

RECOMMENDED FINDINGS FOR DENIAL OF THE APPEAL

Tree Removal Permit

Pursuant to Sunnyvale Municipal Code Section 19.94.060, to grant a Tree Removal Permit, one or more of the following findings must be met. None of the required findings can be made.

a. The tree is diseased or damaged. (Finding Not Met)

Based on the City Arborist's inspection of the subject tree, the tree is in healthy condition.

b. The tree represents a potential hazard to people, structures, or other trees. (Finding Not Met)

Based on the City Arborist's inspection of the subject tree, no structural issues were identified.

c. The tree is in basically sound condition but restricts the owner's ability to enjoy the reasonable use or economic potential of the property or unreasonably restricts an adjoining property's use or economic potential of the adjoining property. In the event this is the sole basis for the application, the following criteria shall be used to evaluate the application under this subsection (Finding Not Met):

1. The necessity of the requested removal to allow construction of improvements such as additions to existing buildings or incidental site amenities or to otherwise allow economic or reasonable enjoyment of property;

There is no construction proposed on the property that necessitates the removal of the subject tree.

2. The topography of the land and the effect of the requested action on water retention and diversion or increased flow of surface water;

The topography of the lot is flat and contains sufficient permeable surface to adequately drain surface water and would not be improved with the removal of the subject tree.

3. The approximate age of the tree relative to its average life span;

Based on the information provided by the appellant, the tree had been planted in the late 1970s, which places its age at approximately 50 years old. Deodar Cedars may have a life span of up to approximately 100 years in an urban environment. Based on the observed health of the subject tree, it still has many remaining years left in its life span.

4. The potential effect of removal on soil erosion and stability where the tree is located;

The site contains flat, stable soil that would not benefit from the removal of the subject tree.

5. Current and future visual screening potential;

The appellant has stated that the subject tree was originally planted for privacy reasons and continues to serve that purpose.

6. The property has become over landscaped with trees so that they are too numerous, crowded, and unreasonably restricts the property owner's ability to use their land. In this event, selective removal can be approved in conjunction with acceptable arborist's practices;

The subject tree is the only tree of its stature remaining on the lot. The lot is much larger than surrounding lots in the neighborhood, thus the tree does not unreasonably restrict the owner's ability to use their land.

7. The tree has outgrown its useful landscape value due to its inappropriate species, size and location, relative to the existing structures on the property;

The subject tree is located centrally in the front yard and has adequate clearance from the sidewalk, driveway, and on-site structures as to provide sufficient room for root growth. Deodar Cedars are planted throughout California and are relatively well adapted to the USDA Plant Hardiness Zone 9b in which Sunnyvale is in and are proven to be drought resistant.

8. Any other information the director of community development finds pertinent to the application.

The subject tree serves both aesthetic and functional purposes that benefits the site and surrounding area.