

1                                   **Sausalito Trees and Views Committee**  
2                                   **Wednesday, May 19, 2010**  
3                                   **Minutes – Approved**  
4

5   Committee Members:

6   GC:           Grant Colfax  
7   DC:           Dianne Chute  
8   RR:           Ron Reich  
9   WL:           Wingham Liddell

10  
11   Attendees:

12   CF:           Carolyn Ford  
13   MLB:          Mary Lee Bickford  
14   DL:           Dotty LeMieux  
15   RL:           Roy Legget  
16   NB:           Nichole Back  
17   RF:           Ruth Friedman  
18   GF:           Gary Friedman  
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20  
21   GC:           Alright, well good evening everybody. Welcome to the May meeting  
22                   of the Sausalito Trees & Views Committee. We'll just do  
23                   introductions and I'm Grant Colfax. I'm calling the meeting to order.  
24                   I'll have the other members of the Tree Committee introduce  
25                   themselves.

26  
27   WL:           I'm Wingham Liddell.

28  
29   RR:           My name's Ron Reich.

30  
31   GC:           And then staff. For the record please.

32  
33   ?:            ...

34  
35   GC:           Great. And I would just like to thank City Council Member Karolyn  
36                   Ford for joining us. Thank you. Thank you very much, it's nice to  
37                   see you here. The first item on the agenda is approval of the 18  
38                   November 2009 meeting. Do I have a motion from a member to  
39                   approve?

40  
41   WL:           Motion to approve.

42  
43   GC:           And a second? Let's just do a voice vote. All in favor of approving  
44                   the minutes?

45  
46   RR:           Aye.

1  
2 GC: Aye. Okay, great. Yes?  
3  
4 MLB: I'm Mary Lee Bickford. I'm new on the Trees and Views Committee  
5 but I think I'm just ????  
6  
7 GC: You should be, my goodness! Well, it's very nice to meet you. I'm  
8 terribly sorry for not asking if there were any new members.  
9 Welcome.  
10  
11 Did you get that for the record? The new member? Okay, welcome!  
12 Thank you for serving.  
13  
14 MLB: Thank you. I'll just be here for a short while, unfortunately.  
15  
16 GC: Okay. Do you want to announce that on the mic so we have a  
17 record?  
18  
19 MLB: I can only stay a short while due to a prior commitment scheduled  
20 this evening.  
21  
22 GC: Great, well thank you very much. So we've approved the November  
23 minutes and we'll go to our first and only agenda item, which is the  
24 view obstruction dispute at the Friedman/Glendrive residence versus  
25 the 230 Glen Drive. I just want to check in to see if representatives  
26 from both parties are present. If you could just signal. Okay. Great.  
27 Well, thank you very much.  
28  
29 So we have received the packet. I want to make sure that the  
30 members had a chance to review the packet. It looks like that this  
31 has been some controversy going way back, so I appreciate the  
32 documentation that was presented. What I'd like to do is have the  
33 parties from – what we usually do in the Tree Committee meeting is  
34 have the people who are requesting the tree to either be removed or  
35 trimmed present in an uninterrupted and respectful way, and then  
36 have owners of the tress – or the people who are wishing the trees  
37 not be modified – to counter that point, and then we'll have a little bit  
38 of discussion. But I think it runs best if we let people tell the entire  
39 story in an uninterrupted and respectful way. I do ask that (and we  
40 ask) that people limit their remarks to the most vital points. The  
41 members have read the packet and I know most members have  
42 visited the property. So I just want to make sure that rather than  
43 going into extensive detail and passions about how you feel, that we  
44 try to stick to the facts as much as possible and that you summarize  
45 things as appropriately as possible. I can tell you that is very much  
46 appreciated by the committee as well as staff. So – sometimes these

1 tree disputes take longer than the healthcare bill took, so I just want  
2 to make sure that we respect and make sure we maintain our  
3 perspective on what we're dealing with here. Not to say that it's not  
4 very, very important, and that passions do run high.

5  
6 Can we just have the – sorry, let me get this right – the tree claim –  
7 the representatives of 230 Glen Drive present their case around the -  
8

9 (Female voice): I'm not that claimant.

10  
11 GC: Oh, I'm sorry. You're the claims – okay, I'm sorry. I just got that. So  
12 could you go and tell us your story? Yes, use the mic please. And if  
13 you could limit, again, your comments to about 15 minutes that would  
14 be very helpful for us. And for the purposes of the meeting can you  
15 also just introduce yourself please?  
16

17 DL: Yes, my name is Dotty LeMieux and I'm the attorney for Ruth and  
18 Gary Friedman, who are sitting here tonight, who are the owners of  
19 the property of 226 and 228 Glen Drive. They are the claimants.  
20 This dispute has been going on for quite a while. They bought the  
21 property in 1986. The main issue is: there are a number of  
22 eucalyptus trees and acacia trees which have apparently – the  
23 acacia trees have been trimmed over the years back in the 80s, at  
24 least twice that we know of (I don't know how much or how  
25 extensively), and they have continually grown back into the view.  
26 When the Friedman's bought the property there was a filtered water  
27 view, more than there is now, because the acacia trees were at a  
28 lower level. Unfortunately we do not have photographs that we've  
29 been able to locate at this time from that twenty-some odd years ago.  
30 The acacia trees are very fast growing and they also spread very  
31 rapidly. As you know they are an undesirable tree and they an exotic  
32 tree. They are also a fire hazard in the way that they are growing on  
33 this property, and that's one of the things that we didn't really mention  
34 in our claim and would like to address that a little bit. And also Mr.  
35 Legget, who is the arborist, is here and he can talk more about the  
36 details about the trees. I've observed the trees and I've taken  
37 photographs of the view obstruction and I've provided those to you.  
38 Looking at them from the Friedman's upper and lower units and the  
39 decks of those units the acacias are directly adjacent to the 230 Glen  
40 Drive house. They grow right up next to the house and they  
41 apparently have grown about 6 feet in the last year. I haven't been  
42 out to the property in a while, but Mr. Legget can tell you he spoke  
43 with the upstairs neighbor today and got some more information. He  
44 looked at the trees in 2008 and he looked at them again today and  
45 he's got some recent photographs that he'll be able to show you. So  
46 may clients basically would like – they don't want everything cut

1 down. They have cut down a very large eucalyptus tree on their  
2 property which was close to their house and they were concerned  
3 about it possibly being a hazard because eucalyptus trees are also  
4 an exotic species and an undesirable tree. So they are trying to  
5 maintain their property and have taken down this major tree. Now in  
6 this box reply (which I was just handed yesterday by her, so I haven't  
7 had a chance to read in the detail that I would like to and compare it  
8 with my notes) one of the things that she's concerned about – and  
9 she did express this to me and we did make a visit to her property  
10 and the Friedman's property – she's concerned about her privacy and  
11 a large house that's up the hill behind the Friedman's house that  
12 apparently shines bright lights at night. I don't know if Ms. Back has  
13 taken any other measures with regard to that house – mentioned it to  
14 the city and tried to get the light nuisance abated. Most  
15 municipalities have ordinances dealing with light noise and I'm sure  
16 Sausalito probably has one as well.

17  
18 She apparently was concerned for the fact that my clients removed  
19 their eucalyptus tree because she felt that that somehow helps block  
20 the view of this house. I would like to note that there are no window  
21 treatments at all in at least the upper unit of the box-house which  
22 faces toward this big house and I think that if she had some kind of  
23 window treatment installed – draperies or blinds – that might help the  
24 light shining in the evening. The view from the front of the box-house  
25 is a very clear view down to the water front and she has an  
26 unobstructed view of the water. My clients are not asking for an  
27 unobstructed view, just simply to have the filtered view restored  
28 which would entail significant trimming of the acacias, which should  
29 be done for safety anyway. They do pose a fire hazard with the build  
30 up of debris on the ground. They are apparently reseeding  
31 themselves rapidly, which could lead to a lot of problems with fire.  
32 There is no defensible space around their property. That's a whole  
33 other concern and is probably not one that concerns this committee,  
34 but it is another issue. So the rapidly growing acacia trees, which  
35 have grown up now nearly to the top of the Back building, and the  
36 eucalyptus tree limbs hang over so they form a barrier in front of the  
37 Friedman window, which could be brought down somewhat. Those  
38 acacia trees could be brought down. The eucalyptus tree could be  
39 limbed-up a little bit. Also, there's thick growths of ivy on all the  
40 trees. That thick growth is like having several other trees and that  
41 also should be removed for the view and probably for just general  
42 health of the trees so they won't harbor rodents and that kind of thing.

43  
44 I think Ms. Back has expressed that she's blowing through some of  
45 the ivy and she has said that she would be willing to do some  
46 selective trimming, however we haven't been able to reach an

1 agreement about what that trimming would be, who would do it and  
2 we certainly – the Friedman's would request that any trimming that's  
3 done for their view, that they participate in making the decision of  
4 how that trimming would be done. They're willing to work with Ms.  
5 Back on a mutually agreeable trimming situation, and they're willing  
6 to pay for the trimming for their view. We just have not been able to  
7 come to an agreement for this point and Ms. Back is out of the  
8 country for several months out of the year – which is one of the  
9 reasons we haven't been able to have this meeting with you until  
10 tonight, because she hasn't been here and of course she has a right  
11 to be present. So we're very glad that we're all together tonight and if  
12 there's any way that we could reach a resolution that would be  
13 wonderful and I hope that that's what the outcome would be. With  
14 that I'd like Mr. Legget to just briefing address the trees. Thank you.

15  
16 GC: Thank you very much.

17  
18 RL: Good evening. My name is Roy Legget and I am a consulting  
19 arborist and I'm working for the Friedman's. I've looked, as Dotty just  
20 said, I've been out there on two occasions. My first visit was in July  
21 of 2008 and I was out again this morning. I have a set of nine  
22 photographs that I took today and because it was an overcast, well,  
23 overcast and even raining this afternoon kind of day, the glare is such  
24 that the background (which is where the view would be) is very  
25 washed out in these photos but it does show the vegetation from both  
26 floors and I'm happy to allow you to look at these.

27  
28 The first four photos are taken from the upper unit and the next four  
29 are from the lower unit and there's a final photo which shows the  
30 stump of where tree #6 (as it's identified in my report) was located.  
31 That tree has been removed by the Friedmans. It was a heavily  
32 topped eucalyptus tree and I recommended it be removed for safety  
33 reasons. I think it's important to consider that what the Friedmans  
34 need in order to have views is what is easily accomplished as routine  
35 pruning. It's not a destructive process. We're not deforesting an  
36 area to accomplish the view issue. There are clearly fire hazard  
37 issues and there are also clearly invasive exotic species issues and  
38 those species are identified by the California Invasive Plant Council  
39 as such. So we have the Marin County Fire Practices that are  
40 published material and those are not being adhered to at this site.  
41 The invasive species issue certainly relate to acacias and eucalyptus.  
42 The acacias are very numerous and a lot of young trees have  
43 receded themselves in that area. It's not a natural process to be  
44 doing that because they're not a native tree – it's a weed. So we're  
45 dealing with a different kind of characterization here than what some  
46 of the material seems to present.

1  
2 I do see routine pruning as a good solution. The ivy can remain on  
3 the hill and stabilize the hill; can remain on the trees, but simply be  
4 removed from the area of the view plain and above. So the net  
5 benefits that the ivy may be providing to silt stability, for instance, are  
6 still there and the view can be restored in a great part by pruning the  
7 ivy down a little bit on those trees. There are some finer branches on  
8 the eucalyptus that can be pruned and the basic structure or  
9 architecture of those trees won't have to change. The acacias are -  
10 historically they've been topped and pruned down when they were -  
11 they are all small trees as far as acacias go. They're young and  
12 small, relatively speaking. The trees in some other photos were (that  
13 are part of what I reviewed as well. It was material that came from  
14 Ms. Back) - those trees were clearly much bigger trees than anything  
15 I've seen out there today. So those perhaps were removed when the  
16 addition was built. I don't know the history of those trees, but they're  
17 not out there today. I'm seeing younger, smaller trees and those can  
18 be crown-reduced and contained and managed. In fact, there are  
19 some old topping cuts in some of those and they should be in fact  
20 continued to be maintained in the same way they were historically  
21 maintained. I think the fire management issues are a real issue for  
22 everybody around there. Leaving all of that brush up against the  
23 houses doesn't make any sense to me at all. Since the view is what  
24 is at stake today, just to speak to that, reducing those trees I think is  
25 consistent with proper care of those.

26  
27 In general I think this is something that could easily be resolved. It  
28 should be resolved as neighbors, I think. It's not the kind of thing that  
29 should continue on and be a big battle. It's just too easy to fix. If you  
30 have any questions I'm happy to answer.

31  
32 GC: Great, thank you very much. I want to check to see if members have  
33 specific questions to the comments made. I just want to clarify for  
34 people unfamiliar with the tree committee process (because I realize  
35 not everybody might be) is we will listen to the evidence, ask  
36 questions and then make a recommendation in terms of how the  
37 parties should proceed with regard to the trees, so just to clarify that.  
38 I think some members had had some questions about the subject  
39 matter that was raised?

40  
41 WL: Yeah I have a question about the eucalyptus. It's pretty clear that it's  
42 been topped.

43  
44 RL: The eucalyptus trees have been topped on the Back property that are  
45 in those photos, except for the trees that are off to the edge more.  
46

1 WL: And the new growth, or the growth that has taken over from that  
2 topping, looks rather, shall we say, spindly. Like not very healthy.  
3  
4 RL: Correct.  
5  
6 WL: Is that true?  
7  
8 RL: It is very spindly, partly because the trees are being over-topped by  
9 ivy and that's causing some issues for the eucalyptus. Also, they  
10 were so heavily topped there only are fine spindly shoots growing.  
11 So it's not very robust growth, correct.  
12  
13 RR: So that tree that we're talking – may I ask a question?  
14  
15 GC: Oh yes, please.  
16  
17 RR: That tree that we're talking about was topped at some point, I thought  
18 it was back in the 80's at some time, and, I believe I read that, and so  
19 it was just topped. What we're seeing there are these suckers. This  
20 is a Blue Gum isn't it?  
21  
22 RL: There are Blue Gums that have been topped. They're identified in  
23 my report as trees 7, 11 and 12.  
24  
25 RR: Okay.  
26  
27 RL: There actually are three of them.  
28  
29 RR: I have a question about how you actually, physically trim something  
30 that – to me this is a massive tree. It may not be to you, but to me I  
31 look down and – maybe it's not a hundred feet, but I want to look  
32 down there, I say, “Gee, that's a long ways down.” So how do you go  
33 about trimming that tree?  
34  
35 RL: Well...  
36  
37 RR: Do you climb it?  
38  
39 RL: They need to be climbed in order to be trimmed. So the climbing is –  
40 well, topped trees are not what any of us want to work with in tree  
41 service. As far as these particular trees, they most likely were  
42 climbing using climbing spurs and because there are no natural limbs  
43 remaining, only these re-grown limbs at the top, they'll probably need  
44 to be climbed with spurs again.  
45

1 RR: So that had – somebody climbed that with spurs and cut it with a  
2 power-saw.  
3  
4 RL: Correct.  
5  
6 RR: It looked just – flat across. And then just cut everything – well cut  
7 everything on the way up I suppose, is what it looked like to me. At  
8 one...  
9  
10 RL: That's what it looks like to me as well.  
11  
12 WL: Okay. Fine. So are – would it be your recommendation that you  
13 essentially do the same thing? Is that what I'm hearing?  
14  
15 RL: Well the view issue is not related to the topping cut or how that's  
16 managed. It relates more to the spindly growth that's drooping  
17 downward and the ivy that's on the trunk of the trees.  
18  
19 RR: Okay.  
20  
21 RL: The Friedmans are not requesting necessarily that the trees be  
22 removed, as far as those eucalyptus, but rather they have a filtered  
23 view going between those trees.  
24  
25 RR: Okay. Just quickly, how do the Friedmans want it trimmed? How do  
26 you trim that so that we can have a filtered view out there?  
27  
28 RL: They would need to enter the trees and use a pull pruner to clip those  
29 spindly branches.  
30  
31 RR: Not a saw?  
32  
33 RL: I don't – well there will be some saw cuts. Probably hand saw or pull  
34 saw-type cuts.  
35  
36 RR: Right back at the -  
37  
38 RL: The point of origin.  
39  
40 RR: - the point of origin?  
41  
42 RL: Correct.  
43  
44 RR: Okay.  
45  
46 WL: They grow very rapidly I understand.

1  
2 RL: They can, yes. About 10 or 12 feet a year is possible.  
3  
4 WL: So what's the likelihood that it's going to stay roughly where it is over  
5 time unless you trim it every couple of years?  
6  
7 RL: There will need to be on-going pruning to maintain views if these  
8 trees are still at the property. It'll be an on-going issue for the  
9 Friedmans and the Backs.  
10  
11 GC: Any other clarifying questions? Okay. Thank you. So can we hear  
12 from the representatives of 230 Glen Drive, please?  
13  
14 NB: Hello. My name is Nicole Back and I'm the trustee of the Dunkin  
15 Trust and I represent all the beneficiaries of the Dunkin Trust. Does  
16 it work?  
17  
18 GC: Yeah you have to...  
19  
20 NB: Alright. I have to read this opening statement because I feel that I  
21 would be more comfortable.  
22  
23 So the issue here is very straightforward. The law requires that the  
24 Friedmans provide proof that they had a view and establish what the  
25 view actually was when they acquired the property in 1986. They  
26 have not done that. The only evidence they have submitted in  
27 support of their claim is an advertisement for the sale of a duplex.  
28 This is clearly not competent evidence to establish a right to a view,  
29 but even it was deemed to be competent evidence, all it would  
30 establish is that there was in 1986 a "woody water view", which is  
31 precisely what they have now.  
32  
33 Therefore, there is simply no basis in either law or fact for the  
34 Friedmans' claim that they had a right to reestablish a pre-existing  
35 view. Claimant has no right to claim a view they have not  
36 established. All of that said, and I've repeated that over and over  
37 again over the past almost 4 years, I remain willing to trim some trees  
38 as long as the Friedmans pay for an arborist of my choice to do the  
39 work; as long as I am there to supervise the extent of the work; and  
40 both the trimmer and myself have access inside the claimant's  
41 duplex. I must retain the unilateral right to say what and how much  
42 can be trimmed.  
43  
44 Also, my willingness to accommodate this request at this time cannot  
45 be used in the future to argue that a right to a view has been created.  
46 While I may indeed still be willing to do so again in the future, I do not

1 want my willingness to trim the trees to be conflated with a  
2 willingness to create a right to a view that is any greater than what  
3 they were entitled to in 1986.  
4

5 This was my position more than two years ago and this is my position  
6 now. Given the number of new members – I thought you would be  
7 five today – I would like to remind the committee that this matter  
8 came before it already once in 2008. At the hearing, which was  
9 called by the claimants, I summarized my past efforts to amicably  
10 resolve the issue with the Friedmans. Mr. Reich, who chaired the  
11 hearing, indicated that no documentation regarding those efforts had  
12 been included in the claimant's package. I proceeded to describe the  
13 in-the-field approach I had offered to the claimants. Mr. Colfax  
14 indicated, or - I think you were the chair at the time, or you were the  
15 chair – indicated that what I had described was a very open approach  
16 to negotiation between individuals and he thanked me for my efforts  
17 with that. I assumed that Mr. and Mrs. Friedman would agree to  
18 follow what the committee qualified to be a step in the right direction.  
19 Unfortunately, as indicated in my letter to you on April 7, 2010 –  
20 which I hope you received – the claimant was unwilling to do that.  
21

22 So I have brought to you the minutes of the previous Tree Committee  
23 hearing where it is said, and I have it here, "I think that is a very open  
24 approach to negotiation between individuals. Thank you for your  
25 efforts for that." And my previous efforts in obtaining an amicable  
26 resolution with the Friedmans, which did not appear in the package  
27 which was submitted to you, is here. It's a letter and it also is  
28 requested in the committee minutes of 2008. I was requested to  
29 provide this. And here is the e-mail and it is dated December 16,  
30 2007 and it says, "Dear Ruth, To confirm the message I left  
31 yesterday on your answer phone: On the day of the trimming of those  
32 already agreed trees, with someone on site, we can see if there's  
33 anything we can improve from the trimming I already agreed. If more  
34 can be accomplished without unreasonably, adversely impacting our  
35 privacy, we can take care of it then. If you're still unhappy with this  
36 solution you can of course start the process with the Sausalito Tree  
37 Committee, for which specific guidelines to resolve tree issues are  
38 set forth, etc." I can provide you this e-mail.  
39

40 Now, I just want to remind the committee that the view the Friedmans  
41 are entitled to is not the view of yesterday, or the view of the day  
42 before or a year before. Trees grow. They get trimmed. People are  
43 entitled to replant trees to reforest the area. Some naturally  
44 occurring growth happens. It happens all over nature. I am not really  
45 aware of those guidelines which I will certainly, you know, look at.  
46 The Friedmans had bought a house that was in the middle of a

1 forest, and it was a very heavy forest. Trees are being cut in  
2 Sausalito left and right. It seems that now a water view is more  
3 desirable for certain than a tree view, and for those who had a water  
4 view it's obviously something that one does not want to lose. But  
5 when one bought a property which was surrounded by trees to ask  
6 for more view than it had when it was purchased is not really very  
7 fair.  
8  
9 So, that's all. I think you have read what I have sent you and I just  
10 wanted to remind you that the law is very specific as far as the  
11 findings of the Tree Committee need to be and they're expressed in  
12 the Sausalito Ordinance. So...  
13  
14 GC: Thank you.  
15  
16 NB: You're welcome.  
17  
18 GC: Any clarifying questions from the members? None? Okay. I had  
19 one question if you don't mind. It sounds like things were moving in  
20 the right direction after the 2008 meeting and that people...  
21  
22 NB: Yes.  
23  
24 GC: Can you give us...  
25  
26 NB: They were moving in the right direction because I...  
27  
28 GC: May I just ask my question please?  
29  
30 NB: Oh, I'm sorry.  
31  
32 GC: I'm just trying to figure out what, where – what was the – how far  
33 along did you get to actually moving forward with trimming the trees  
34 and what was the breakdown?  
35  
36 NB: Well, I offered 6 times at least. Do you have my letter?  
37  
38 GC: I just wanted...  
39  
40 NB: It's in there. So I will take it and I'll read the dates because I don't  
41 have...  
42  
43 GC: Can you just summarize just for us, for the record.  
44  
45 NB: Well in summary I offered several times to meet Mrs. Friedman at the  
46 property with my trimmer. She stood me up. Then she made

1 another appointment with one of her arborists and I told her that my  
2 right was to be my trimmer to climb my trees and that I was willing to  
3 meet with her arborist at the time, but that no matter what happened  
4 it would be my arborist that be trimming my trees. I mean, it's  
5 happened very frequently here, you know, that, "Oops! Oops! We  
6 lost a branch here," when somebody else does it. So I just think that  
7 I have offered that over and over. I have been stood up. I have not  
8 even obtained the courtesy of a phone call every time that I was  
9 stood up, and the first time was in 2007!

10

11 GC: Okay, thank you.

12

13 RR: I have, if you don't mind, thank you for coming up and being so  
14 detailed about your position. Which, with respect, who is your  
15 arborist? Who is your trimmer?

16

17 NB: I have several arborists. The arborist that made the trim report – you  
18 know, you have different arborists for different tasks. When it's a  
19 very simple task of topping a tree I use a man called Ron Palido. I  
20 also use Ted Kipping, who did the tree report. I also have, for this  
21 particular instance with Mr. and Mrs. Friedman, I contacted – I even  
22 have the estimate here – Marin Tree Services. And I had given them  
23 the estimate, or given their attorney the estimate to start putting  
24 somebody in the tree and the estimate is here.

25

26 RR: And what would Marin Tree Service do?

27

28 NB: Well he would start trimming little by little from the trees that I agreed  
29 to have him trim in order to possibly open up a little bit on the south  
30 side of the property for the Friedmans. And, as I said, this was  
31 something that I was willing to do even though legally I'm not forced  
32 to do it. So I really don't understand why this has taken such  
33 enormous proportions.

34

35 RR: Okay. What do you mean "little by little"? Do you mean send him up  
36 on one day to do some trimming?

37

38 NB: No, the same day.

39

40 RR: Ok.

41

42 NB: No no no. The same day. I'm sorry. Yes yes, no no. I thought that  
43 – of course on one day. We would get him in the morning and I have  
44 the day rate for the full day. We don't know exactly what we're going  
45 to do but we're just going to go ahead and, with his help, we will start

1 to prune – little by little by little – until I felt that my privacy was not  
2 too much damaged.  
3  
4 RR: What is his day rate?  
5  
6 NB: Well that was a year ago.  
7  
8 RR: Okay, well then don't answer. Okay. One man, or two?  
9  
10 NB: Two men. They'd need two men.  
11  
12 RR: Okay.  
13  
14 NB: They'd need two men because they'd have to have somebody – and  
15 they may even be more. They have one climber and somebody to  
16 pick up.  
17  
18 I would like to speak about the spurs. I have always forbidden tree  
19 climbers to climb eucalyptus with spurs. The reason being that those  
20 spurs penetrate the tree and what it does is that it permits humidity  
21 and mold and things bad to happen to the tree. So I have never,  
22 ever allowed anybody to climb my trees with the spurs.  
23  
24 RR: And how do they get up without spurs?  
25  
26 NB: They get up with ropes and because of the ivy they can climb and  
27 step on the ivy.  
28  
29 RR: If you got a man that's willing to do that. And – So you had made this  
30 specific proposal to the claimants here?  
31  
32 NB: Yes, and I have made it in front of the Tree Committee.  
33  
34 RR: Okay, and you're willing to go ahead with that right now?  
35  
36 NB: Sure!  
37  
38 RR: Okay. Thank you very much.  
39  
40 NB: But, you know, under the fact that we are not creating, I'm not  
41 creating a view for them. If the trees should go back and if other  
42 trees in the area should disappear – which is happening because  
43 what's going on is that since I spoke to you last many trees have  
44 been removed, which means that the privacy is getting less and less  
45 and less. The Friedmans have heavily taken off branches off their  
46 trees and an enormous amount of ivy that had been there for close to

1 at least 30 years that I know of. Now the ivy that provided screening  
2 on trees on their property - there is no more privacy at all.  
3  
4 RR: If I may: when was that tree actually topped?  
5  
6 NB: Which one? We're talking about 5 trees.  
7  
8 RR: Well one I know for sure was topped – you and I spoke about this  
9 once. When was it?  
10  
11 NB: Well that was in 1989, I think. That was way after the Friedmans  
12 purchased their property and the topping cuts are above their view  
13 line. So any of the shoots that shoot up from those topping cuts are  
14 not in their view and there could never have been a view obstruction  
15 due to those trees. Those trees were there, the branches were there,  
16 the ivy was there.  
17  
18 RR: Okay, thank you very much. Any other questions?  
19  
20 NB: I think that's it.  
21  
22 RR: Thank you. You want to come up? We'd be glad to – and introduce  
23 yourself please.  
24  
25 RF: Yes. I'm Ruth Friedman, I'm one of the claimants, and I would just  
26 like to speak to one of the previous Tree Committee meetings. We  
27 thought – I, my husband and I, had to be out of the country at the  
28 time and so we were not at that meeting. Our representative, our  
29 property manager, was there. There was somewhat of a disturbance  
30 at that meeting and the Tree Committee had, at that time, had said  
31 that, "Well the property owners aren't here so we're not going to deal  
32 with this."  
33  
34 GC: Let me just clarify, because at that meeting we wanted to make sure  
35 that you had a voice and representation. So there was some  
36 controversy at that meeting that was completely independent of this  
37 case, just for the record, so, yeah.  
38  
39 RF: Well we weren't there, so Ms. Back has offered to have only have her  
40 arborist come with the two of us there, and her proposal is very  
41 unacceptable to us and this is the reason why: We would be paying  
42 for her person to be there and, as she said herself, they would just  
43 cut a bit and we would all look and see, "Is that enough?" and then  
44 cut maybe a little bit more, "Is that enough?" and this would be one  
45 day's work. As far as I know they could be trimming the branches  
46 leaf by leaf.

1  
2 What I'm proposing is that a mutually acceptable pre-condition by our  
3 arborist, or her arborist, you know – in conjunction with her arborist –  
4 so that we know, before the work gets done, what work is acceptable.  
5 And it can be done and we can pay for it. But to do just a little bit and  
6 then stop is not an acceptable solution for us. Also, as far as the tree  
7 re-growth on the top, that does not obstruct our view. It's not a great  
8 thing, as the arborist has said, but there is a lot of side growth that  
9 you've seen in the photos that – curtains of eucalyptus leaves and  
10 curtains of ivy – that do obstruct the growth. We bought the duplex in  
11 1986 and it's been a long time. The trees have gotten bigger and the  
12 limbs have gotten bigger and the ivy has gotten bigger. We feel we  
13 are entitled to the view that we bought. Not more view, but the view  
14 that we bought. So thank you for your indulgence.  
15

16 GC: So, can I just – so, I think typically in the – the person who's asking  
17 that the trees be trimmed does typically pay for the for the trimming –  
18 so that seems reasonable.  
19

20 RF: No problem.  
21

22 GC: And in terms of the spirit of trying to find some compromise: what has  
23 typically been, not always, but typically worked, is there are  
24 sometimes two – when the two parties can't seem to agree on one  
25 arborist, that there is negotiation/discussion between mutual, you  
26 know, two arborists from either side and sort of having a debate and  
27 discussion about what happens. And then even going to the point of  
28 tying little pieces of string or paper to signal where the cuts might  
29 actually occur. Often times it does happen that the owner of the  
30 property who is allowing the trees to be trimmed (whether  
31 recommended or forced by this committee or not) has it worked, you  
32 know, in sort of seeing each branch come off and, you know, seen  
33 how things portray. So I think in terms of the spirit of trying to  
34 compromise, I don't think typically, "Okay – so here's how we've tied  
35 off the trees so we're just going to go ahead and do it all at once  
36 now," even though that may be more efficient – certainly from the  
37 view's perspective. But I do think that there's been a process where  
38 people try to come to a mutual agreement and the property owner  
39 does work with both of the people home to try and make sure the  
40 trees are as intact as possible while also restoring the view that was  
41 clearly there. So I just want to put that as – I guess what I'm trying to  
42 figure out it is why that didn't happen this last time since the  
43 November 2008 meeting. Because it sounds like there is – both of  
44 you are saying there's room to move on this, and maybe the other  
45 members would like to comment on it, but I'm still trying to figure out  
46 – I mean one point is, I guess, that there was some meetings that

1 were not made by both parties, but what's keeping the parties – from  
2 you perspective, and then we'll give...

3  
4 RF: I would like to have a prior agreement, like you said, marking where  
5 the cuts should be, and then agreeing on that before hand and not  
6 have a protracted, drawn out process where every leaf is argued  
7 over. Just for the economic feasibility just decide before hand,  
8 mutually of course. And again, we are willing to pay for it. We have  
9 to. But to decide this in a reasonable way – my anxiety about doing it  
10 just open ended - okay, let's sit back and have her arborist come and  
11 at her sole – she said her sole discretion over what's cut. Well it has  
12 to be a mutual thing it can't be sole discretion.

13  
14 GC: I guess that would be – and again, our model is that the two people  
15 have the arborist come together; they put the ties out. You know, if  
16 you make a tie it doesn't necessarily mean that the branch is coming  
17 off, but both parties can look at it and figure out, “does that make  
18 sense?”

19  
20 And I think it's always a balance between the privacy and the desire  
21 for trees and the beauty of trees, versus the home owner who's view  
22 is obstructed – right to a view, you know?

23  
24 It's not going to be an extreme one way or the other, but both parties  
25 have to recognize that there's some spirit of compromise around this  
26 for good neighborly relationships as much as anything.

27  
28 So I don't know if the other members have questions or concerns.  
29 I'm concerned because these are trees that are not protected. These  
30 are trees that are invasive species. These are trees that, you know,  
31 truly represent a major fire hazard. So from a home owners  
32 perspective I would certainly be concerned about them whether –  
33 obviously the privacy issue is very much in – but I think in this case,  
34 at least speaking from my perspective, I would tend towards more of  
35 a aggressive trimming based on a number of those factors,  
36 recognizing of course that the property owner has certainly a right to  
37 their privacy as well. So, trying to strike some balance between that.  
38 I don't know if the other members have questions or concerns or  
39 comments and I'll just let them. Yeah, go ahead – Mary Lee, is that  
40 right?

41  
42 MLB: You have no photos or proof of what the original view was when you  
43 purchased?

44  
45 RF: No I don't. I'm sorry I don't. But again, the ad was for a filtered view.  
46 We bought it. It was '86 that we bought it so the trees have grown.

1 The branches have grown. Even though there's been some  
2 trimming, but not significant. The trimming mainly was, unfortunately,  
3 topping, which I didn't know – I didn't – I was stupid about it. Our  
4 trees should not have been topped but we took them out.  
5  
6 RR: How tall are the trees now?  
7  
8 RF: Oh. I – very very tall.  
9  
10 WL: I think they're about 75 feet.  
11  
12 RL: Which trees?  
13  
14 RF: Eucalyptus.  
15  
16 WL: Eucalyptus.  
17  
18 RL: The topped eucalyptus?  
19  
20 WL: The eucalyptus over – I don't have the number of the trees.  
21  
22 RL: Roy Leggett again. The -  
23  
24 WL: The topped one.  
25  
26 RL: The topped eucalyptus trees?  
27  
28 WL: Yeah.  
29  
30 RL: Well I'm trying to think in terms of the buildings, how tall they would  
31 be. They're probably in the 60 foot range because there are two, I'm  
32 thinking in terms of the Friedmans' property, there are two living  
33 floors. They're up above that by another story or height, and then  
34 they descend down because of the slope probably another three  
35 stories. So ten feet per story, about 60 feet. Maybe 60-70.  
36  
37 WL: Yeah about that. So they're pretty...  
38  
39 RR: Hold up. Would it be the wrong thing to ask you how far – how tall –  
40 how much these things grow every 5 years? Obviously I'm trying to  
41 figure out where they were in 1986.  
42  
43 RL: Well it actually is possible to determine age if we engage in a – I  
44 mean it would be an invasive practice using a resist-o-graph. It's a  
45 one millimeter drilling needle. That would tell us, actually, the growth  
46 rate of these trees in terms of the trunk increases and the age

1 overall. As far as the shoots regenerating at the top – depending on  
2 the amount of light available, and this is fairly shady area relative to  
3 other sites.  
4  
5 WL: Because it's a rural area.  
6  
7 RL: Because there are a lot of trees around there and it's in a canyon.  
8 So the growth rate in that canyon setting is probably slower than it  
9 would be in other sites. In open sites we'll see 12, 10 or 12 feet, of  
10 growth a year. In this case I would suspect it's slower than that.  
11 Maybe 3 or 4.  
12  
13 RR: Okay. Mrs. Friedman, you were active in the purchasing process in  
14 1986.  
15  
16 RF: That's right.  
17  
18 RR: So when you look now over that view, what did you see?  
19  
20 RF: There to the side of the tree, for purposes – diagrammatic purposes –  
21 looking straight ahead is toward the water. Looking over toward the  
22 door is over the canyon.  
23  
24 RL: You can refer to this if you like.  
25  
26 RF: There were heavy growth over the canyon. More spindly views  
27 toward the water. So there was much heavier growth on the canyon  
28 side than there was toward the Back property facing the water.  
29  
30 RR: Okay, but the trees we are now talking about, these six trees, you  
31 saw them all when you moved out there?  
32  
33 RF: Yeah, they were there.  
34  
35 RR: Okay. I think that's the only question I have, thank you.  
36  
37 RF: Okay, thank you very much.  
38  
39 GF: May I just add something here?  
40  
41 GC: Yeah, of course.  
42  
43 GF: The words I've been hearing I think are -  
44  
45 GC: Can you just introduce yourself?  
46

1 GF: I'm Gary Friedman.  
2  
3 GC: Thanks.  
4  
5 GF: The words I've been hearing I think have crystallized what the  
6 controversy is about. You mentioned the words "mutual agreement"  
7 and that's all we're asking for. We're willing to pay for this. We  
8 would just like a mutual agreement in advance to know what we're  
9 going to get for what we paid for. Ms. Back has used the word. She  
10 wants to make the unilateral decision. For us to just hand over the  
11 cost of the arborist, of the tree trimmers, and have no say in what  
12 they're going to do is what the basis of our concern is. Thank you.  
13  
14 RR: You're saying you want to know what's going to occur...  
15  
16 GF: Yes.  
17  
18 RR: ...before you sign up for it.  
19  
20 GF: Exactly! And we've had Ms. Back in the house. We all looked at this  
21 and if we could agree, "yes, this is the part that should be removed.  
22 This ivy, these branches," we'd be happy. We'll pay for it, no  
23 problem. But we just can't get that kind of assurance that what we're  
24 going to pay for – that we have any control over that. Thank you very  
25 much.  
26  
27 RR: Okay.  
28  
29 MLB: I just have a, I'm sorry.  
30  
31 RR: Mr. Friedman.  
32  
33 GC: Mr. Friedman, there's a question here. What's your question Mary  
34 Lee?  
35  
36 MLB: It's just kind of an arbitrary question...  
37  
38 GF: Oh sure.  
39  
40 MLB: ...knowing that there's been so much conflict, do you think the two of  
41 you can stand side by side and actually agree on limbs being  
42 removed at the time? Or is that going to be another dispute right  
43 then and there?  
44  
45 GF: Are you talking about in advance or at the time?  
46

1 MLB: At the time when you have an arborist and you're tagging the limbs.  
2  
3 GF: Well if we can do the tagging, sure that's fine. But what our  
4 understanding, and maybe I'm incorrect, but Ms. Back has said we  
5 pay for the arborist, the arborist comes and she decides piece by  
6 piece what can be cut and can say, "I want you to stop here because  
7 now my privacy's being removed." and we don't know what we're  
8 going to end up with.  
9  
10 GC: Right and I think that's a good point. Typically the way that's been  
11 mitigated is there have been the ties that have been made in  
12 particularly controversial situations so people can see how to  
13 anticipate what the result will be. So certainly from my perspective it  
14 doesn't make any sense just to say, "Okay, go and do whatever  
15 you're going to do." You need to be very specific about your ideal  
16 situation in terms of, you know, thinking about what would maximize  
17 your ability to get the view back that you claim you had in 1986 and  
18 Ms. Back also needs to think about what she needs to maintain some  
19 level of privacy. Also I would say fire safety in your home. So I  
20 guess, from what I hear from the committee, is trying to figure out  
21 how to bring the two sides more together around a mutual agreement  
22 and understanding that, you know, some road map is very important  
23 here to try and move the parties along. And I see Ms. Back wants to  
24 comment. I don't know if people have other questions for Mr.  
25 Friedman. Yep?  
26  
27 RR: Anyone else have another question for Mr. Friedman? No? I think  
28 Ms. Back wants to get up here.  
29  
30 GC: That's what I was going to check.  
31  
32 RR: Okay.  
33  
34 GC: So, if you don't mind Ms. Back, we'd like to hear from you.  
35  
36 RR: Thank you, Mr. Friedman.  
37  
38 NB: I have the impression, but maybe I'm wrong, that the committee has  
39 almost already made a decision that the claimants had a view in  
40 1986. So this is something that I need to stress and that perhaps  
41 needs to be reread are the ways the ways the Tree Committee needs  
42 to reach an advisory decision. And the advisory decision is reached  
43 by claimants proving to begin with that they had a view. I haven't  
44 seen that yet. And I would like to ask the members of the Tree  
45 Committee if they could tell me what kind of view the Friedmans had

1 in 1986? Where it was? Which trees? Where their view came from?  
2 What facts have they brought to the table to prove that?

3  
4 WL: Okay, excuse me, may I interrupt?

5  
6 GC: Yes.

7  
8 WL: I don't think you should presume that we've made up our minds about  
9 this. We're open. We're respectful of your position Ms. Back. And  
10 we have certainly not made up our minds. We haven't had a chance.  
11 We haven't discussed it amongst ourselves. So please don't  
12 presume we've made up our minds about this. But there is a  
13 question, certainly, that is on all of our minds, that the appropriate  
14 way to solve an issue like this is by two sides getting together on a  
15 back porch and having a discussion of which limbs are to be  
16 removed. Probably together, the two parties, before you have an  
17 arborist out there – unofficial gathering of two friends and neighbors,  
18 friends and neighbors, to have a discussion of, “Would it be alright to  
19 take this one down?” “Yes and I want this one down too because it  
20 blocks a view from the bedroom.” “Well I want this one because of  
21 privacy.” That way you're going to have an open discussion amongst  
22 the two parties. Now I think that's incredibly important and we need  
23 to recognize that if one party, who is offering to pay this bill – not an  
24 insignificant bill – is offering to pay for this, he certainly deserves to  
25 know what he's getting for his money. So to go in and suggest, “Well  
26 I want to stop here, I want to start here...” I understand that you've  
27 been living with these trees for a long time and I respect that. But  
28 being observant of someone else's point of view is incredibly  
29 important.

30  
31 NB: This is what I've been trying to do for the past four years. Now, I  
32 have not only this property but other properties with trees and I have  
33 worked with neighbors in the past and we do have somebody climb  
34 the trees. These are professional people. They are accustomed to this  
35 type of work and they don't just wait until somebody, you know,  
36 comes up with a decision, no. We go and they actually make  
37 suggestions.

38  
39 Now I think that when, first of all, somebody has not proved that they  
40 had a view - at least as far as the ordinance is concerned. If they  
41 really want to establish a view, then what they should do (and which  
42 they should've done and which is required under the ordinance) is  
43 they would probably have an arborist side by side with whatever  
44 evidence they claim to have had back in '86; make new pictures of  
45 the vantage point from where they conceive to be the view and have  
46 their arborist at their cost make pictures and put on a PowerPoint

1 (apparently they're very good at that), and say, "this is what we want  
2 to trim. This is what we want to trim, and this is what we want to  
3 trim." And they would present it to me and then I would say, "Well I  
4 think this is okay. This is not okay," and then we would have  
5 something. But let the Friedmans take care of their burden of having  
6 to prove and provide sufficient material, as I told you in my letter.  
7

8 We did have a site visit. I offered this system to the Friedmans.  
9 Their attorney refused. She wanted to have everything in writing  
10 before, and I understand very well why. But the idea here is to work  
11 together, but since my claim is that they already have a much better  
12 view than they had when they purchased the property, whatever  
13 more they're asking for would be better than what they ever had. In  
14 '86 and now. That's all I'm saying.  
15

16 GC: Okay. Thank you. And Mary Lee needs to leave early but she  
17 wanted to make a few comments beforehand.  
18

19 NB: I'd like to present a picture. Of course I was not going around in the  
20 '80s taking pictures of the house, heights of trees or anything like  
21 that. I have no idea of the need to do things like that. But I do have  
22 a picture of the deck of 230 Glen Drive. It's an old Polaroid from  
23 1981. And between '81 and '86 none of those trees were cut deeply.  
24 And I'd like to show it. I will to show it to you.  
25

26 GC: Okay. Mary Lee, would you like to make some comments?  
27

28 MLB: Yes. I believe, first of all, one party wants their privacy and you  
29 would like a view or a filtered view. There has to be a compromise,  
30 or there should be a compromise if you want to remain as neighbors.  
31 I don't think it's unrealistic to ask for a mutual arborist selected by  
32 both parties and a prior tagging of limbs agreeable by both parties.  
33 So that's my conclusion about what's occurred tonight to clean up the  
34 trees a bit mutually, protect your privacy and give you some view  
35 that's not greater than is possible. Thank you.  
36

37 GC: Let me see that picture. Alright. Let me check with members if there  
38 are any open – any further discussion around this? We can take a  
39 few more comments. Yes?  
40

41 WL: I have to go along with Mary Lee's suggestion. They got to get  
42 together some way or another and the way that we've done it in the  
43 past is what Grant said, and it worked fairly well! So my suggestion  
44 is go along with what Mary Lee says here.  
45

1 NB: Excuse me. I'd like to add one more thing because we're dealing  
2 here in a legal situation with the guidance of an ordinance in the city  
3 of Sausalito. I would very much like to write the – I have done that  
4 several times. Mr. Reich has been at the property last time. None of  
5 the other Tree Committee members have visited 230 Glen Drive or  
6 have been inside of the house. The standards of resolution say, "The  
7 Tree Committee shall, as a group, inspect the premises of both  
8 claimant's and the tree owner." And before the committee actually  
9 makes a decision, one way or the other, I think it would only be fair to  
10 have the Tree Committee members come to the 230 Glen Drive. I  
11 need to give my tenants 24 hour notice. They would be very happy  
12 to have the members as a group come over. I think it would be a  
13 good thing that the Tree Committee members see the situation  
14 before making a decision. And I'm just asking for that as well as  
15 considering the fact that no proof of a view has been presented.  
16 Thank you.  
17

18 RR: Thank you, just stay there just a minute. Thank you very much for  
19 your comments. Each one of us has seen the property, not  
20 necessarily from inside your homes – I've seen it from inside your  
21 home – but this is not a difficult issue to evaluate. We don't have to  
22 go climbing trees or go into homes. We just simply don't have to do  
23 that.  
24

25 NB: Okay.  
26

27 RR: This is – it is very clear what the problem is here with the tree, or  
28 trees. And it's difficult.  
29

30 One of the issues here is the safety of the neighborhood. That's a  
31 huge issue.  
32

33 NB: Yes.  
34

35 RR: These are very flammable trees. All of these are. More so than  
36 many other trees in the area, and they just grow like crazy! So those  
37 are important issues and my personal feeling is that it's less a matter,  
38 an issue, of the view that somebody originally had – which can't  
39 possibly be documented, you know that. So...  
40

41 NB: Well perhaps...  
42

43 RR: I come down on the side of getting sides together without an arborist,  
44 or with an arborist, or with two arborists if you need them – but some  
45 form of mediation needs to occur. Some form of mediation needs to

1 occur here and some form of agreeing. I sense that you just don't  
2 want to agree, am I wrong about that?  
3  
4 NB: That is totally wrong.  
5  
6 RR: Oh I'm so glad to hear that.  
7  
8 NB: Yeah, I think really that I have proved over four years that I have  
9 wanted to have the people come to the site with my arborist, climb  
10 the tree and just get it over with.  
11  
12 RR: How about with their arborist?  
13  
14 NB: No.  
15  
16 RR: Okay, thank you very much.  
17  
18 NB: No.  
19  
20 GC: So can I just ask the arborist...  
21  
22 NB: No. That is not the way. That is not the way it is customarily done in  
23 Sausalito.  
24  
25 RR: Thank you. Thank you very much.  
26  
27 GC: Can I just ask the arborist a question, if you don't mind? I'm sorry I  
28 forget your first name.  
29  
30 RL: My name is Ray Legget.  
31  
32 GC: Okay, thank you. So in your opinion in discussing with your clients,  
33 how much – I don't know if you can summarize this easily but looking  
34 at the pictures to me it looks like in a lot of the windows a reasonable  
35 view would be attained with relatively small amount of trimming.  
36 There are equally branches that have grown into this area that have  
37 not been there since 1986 because of the rate of the growth of these  
38 trees. So I'm just trying to get a sense of – have you discussed with  
39 Ms. Back how many branches or how much sort of board feet would  
40 have to come off to approach a reasonable view. Because you can  
41 also see from her perspective if you – no one's suggesting this, but if  
42 you go to extremes – if you clear cut the area they're going to get a  
43 better view than they have now also. So I'm just trying to find, again  
44 in the spirit of bringing people together, how do you actually sort of  
45 quantify how much would actually need to come off in order to meet

1 your clients' hopes and expectations that also Ms. Back could maybe  
2 live with?  
3  
4 RL: First of all, just so you understand, I haven't had any discussions or  
5 meeting with Ms. Back.  
6  
7 GC: Yeah I know. I'm just talking from your perspective and maybe the  
8 owners can feel free to add anything that you can't at this point  
9 because maybe you haven't had those specific conversations.  
10  
11 RL: Okay. I have had a limited amount of exposure to all of these  
12 dynamics that are going on today. In any case, you're assessment of  
13 a lot of branches being much younger than circa 1986 is accurate, in  
14 my opinion. A lot of that foliage and those branches have grown  
15 much more recently. There is along the view plane an intrusion of a  
16 lot of foliage. I think that's clear. You don't have to be even  
17 necessarily an arborist, apparently, to figure that out because you  
18 certainly did. It's very difficult to quantify from only the perspective of  
19 the Friedmans' property what's on the Back property. I haven't been  
20 given access to that property to evaluate trees.  
21  
22 GC: I see. Okay.  
23  
24 RL: My sense of it is a lot of small, relatively young branches, can be  
25 trimmed to accomplish the task at hand.  
26  
27 GC: Okay.  
28  
29 RL: I think it is wise advice to get people together in advance. It's  
30 probably also useful to have some photoshopped, marked up  
31 diagrams or – using photo images or photoshop – indicating where  
32 the cuts maybe need to occur. Flagging can be used as well, like  
33 you suggested. Maybe having two arborist involved because maybe  
34 the dialogue isn't happening and the arborists could talk as peers.  
35  
36 RR: You've seen these trees. Would it be your recommendation that  
37 these things be trimmed fairly aggressively?  
38  
39 RL: Well I don't think that aggressive trimming is necessarily what needs  
40 to occur to meet the Friedmans' view improvement. It seems to be  
41 fairly modest pruning, and pruning associated with old pruning cuts  
42 on the acacias. You can see in fact in one of those images, in one of  
43 the photos I took today, that there is an old top. There is a dog-leg  
44 with re-growth above that and that is an old topping cut and that is  
45 evidence of what would've been a historic view plane.  
46

1 GC: So – thank you. I'm trying again to figure out how to bring people to  
2 make this happen. You had one comment and then, Ms. Back.  
3

4 NB: I don't even have to allow Mr. Legget.  
5

6 GC: If you could just allow – and then we can take your comment  
7 because we need to keep it...  
8

9 DL: I certainly agree that the ideal situation would be to have the two  
10 neighbors informally agree what needs to be done. Unfortunately in  
11 this case this has not happened and it's – we've tried to get that to  
12 happen in the past and it hasn't. I do think it's important to have it be  
13 done professionally and to have two arborist perhaps (if they cannot  
14 agree on a mutually agreeable arborist) to look at the trees from both  
15 a health and a view standpoint, because a lot of other issues have  
16 been raised and I can tell that you're concerned about the other  
17 issues. The fire safety as well as the view in this case. I would think  
18 that the home owner would be concerned about that as well. I know  
19 that she has in the past had some informal arrangement where they  
20 had some tree trimmer go up the tree and the neighbors say, "Oh, cut  
21 here, cut here." I personally have never been involved in anything  
22 like that as an attorney when I've worked in a lot of these types of  
23 situations with neighbors disputing trees and view in other  
24 communities. What does typically happen is you do agree ahead of  
25 time with either one arborist that you both agree on or, if you can't,  
26 the two of them together who do talk as peers. They come up with a  
27 plan – working with both of the home owners, going to both houses  
28 and working with them and making sure that that plan has a  
29 maintenance component to it so that you have a tree maintenance  
30 plan that can be done over the years. Both for the health of trees  
31 and safety and for the view, if that's the issue. I also want to make  
32 sure that whoever does the trimming on the trees is a licensed  
33 arborist, has insurance and is not some tree trimmer – informal tree  
34 trimmer. By law a person who cuts trees has to be licensed – a  
35 licensed arborist. I was a little concerned that Ms. Back was talking  
36 about a tree trimmer as opposed to a licensed arborist.  
37

38 GC: So I think, and I know I speak for the other committee member, we  
39 would not recommend anything but a licensed arborist to do this.  
40 Obviously, we're on the Trees and Views Committee, we love and  
41 respect trees and want to make sure that their health and safety is  
42 also maintained while also respecting the need to restore views  
43 within a reasonable range. So thank you for your comments, but I  
44 think we're all on board there.  
45

46 I just want, I think – Ms. Back, did you have a comment to make?

1  
2 NB: My Polaroid is there?  
3  
4 GC: Your Polaroid is here.  
5  
6 NB: ?  
7  
8 RR: You didn't bring that up.  
9  
10 GC: So, did you have a comment to make? Because we are now – I think  
11 – I certainly feel like I have enough information on the case at this  
12 point so I only ask if people want to comment on anything else. Have  
13 any questions?  
14  
15 Ms. Back, yes, okay, but please keep your remarks brief because I  
16 think at this point the committee is moving towards making a  
17 decision.  
18  
19 NB: When I answered, you know, that I would not be willing to have  
20 anybody else but my arborist do the actual trimming I said that I  
21 would be very happy – curiously, I called Mr. Legget because I didn't  
22 know who he was at the time in Paris. When I received the tree  
23 report I called him from Paris not knowing that he was the one that  
24 had prepared the report for the Friedmans. I explained my story, I  
25 said, “I need somebody to come and help me with the trees.” When I  
26 sent him the contract I got no response. And then I found out,  
27 because the only report that I received in Paris was an abridged  
28 report, that I had spoken to him about the whole story about the trees  
29 and he was actually the arborist of the other party. So in total candor  
30 I had contacted him and then he said, I never heard back from him,  
31 and then I understood that there was a conflict of interest – that he  
32 could not actually do it.  
33  
34 GC: Yeah.  
35  
36 NB: So I had previously spoken to him.  
37  
38 GC: Thank you for  
39  
40 NB: So I just wanted to say that of course I think that this is a very good  
41 idea – that the Friedmans should propose, as Mr. Legget says, to  
42 present a photoshopped view of what they propose to do. And that  
43 does not mean that I agree to the fact that they had a view in 1986,  
44 because you have pictures in there dating from 1987, which is one  
45 year after the Friedmans purchased the property that show the

1 eucalyptus trees are higher than my roof and therefore higher than  
2 their roofs. So they were there. They were always there.

3  
4 GC: Thank you for that. After hearing the discussions and the pictures  
5 and the evidence, I would like to move that the Tree Committee make  
6 a recommendation that the two opposing parties agree on a single, if  
7 they can agree on it, a single arborist – license arborist - and if not,  
8 two arborists each representing either party, to meet in a respectful  
9 manner and timely manner and actually make ties around the  
10 proposed cuts – either in real, physical time or else using a model.  
11 Perhaps based on the model of the trees and doing photoshop and  
12 so forth. And that both sides are reasonable in respecting the privacy  
13 of the home owner and also the need to do some cutting. Which in  
14 my view is – I think there could be minimal cutting, certainly minimal  
15 damage to the trees, and the home owners would provide, would be  
16 provided, with a much improved view.

17  
18 So I'd like to propose that that be done and then the process of  
19 trimming proceed based on the mutually agreed upon ties and cuts  
20 that either are physically represented on the trees themselves, or in a  
21 virtual way. Any amendments or concerns? That was a rather  
22 verbose and not very eloquent motion, but is there any amendment?  
23

24 WL: If that's the motion which I think it is, I second it.

25  
26 RR: Okay. Can we make – I'd like to add a timely caveat to that.

27  
28 GC: I said timely, would you like to -

29  
30 RR: Within 30 days.

31  
32 GC: Within 30 days? That sounds good. Okay, I like that. This is now  
33 the committee so we don't have now the public comments. I think  
34 that if it needs to be done in 30 days, and certainly it can be done in  
35 that amount of time. Within 30 days means you guys could start on it  
36 tonight. So, I think that that's reasonable. And I just hope – you  
37 seconded the motion? So, shall we vote on it? All in favor? Aye.

38  
39 RR: Aye.

40  
41 WL: Aye.

42  
43 GC: Great. Thank you. And I just think, in closing remarks, I really hope  
44 that this can be done in a mature and responsible way. Sometimes  
45 these cases come back to us, even after we've gone to this point, so  
46 I just ask that people – and it's going to take compromise on both

1 sides. So I hope, again in the spirit of getting on the back of your  
2 porch and talking to your neighbor, it can be done. So, thank you for  
3 your time and effort and we look forward to hearing that this was  
4 successfully resolved.

5  
6 Any other comments or agenda items? Okay, we'll adjourn the  
7 meeting.

8  
9 RR: Thank you.

10  
11 GC: Thank you.

12  
13  
14  
15  
16 \_\_\_\_\_  
17 Submitted by  
18 Jeremy Graves, AICP  
19 Community Development Director

20 \_\_\_\_\_  
21 Approved by  
Grant Colfax, Chair  
Trees and Views Committee

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