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**SAUSALITO TREES & VIEWS COMMITTEE**  
**Thursday, March 3, 2011**  
**Approved 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: 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 Sara and Andy Kurtzig, the Claimants submitted a cost proposal from Marin County  
2 Arborists, Inc. for trimming and for removal of the subject trees and indicated the  
3 following:

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

6  
7 The public comment period was opened.

8  
9 Patricia Arieff, 299 South Street, indicated the following:

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

16  
17 The public comment period was closed.

18  
19 Committee comments:

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

33  
34  
35 **Committee Member Reich moved and Vice-Chair Bickford seconded a motion to**  
36 **approve the draft resolution as submitted supporting restoration of water views**  
37 **from 297 South Street. The motion passed 4-1 (Elliott – No).**

- 38  
39 **3. TRP 11-065, Tree Alternation Permit, Langsom Trust, 77 Bulkley Avenue.**  
40 Tree Alteration Permit to alter one Big Leaf Maple located on the front of the  
41 property at 77 Bulkley Avenue.

42  
43 The public hearing was opened. Assistant Planner Thornberry-Assef presented the Staff  
44 Report.

45  
46 Committee questions to staff:

- 47 • Is the limb that needs to be removed dangerous? *Staff responded the arborist*  
48 *has determined that the limb is decayed and is a potential hazard in danger of*  
49 *falling. The applicant requested an emergency removal, which could have been*  
50

1 approved by the Public Works Department, but it was felt the situation was not  
2 dire and the permit request was brought to the Trees and Views Committee.

- 3 • How much of the tree's height is to be reduced? Staff responded the arborist  
4 did not state an actual height, although there are photographs that depict how  
5 much the height would be reduced.  
6

7 Presentation was made by Ed Gurka, the arborist.  
8

9 Committee questions to Mr. Gurka:

- 10 • Is there any way to reduce the advance of the decay? Mr. Gurka responded  
11 the only way to do that is to prune the decay out. There is no way to slow it.  
12 Seventy-five percent of the limb is gone, leaving only 25-percent to hold the full  
13 weight of the limb, which is subject to wind and the weight of the foliage  
14 produced in the spring.  
15 • Do you also recommend reducing the end weight, and what would that entail?  
16 Mr. Gurka responded it would have to be done selectively. The ground below  
17 the opposite side of the tree is bulging, indicating the tree may be moving. A  
18 plumb line or other device should be set up to monitor movement over an  
19 annual period. If the remaining limb is moving, and depending on how much, it  
20 possibly should also be removed.  
21 • Drop crotch pruning is recommended for the canopy. What exactly is that? Mr.  
22 Gurka responded it is a softer term for topping. It produces growth that reduces  
23 the height of the tree. The only real maintenance that can be done on the tree  
24 is to continually maintain it at that level as the growth of it cannot be restored  
25 because of the way the limbs are attached. If the limb in question is not  
26 removed as soon as possible he would recommend safety precautions be put  
27 around it to protect the public.  
28  
29

30 The public comment period was opened.  
31

32 Mr. Langsom indicated the following:

- 33 • He represents the Langsom Trust, the Tree Owner.  
34 • The base of the tree is not on their property, but is on Bulkley Avenue, part of  
35 the public right-of-way.  
36 • The tree is going to fall and possibly hurt someone, a matter he has brought to  
37 the City's attention for many years.  
38

39 Mike Hock indicated the following:

- 40 • He is a local contractor and agrees with Mr. Gurka's assessment.  
41  
42

43 Committee questions to Mr. Gurka:

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

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

3  
4 The public comment period was closed.

5  
6 Committee comments:

- 7                   • It needs to be determined whether the tree is on City property or not.  
8                   • The immediate danger of the limb coming down needs to be addressed.  
9

10 **Committee Member Elliott moved and Committee Member Reich seconded a**  
11 **motion to approve a Tree Alteration Permit for Component 1 (as listed in the staff**  
12 **report) for the tree at 77 Bulkley Avenue with an inspection by the Trees and**  
13 **Views Committee of Components 2 and 3 with an arborist at a later date. The**  
14 **motion passed 5-0.**  
15

- 16                   **4. TRP 11-069, Tree Removal Permit, Parode, 510 Valley Street.** Tree Removal  
17 Permit to remove one Douglas Fir located on the rear of the property at 510  
18 Valley Street.  
19

20  
21 Presentation was made by Bob Dyson, the applicant, and Ed Gurka, the arborist.

22  
23 Committee questions to Mr. Gurka:

- 24                   • Although the tree is growing laterally, what is the health of the tree? *Mr. Gurka*  
25 *responded it is putting out dense green foliage. His approach for removal is a*  
26 *long-term solution.*  
27                   • If the broken asphalt around the tree were removed, how much larger might the  
28 tree grow? *Mr. Gurka responded the tree is now at 40-percent of its mature*  
29 *size in diameter. The average life of a Douglas Firs is approximately 100-200*  
30 *years.*  
31                   • What are the affects of this tree having been improperly topped some time  
32 ago? *Mr. Gurka responded the topping of this tree caused its present structural*  
33 *problem, which will require constant maintenance. If it remains, the side limbs*  
34 *will have to be reduced, exposing it to more fungus, disease, and insect*  
35 *damage. This is not what the natural shape of this tree should be.*  
36                   • What would you recommend be planted to fill the deficit left when the tree is  
37 removed? *Mr. Gurka responded trees in the area will grow larger and*  
38 *vegetation that will become denser as it benefits from the new sunlight coming*  
39 *in. He does not know what else could be put in that spot. If the Douglas Fir*  
40 *stump is not ground out it would be difficult to add another tree there.*  
41                   • Of all the trees in that area, what is the potential height of the tallest growing  
42 tree? *Mr. Gurka responded the camellia tree would be 20-25 feet. The*  
43 *pittosporum tree in the neighbor's yard would be 25-30 feet. The citrus trees*  
44 *will not get very tall. All will be at reasonable heights that will not obstruct*  
45 *views.*  
46

47  
48 The public comment period was opened.  
49  
50

1 Bob Dyson indicated the following:

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

4  
5 The public comment period was closed.

6  
7 Committee comments:

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

13  
14  
15 **Committee Member Reich moved and Committee Member Elliott seconded a**  
16 **motion to approve a Tree Removal Permit for 510 Valley Street with the tree cut as**  
17 **close to the ground as possible. The motion passed 4-1 (Bickford – No).**

- 18  
19 **5. TRP 11-012, Tree Removal Permit, Whiskey Springs Condominium**  
20 **Homeowners Association.** Tree Removal Permit to allow the removal of 15  
21 Italian Stone Pines and two White Alders located on the grounds of the Whiskey  
22 Springs Condominiums.

23  
24 **Committee Member Elliott indicated she would recuse herself because she lives**  
25 **within 500 feet of the subject property.**

26  
27 The public hearing was opened. Assistant Planner Thornberry-Assef presented the Staff  
28 Report.

29  
30 Committee questions to staff:

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

36  
37 Presentation was made by Peg Shade, the applicant:

38  
39 Committee question to Louie Brunn, the arborist:

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

1 Committee questions to Ms. Shade:

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

8  
9 The public comment period was opened. Being none, the public comment period was  
10 closed.

11  
12 The public comment period was re-opened.

13  
14 Committee question to Ms. Shade:

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

19  
20 The public comment period was closed.

21  
22 **Committee Member Reich moved and Vice-Chair Bickford seconded a motion to**  
23 **approve a Tree Removal Permit for the Whiskey Springs Condominiums.**

24  
25 **Committee Member Liddell moved and Vice-Chair Bickford seconded a motion to**  
26 **amend the motion to require that the Trees & Views Committee have input as to**  
27 **what kind of replacement trees to be planted.**

28  
29 Staff comment:

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

33  
34 Committee comment:

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

37  
38 **The motion to amend the original motion failed 1-3 (No – Bickford, Colfax, Reich).**

39  
40 **The original motion passed 3-1 (No – Liddell).**

41  
42 **Old Business**

43  
44 None.

45  
46 **New Business**

47  
48 None.

1 **Communications**

2 **Staff**

- 3 • None

4 **Committee**

- 5 • The following items should be discussed at the April meeting:
- 6 ○ The rules for trimming and care of trees, including: 1) topping of trees; 2)
  - 7 size, scale, and species of replacement trees; 3) removal of stumps; and
  - 8 4) ensuring tree trimming is done in a manner that avoids disease.
  - 9 ○ The removal of the Coast Live Oak at 1 San Carlos, including a report on
  - 10 the status of two issues brought forth to staff: 1) the grinding of the stump;
  - 11 and 2) planning of the replacement tree.
  - 12

13 **Adjournment**

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

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19 Submitted by  
20 Jeremy Graves, AICP  
21 Community Development Director

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17 

18 \_\_\_\_\_  
19 Approved by  
20 Grant Colfax  
21 Chair

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