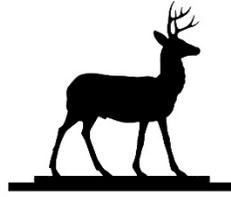


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Mayor

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Vice Mayor



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TREE PERMIT APPLICATION – T2020-0009
NOTICE OF DECISION
February 1, 2021

Applicant: Susannah McGann
Project Address: 15 Durham Rd

A tree permit application to remove an approximately 30 year old coast redwood tree (photo below) measuring approximately 35.5 inches in diameter was submitted on February 18, 2020. The subject tree is behind the home within six feet. This was a second application filled for the removal of said tree, this time by the new owners.

The application from Mrs. McGann includes an arborist report dated December 4, 2013 from Urban Forestry Associates, Inc. The 2013 report noted that tree was in good health and growing vigorously. However, the report also notes lead branch failure, indicating a possibly poor attachment for the remaining stem. Additionally, root disturbance of patio and foundation was also reported. At that time, the sewer line was also cleared from subject tree's roots, indicating sewer line impacts. The original 2013 permit application was denied because the tree's impacts were in line with other properties in Town and did not present a clear and present danger.

New information was presented during the 2020 permit application process and a second arborist report was provided. That report noted that buttress roots were cut in two separate places, destabilizing the tree, and potentially affecting its health and structure. The applicants confirmed that the roots were cut, perhaps by previous owners, before they moved in.

Because the originally submitted report did not state there was an imminent threat or that the tree was dead, dying, or dangerous, a 10-day notice was sent out to all properties within a 300 foot radius. There was a significant delay in the permitting process past the notification stage due to the Covid-19 epidemic and the strain that has put on the Public Works Department's day-to-day operations. Only two emails were received during the 10-day notice period, one in support and one in opposition. An administrative tree hearing was scheduled for October 28, 2020 to

receive testimony and evidence from both the applicant and the neighbor who objected to the tree removal.

At the hearing, formal rules of evidence and discovery did not apply. All parties were given the opportunity to present evidence in support of their position and to cross-examine witnesses.

Following a presentation from the applicant and statements and emails from neighbors, Town staff determined that there was enough information to make a determination regarding the permit application.

Discussion and Findings

The Municipal Code Chapter 13 describes the five considerations to be considered in reviewing tree permit applications.

Considerations:

1. *The condition of the trees or heritage trees with respect to disease, danger of falling, proximity to existing structures, and interference with utility services.*

The tree is healthy; however, its form and structure might have been negatively affected by the cut buttress roots. That could further exacerbate the unbalanced stems with a documented history of failure. The roots were also found to interfere with the sewer line, and this additional water source could have amplified the growth of the tree, contributing further to the patio and foundation damage. The original report stated that there was no way to address the root problem without destabilizing the tree and endangering the whole house. The roots were then cut at some point which now poses a structural stability issue increasing the likelihood of tree failure and thus is a life safety issue to the surrounding homes and the residents.

2. *The necessity of the contemplated work to allow the economic enjoyment of the property.*

The tree is causing patio and foundation damage to the home. The tree has also outgrown the location it was planted in and is encroaching on the home as documented in the reports. The ongoing damage from the roots may reduce the owner's economic enjoyment of the property, but that alone would not necessarily be enough to approve the permit. However, the additional risk of the cut roots further reduces said economic enjoyment and increases the necessity of the proposed work.

3. *The topography of the land and the effect of the contemplated work on erosion, soil retention and the diversion of increased flows of surface water.*

It is a relatively flat lot with a gentle slope (average slope:8.7697) The removal of the tree may cause some increase in surface water flow from the property to others.

4. *The general effect of the contemplated work on property values in the area.*

Information was not presented on the impact of the tree on property values in the area. The tree is heritage sized and is visible from the street, going in either direction. However, there are other trees of similar size within a view distance. From the street you can see Faude Park on the hill in the background, which adds a lot of tree coverage to the scenery.

5. *Good forestry practices. A permit shall be issued unless the Parks Department Arborist finds, after an inspection on the securing of such expert advice deemed necessary, and making the foregoing determinations, that the trees affected are of a size, type, condition and location and in such surroundings that the contemplated work would significantly frustrate the purposes of this chapter.*

In staff's opinion the removal of this tree, follows the intent of this chapter in the municipal code.

Decision

1. Staff hereby approves the Tree Permit application to remove the coast redwood tree. The approval of the tree removal shall be final 10 calendar days following the date of the decision by the Director of Public Works.
2. The applicant may appeal staff's decision within 10 days of this notice to Town Council.

Prepared By:



Sean Condry, P.E.
Public Works Director

Attachments:

2013 Arborist Report
2020 Arborist Report