

TOWN OF SAN ANSELMO
TREE PERMIT APPLICATION – T2022-0002
NOTICE OF DECISION
October 25, 2022

Applicant: Frank Hontalas
Project Address: 1528 San Anselmo Avenue

Due to the tree dropping branches in proximity to the home a Tree Permit Application to remove a mature Black Walnut (photo below) measuring approximately 33 inches in diameter was submitted on January 5, 2022. The subject tree is adjacent to the home within a few feet.

The application from Mr. Hontalas includes an arborist report dated November 9, 2021 from Urban Forestry Associates, Inc. The report notes that “foliage in the canopy appeared to be normal for the season and the trunk appeared to be normal. It was reported by the owner that there has been branch drop which was noted in this report and 2 other arborist reports. However, no where does it state that there is imminent threat of branch failure any more or less than other trees.

Because the report does 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. Several emails have been received explaining their objection or concern about the trees potential removal given its health, stature and environmental impact in the neighborhood. Therefore, an administrative tree hearing was scheduled for September 8, 2022 to receive testimony and evidence from both the applicant and the neighbors 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, has fair form and structure and appears normal in health so there is no potential or imminent threat to the home or the neighboring properties.

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

The Black Walnut tree has dropped some limbs but this appears to be no more severe than any other tree near a home. The tree has lifted some pavers but this appears to be non structural based on the reports. Therefore, while the tree may be reducing the owner's economic enjoyment of and use of their property it appears to be minimal.

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.*

The removal of the tree may cause an 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. However, the removal of such a large and prominent tree in the neighborhood will most likely have a negative effect on the property values in the area..

5. *Good forestry practices. A permit shall be issued unless the Parks Department Arborist finds, after an inspection and 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 significant tree, goes against the intent of this chapter in the municipal code. The Northern California Black Walnut tree is a native tree that provides habitat for animals, food, and is a source of carbon sequestration.

Decision

1. Staff hereby denies the Tree Permit application to remove the Black Walnut tree. The denial 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:

1. See link for Municipal Code Section 4, Chapter 13,
https://library.municode.com/ca/san_anelmo/codes/code_of_ordinances?nodeId=TIT4PUWE_MOCO_CH13PRTR or under Town of San Anselmo website/Government/Town Municipal Code/
Title 4, Chapter 13

