 50-percent more trees be planted? Staff responded to ensure there would still be plenty of trees on the site if all the trees did not thrive.
- What size replacement trees are going in? Staff responded Condition of Approval 3 requires a minimum container size of a 24-inch Box tree.

Presentation was made by Peg Shade, the applicant:

# Committee question to Louie Brunn, the arborist:

- Is the problem with the Italian Stone Pines that they are shallow rooted? *Mr. Brunn responded in that area the soil does not drain well and so the roots spread out rather than going down into the soil. Italian Stone Pines can grow to 80-feet tall and 60-feet wide with very aggressive roots that can disrupt pavement, et cetera.*
- How many Stone Pines are coming out? Mr. Brunn responded 17.

Committee questions to Ms. Shade:

- Why are so many deciduous trees proposed to be planted? Ms. Shade responded they offer blazing fall color and in this moderate climate the Chinese Elms do not lose their leaves until the end of December.
- Would you consider planting more evergreen trees? Ms. Shade responded if they could find specimens that do not get too large, or else they would be facing the same problems.

The public comment period was opened. Being none, the public comment period was closed.

The public comment period was re-opened.

Committee question to Ms. Shade:

• What is the basic reason you want to remove these trees? Ms. Shade responded cracked and uplifted pavement. The damaged pavement has been repaved in the past, but it continues to become damaged and is wasting money. The damaged pavement also presents a liability and tripping hazard.

The public comment period was closed.

Committee Member Reich moved and Vice-Chair Bickford seconded a motion to approve a Tree Removal Permit for the Whiskey Springs Condominiums.

Committee Member Liddell moved and Vice-Chair Bickford seconded a motion to amend the motion to require that the Trees & Views Committee have input as to what kind of replacement trees to be planted.

Staff comment:

• Staff believes it is inappropriate for the Trees & Views Committee to specify the type of trees to be replanted and would prefer the applicant be allowed to make that determination as they have retained a professional landscape architect.

Committee comment:

The trees proposed by the applicant to be replanted are not bad trees, but they are all non-native trees.

The motion to amend the original motion failed 1-3 (No – Bickford, Colfax, Reich).

The original motion passed 3-1 (No - Liddell).

**Old Business** 

None.

**New Business** 

None.

DRAFT Trees & Views Committee Minutes March 3, 2011 Page 7 of 8

### **Communications**

#### Staff

None

#### Committee

- The following items should be discussed at the April meeting:
  - The rules for trimming and care of trees, including: 1) topping of trees; 2) size, scale, and species of replacement trees; 3) removal of stumps; and 4) ensuring tree trimming is done in a manner that avoids disease.
  - The removal of the Coast Live Oak at 1 San Carlos, including a report on the status of two issues brought forth to staff: 1) the grinding of the stump; and 2) planning of the replacement tree.

# Adjournment

The meeting was adjourned at 10:14 p.m.

Submitted by Jeremy Graves, AICP Community Development Director Approved by Grant Colfax Chair

I:\CDD\Boards & Committees\TVC\Minutes\2011\03-03-Draft.doc