

Appeal justification letter:

This is the official letter of appeal for the non native cedar tree that is currently growing in the side yard of 1365 fisherhawk Dr. I applied for a permit and used the city arborist to approve/deny the permit. As you know there is a criteria list that consists of 5 specific points for a private tree to be removed. The arborist denied the removal of the tree based on his judgement that this is a healthy tree and denied the removal permit. No other criteria was considered before denial of the permit.

When looking at this tree you can see we have had to cut it many times due to a couple reason. During a storm a couple years ago we had a branch come down and clip the corner of the house causing some gutter damage as well and some wood work that I did personally to repair. It has been cut back the 15 percent allowed multiple times now. This tree is a mess, hazard, and has roots extended all over our yard and impacts soil quality in over 25 percent of our usable yard. One criteria for removal is "The tree represents a potential hazard to people, structures or other trees." If another branch falls on the house, will the city be responsible for the damage? We got lucky that limb just clipped the corner of the house, ripped the gutters off, broke a couple corner beams, and knocked the fence down. It could have been much worse.

An additional criteria for removal is, "The tree is in healthy condition but restricts the owners' or a neighbor's ability to enjoy the

reasonable use or economic potential of the property." We have grown our own food on our property for generations now. This was an original Sunnyvale home, original apricot orchard of Sunnyvale, and we are an original Sunnyvale family. We grow our own fruits and vegetables on our property. This tree directly applies to the criteria of restricting our ability for reasonable use and the economic potential of our property. We would replace this tree with 10-13 more trees and also be utilizing the soil in this area to grow clean organic food that we can, eat fresh, freeze, and enjoy year around. Growing our own food and fruits has been passed down from my great grandfather, to my grandfather, to my father, to myself, and I hope to be able to teach my young daughter as well.

This cedar tree is not native and has a lifespan that could exceed 250 years. It was planted by my grandfather for house privacy in the late 1970's, back when our driveway

actually went to Fremont rd and before fisherhawk ever existed. And it now has become a tree he wishes he never planted. A third criteria in the list to remove a private tree is, "The limited useful landscape value due to its inappropriate species, size and location relative to

the existing structures on the property". This is absolutely an inappropriate species that has no landscape value due to its inappropriate species, size and location. This tree makes 25 percent of our soil unusable.

This tree should be removed to mitigate the risk of a limb causing damage to the structure and mitigating the risk of anyone getting hurt because the area with the most risk is where our family sleeps. The tree does not allow reasonable enjoyment of the property or allow its economic potential in terms of the healthy clean food we can grow ourselves. California and Sunnyvale promote a healthy lifestyle with organic ingredients and we should be allowed to grow the food ourselves in our own yard and not be forced to buy every item from a store. Regardless of those matters, This tree has zero landscape value due to its location, species, and size. I ask that the planning committee please approves the removal of this tree.

Thank you

Mike Appio