



1 Committee comments:

- 2 • The tree should be removed. It should be left up to the owner as to whether or
- 3 not to plant a replacement tree.
- 4 • In keeping with the Committee's precedents, a replacement tree should be
- 5 planted.
- 6 • The arborist's recommendation to plant a Crepe Myrtle should be followed.
- 7 • A replacement tree should be native to the area and blend with its surroundings.
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9 Additional Condition of Approval:

- 10 • An appropriate replacement tree shall be chosen by the owner shall be
- 11 installed.
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13 **Vice-Chair Bickford moved and Committee Member Reich seconded a motion to**

14 **approve a Tree Removal Permit for 139 Lincoln Drive subject to the additional**

15 **Condition of Approval. The motion passed 3-0.**

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17 **Old Business**

18 None.

19 **New Business**

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- 23 **4. TRP 10-392, Set Date and Time for Special Meeting for Site Visit to 297**
- 24 **South Street and 211 South Street Regarding View Claim.**
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26 **By consensus the Committee determined January 12<sup>th</sup> to be the date they would**

27 **visit the two residences at 211 and 297 South Street. An alternative time will be**

28 **arranged for Committee members who are not available on January 12<sup>th</sup>.**

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- 30 **5. Removal of a Dedicated Coast Live Oak Tree at 1 San Carlos Avenue.**
- 31 Continued discussion from the December 2, 2010 meeting.
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33 Director of Public Works Jonathan Goldman indicated the following:

- 34 • An arborist report diagnosed the trees with Sudden Oak Death and
- 35 recommended its immediate removal and the City exercised its authority to
- 36 remove the dying tree.
- 37 • The Sausalito Woman's Club, who had dedicated the tree, and the adjoining
- 38 property owner were notified in advance of the removal. The Woman's Club
- 39 recovered its dedication plaque and performed a ceremony before the removal.
- 40 • In hindsight the Trees and Views Committee should have been informed, as
- 41 well as other City staff.
- 42 • Public Works Department has identified inconsistencies in the City regulations
- 43 with respect to the authorities and procedure for tree removals.
- 44 • Staff will develop written procedures to better manage this type of circumstance
- 45 in the future.
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48 Committee questions and comments to Mr. Goldman:

- 49 • It was a dedicated tree. Municipal Code Section 17.28.090 states work on
- 50 protected and dedicated trees is unlawful without a permit. It is disturbing that

1 the City, charged with upholding these rules and regulations, is actually  
2 violating them. If notification and proper procedure for removal are not  
3 followed, the Trees & Views Committee is a charade. *Mr. Goldman responded*  
4 *the authority to remove a hazardous tree is not discretionary and does not lie*  
5 *with the Trees & Views Committee. He and his department do not interpret the*  
6 *regulations in the same way the Committee does. He does not appreciate the*  
7 *Trees & Views Committee assuming its interpretation is correct in the absence*  
8 *of the City Attorney or her interpretation. The oak tree was fatally infected with*  
9 *a contagious disease and it was removed in the due course of the*  
10 *Department's responsibilities of maintaining the public right-of-way and*  
11 *protecting other trees.*

- 12 • The oak was not in danger of falling imminently and therefore was not an  
13 immediate threat.

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15 Committee questions to staff:

- 16 • Can staff provide clarity on how the Trees & Views Committee and Director of  
17 Public Works are interpreting the regulations? *Staff responded there are*  
18 *inconsistencies between different sections of the Municipal Code. Section*  
19 *17.28.090 states for trees dedicated by the City of Sausalito or the Woman's*  
20 *Club, the Trees & Views Committee is responsible for issuing permits, but*  
21 *another section of the code allows the City Engineer to be responsible for trees*  
22 *in the public right-of-way. It appears these two provisions of the Municipal*  
23 *Code were written at different times and possibly each without knowledge of*  
24 *the other. The person responsible for making interpretations in those situations*  
25 *is the City Attorney, who is not at this meeting.*

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28 Committee questions to Mr. Goldman:

- 29 • Could the removal of the oak tree have been delayed? *Mr. Goldman*  
30 *responded the risk in delaying its removal was that an infectious disease could*  
31 *spread to other trees. The removal of a fatally infected tree is not discretionary;*  
32 *it has to be removed. The only issue here is the Trees & Views Committee had*  
33 *no knowledge of the removal or the opportunity to review the arborist report*  
34 *and comment on it, nor did any members of the public.*
- 35 • Does the arborist report state clearly that this tree was on the verge of falling  
36 down? *Mr. Goldman responded his point is not that the arborist said the tree*  
37 *was in danger of falling down, but that the arborist report indicated the tree was*  
38 *fatally infected with Sudden Oak Death.*
- 39 • Do we have a clear understanding of how this tree came to the City's  
40 attention? *Mr. Goldman responded he does not know exactly how it came to*  
41 *the City's attention.*
- 42 • How was the decision made by the City to remove the tree? *Mr. Goldman*  
43 *responded the Public Works Supervisor, who may have identified the issue,*  
44 *coordinated with the arborist, looked at the tree, reviewed the arborist report,*  
45 *and reported to Mr. Goldman that the arborist had confirmed it was infected*  
46 *with Sudden Oak Death.*

1 Committee comments:

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- The Committee should invite a very clear comment from the City Attorney identifying where the authority lies in these matters.
  - The issue is not whether the tree should have been removed or not, the question is how to avoid this scenario in the future where there has not been adequate Committee input and adequate vetting.
  - If proper procedures had been followed the tree may still have been removed, but the neighborhood would have been notified and there would have been some decision made in advance of the removal as to how best replace the tree. Now all there is is a 3x2 foot stump and no apparent plan to do anything.
  - It is clear these provisions need to come before City Council and be rewritten. In the meantime, Public Works staff should notify the Trees & Views Committee to let it know if something like this is going to happen, even if it is not required.

16 Committee comments to Mr. Goldman:

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- The Trees & Views Committee has a longstanding process and that process should be respected. The Committee would like Mr. Goldman to agree he will not cut dedicated and/or protected trees down in the future without first discussing it with the Trees & Views Committee, which has a right to sign off on these matters. *Mr. Goldman responded he does not agree that the Committee has that right. He will agree to notify the Trees & Views Committee before cutting trees, but he is not willing to concede that the Committee has the authority to overrule his and his department's judgment as to whether it is in the public interest to remove a tree that is hazardous, fatally infected with an infectious disease, or anything else that is not discretionary in their judgment.*
  - Notification only is not adequate. There should be a spirit of cooperation between City departments.

31 **Committee Member Reich moved and Vice Chair Bickford seconded a motion to**

32 **direct staff to request the City Attorney to prepare a clear interpretation of the**

33 **City regulations with respect to authority in the removal of dedicated and/or**

34 **protected trees. The motion passed 3-0.**

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36 Committee question to Mr. Goldman:

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- Are there plans to plant a replacement tree at this site? *Mr. Goldman responded they do not budget for replacement of trees removed due to illness or disease, and have no plans to plant a replacement, but if the Trees & Views Committee can suggest a candidate site for a replacement tree with the potential to reach dedicated status, and if the adjoining property owners consent to the replacement, he will be happy to work within his budget with the City Council and the Finance Director to fund a replacement.*
  - Are there plans to remove the oak tree stump? *Mr. Goldman responded they have no plan to remove the stump, as they have limited resources to fund cosmetic work.*
  - Was an estimate given for stump grinding? *Mr. Goldman responded no.*

1 Committee comments:

- 2 • The stump should definitely be removed.
- 3 • The canopy of two other trees around that site would limit the growth of a
- 4 reasonable replacement tree. A replacement tree should be modest in size, a
- 5 Japanese maple perhaps, or a bush not over 4 feet in height, would work well
- 6 in that space and bring color.
- 7 • The oak tree was so magnificent that a replacement tree should be as large as
- 8 possible to try to fill the space the oak tree left.
- 9 • The Committee would like to view the arborist report regarding the removed
- 10 oak tree, and would like to know who brought the tree to the attention of the
- 11 City.
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13 **Chair Colfax moved and Vice Chair Bickford seconded a motion to direct staff to**

14 **research the financial feasibility of removing the tree stump at 1 San Carlos**

15 **Avenue and obtaining an arborist's recommendation regarding a replacement**

16 **tree, with final approval by the Trees & View Committee. The motion passed 3-0.**

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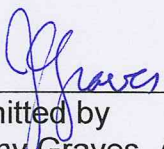
18 **Staff Communications**

- 19 • The preliminary agenda for the February 3<sup>rd</sup> meeting was reviewed
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21 **Adjournment**

22 The meeting was adjourned at 7:35 p.m.

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26 Submitted by

27 Jeremy Graves, AICP

28 Community Development Director

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32 Approved by

33 Grant Colfax

34 Chair

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