

**SAUSALITO PLANNING COMMISSION
RESOLUTION NO. 2025-06**

**APPROVAL OF A TREE REMOVAL PERMIT FOR THE REMOVAL OF ONE COAST LIVE
OAK TREE AT 32 SUNSHINE AVENUE**

APN: 065-163-28

PROJECT ID: 2025-00009

WHEREAS, on January 27, 2025, a Tree Removal Permit application was filed by the Applicant, Treemasters, on behalf of Property Owner, Larry Ye, requesting the removal of one (1) Coast Live Oak (*Quercus agrifolia*) heritage tree at 32 Sunshine Avenue (APN: 065-163-28); and

WHEREAS, the Planning Commission considered the application during a public meeting on March 12, 2025, at which time all interested persons were given an opportunity to be heard; and

WHEREAS, the Planning Commission has reviewed and considered the information contained in the staff report as well as any and all oral and written testimony on the proposed project; and

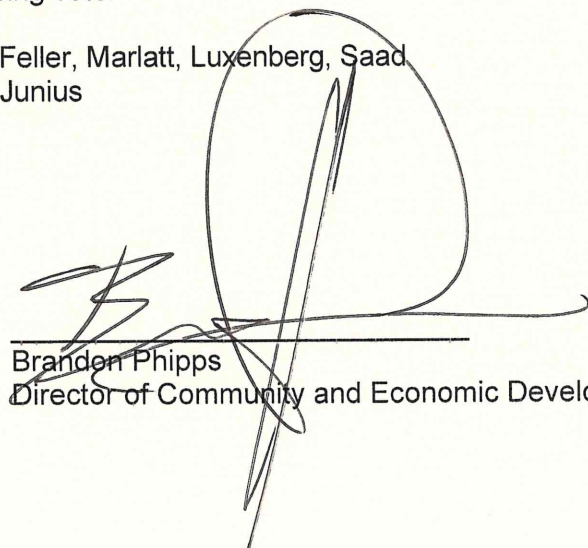
WHEREAS, the Planning Commission finds that the application is categorically exempt from the California Environmental Quality Act (CEQA) pursuant to Section 15304 of the CEQA Guidelines; and

NOW, THEREFORE, THE PLANNING COMMISSION HEREBY RESOLVES:

The requested Tree Removal Permit for the removal of one (1) Coast Live Oak (*Quercus agrifolia*) heritage tree at 32 Sunshine Avenue (APN: 065-163-28) is hereby approved based upon the findings provided in Attachment 1 and the Conditions of Approval in Attachment 2. A Site Plan is provided in Attachment 3.

RESOLUTION PASSED AND ADOPTED, at the regular meeting of the Planning Commission on the 12th day of March 2025, by the following vote:

AYES:	Commissioner Member: Feller, Marlatt, Luxenberg, Saad
NOES:	Commissioner Member: Junius
ABSENT:	Commissioner Member:
ABSTAIN:	Commissioner Member:



Brandon Phipps
Director of Community and Economic Development

ATTACHMENTS

1. Findings
2. Conditions of Approval
3. Site Plan

SAUSALITO PLANNING COMMISSION

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March 12, 2025

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ATTACHMENT 1: FINDINGS

TREE REMOVAL PERMIT

When reviewing the application for tree removal the Planning Commission considered the criteria found in SMC Section 11.12.030(B)(1-3):

B. Criteria for Grant or Denial of Application for Removal or Alteration of Protected Trees.

1. In order to grant a tree removal or alteration permit, it must be determined that removal or alteration is necessary in order to accomplish any one of the following objectives:

a. To ensure the public safety as it relates to the health of the tree, potential hazard to life or property, proximity to existing or proposed structures, and interference with utilities or sewers;

b. To allow reasonable enjoyment of the property, including sunlight, and the right to develop the property;

c. To take reasonable advantage of views;

d. To pursue good, professional practices of forestry or landscape design.

According to the arborist report on file, Planning Commission believes that the subject Coast Live Oak tree warrants removal due to its close proximity to existing structures and the potential hazard posed to property. The subject tree has produced a crack in the foundation of the existing residence and is expected to further damage the foundation of the existing residence as well as additional structural damage to the existing residence if it is to remain. This satisfies objective (B)(1)(a) above.

2. In order to grant a tree removal permit, it must be determined that one of the following conditions is satisfied:

a. The tree to be removed will be replaced by a desirable tree; or

b. The applicant is required to pay a tree replacement fee in the amount established by City Council resolution; or

c. The Planning Commission waives the requirements in subsections (B)(2)(a) and (b) of this section based on information provided by the applicant/owner.

Pursuant to SMC 11.12.030(B)(2)(a), the Planning Commission directs that the subject Coast Live Oak tree approved for removal shall be replaced with one (1) 15-gallon Vine Maple (*Acer circinatum*) tree in the front yard area at 32 Sunshine Avenue. The Vine Maple (*Acer circinatum*) is listed on FireSafe Marin's recommended plants list which aligns with the recommendation of the arborist, and is not listed as an undesirable tree in Title 11 of the Sausalito Municipal Code. The Planning Commission directs that the replacement tree be planted further away from the existing residence to minimize impacts to existing property from the tree's root system. This satisfies condition (B)(2)(a), above.

3. A finding of any one of the following is grounds for denial, regardless of the finding in subsection (B)(2)(a) of this section:

a. Removal of a healthy tree of a desired species can be avoided by:

i. Reasonable redesign of the site plan, prior to construction;

ii. Thinning to reduce density, e.g., open windows;

iii. Shaping to reduce height or spread, using thinning cuts only (drop crotch);

iv. Heading or topping – this is the least preferable method, due to the tree's health and appearance and cost of maintenance.

b. Adequate provisions for drainage, erosion control, land stability, windscreen, visual screening, privacy and for restoration of ground cover and/or other foliage damaged by the tree work have not been made in situations where such problems are anticipated as a result of the removal or alteration.

c. The tree to be removed is a member of a group of trees in which each tree is dependent upon the others for survival.

d. The value of the tree to the neighborhood is greater than its inconvenience to the owner. The effects on visual, auditory, and wind screening, privacy and neighboring vegetation must be considered.

e. The need for protection of privacy for the property on which the tree is located and/or for adjacent properties.

After reviewing the arborist report and the materials on file, the Planning Commission determines that none of the findings of denial in SMC 11.12.030(B)(3) can be made and therefore approves the removal of the subject Coast Live Oak tree. The subject tree is not able to be altered in a manner which mitigates the adverse structural impacts to the existing residence, is not essential to land/soil stability, is not a member of a group of trees in which each tree is dependent upon the others for survival, is not valued greater than the structural damage it and will cause to the existing residence, and is not essential for maintaining the protection of privacy for the property or adjacent properties. The applicant shall replace the subject tree with one (1) 15-gallon Vine Maple (*Acer circinatum*) which will serve to maintain privacy for the subject property as well as adjacent properties.

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ATTACHMENT 2: CONDITIONS OF APPROVAL

General Conditions

1. Pursuant to Sausalito Municipal Code Section 10.50.120 (Implementation of Permits), it shall be the Applicant's responsibility to diligently proceed to carry out the Conditions of Approval and implement any approved permit(s). This shall include establishing the approved use/implementing the permit(s) within the time limits set forth by the applicable code.
2. The Applicant, Treemasters, shall work with Community Development Department Staff to determine a new and suitable location for the planting of one (1) 15-gallon Vine Maple (*Acer circinatum*) replacement tree at 32 Sunshine Avenue (APN: 065-163-28).
3. The Applicant/Property Owner(s) shall defend, indemnify (including reimbursement of all fees and costs reasonably incurred by separate counsel retained by the City), and hold harmless the City and its elected and appointed officials, officers, agents and employees, from and against any and all liability, loss, damage, or expense, including without limitation reasonable attorney's fees which City may suffer or incur as a result of any claims relating to or arising from the City's approval of the project or any portion of the project, or construction thereof.
4. In the event that any condition imposing a fee, exaction, dedication, or mitigation measure is challenged by the project sponsors in an action filed in a court of law or threatened to be filed therein which action is brought within the time period provided by law, this approval shall be suspended pending dismissal or final resolution of such action. If any condition is invalidated by a court of law, the entire project shall be subject to review by the City and substitute conditions may be imposed.
5. Any mechanical equipment operated in connection with this project shall be subject to Sausalito Municipal Code Section 12.16.130 – Machinery, equipment, fans and air conditioning.

Advisory Notes:

Advisory notes are provided to inform the applicant of Sausalito Municipal Code requirements, and requirements imposed by other agencies. These requirements include, but are not limited to, the items listed below:

1. Pursuant to Municipal Code Section 12.16.140, the operation of construction, demolition, excavation, alteration, or repair devices and equipment within all residential zones and areas within a 500-foot radius of residential zones shall only take place during the following hours:
 - Weekdays – Between 8:00 a.m. and 6:00 p.m.
 - Saturdays – Between 9:00 a.m. and 5:00 p.m.
 - Sundays and City Holidays – Prohibited
 - Homeowners currently residing on the property and other legal residents may operate the equipment themselves on Sundays and City holidays between 9:00 a.m. and 6:00 p.m.
2. All applicable City fees as established by City Council resolutions and ordinances shall be paid.
3. Pursuant to Municipal Code Chapter 11.17, dumping of residues from washing of painting tools, concrete trucks and pumps, rock, sand, dirt, agricultural waste, or any other materials discharged into the City storm drain system that is not composed entirely of stormwater is prohibited. Liability for any such discharge shall be the responsibility of person(s) causing or responsible for the discharge. Violations constitute a misdemeanor in accordance with Section 11.17.060.B.

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ATTACHMENT 3: SITE PLAN

