

RECOMMENDED FINDINGS

Landmark Alteration Permit

Community Character Chapter – Heritage Preservation

CC-5.1 Preserve existing landmarks and cultural resources and their environmental settings.

CC-5.3 Identify and work to resolve conflicts between the preservation of historic resources and alternative land uses.

1. The proposed project will be consistent with the purposes of the Heritage Preservation Ordinance. **Finding Met.**

The proposed project is consistent with applicable sections of the Sunnyvale Municipal Code in that the proposed alteration to the Heritage Grove Landmark, will be minimal and will ensure that they remaining five redwood trees are retained and minimally impacted. The applicant will be planting two new redwood trees to supplement and enhance the grove. One of the new trees will be dedicated to Manuel Vargas and the dedication will be coordinated with the reaming Vargas family members. Additionally, the lumber from the tree will be milled and retained on site for reuse.

2. The action proposed will not be detrimental to a structure or feature of significance as a heritage resource. **Finding Met.**

The Heritage Grove includes six remaining redwoods, which have been retained and maintained through the changing landscape around them. The proposed northernmost redwood of approximately 70 feet to the north of the main cluster of redwood trees. Although the removal would tighten up the area of the Heritage Grove, the applicant will be planting to two new 48" box redwood trees closer to the main cluster of trees and one of the trees will be dedicated to Manuel Vargas. Additionally, the removal of the tree will allow for development around the existing grove which will activate the area and bring a focus back to the Heritage Grove.

3. The applicant has demonstrated that denial of the application will result in immediate, undue, or substantial hardship pursuant to Section 19.96.120. **Finding Met.**

Although the proposed building would be new construction, the project must comply with the requirements of the Zoning Code, including parking. The project includes all underground parking and the proposed configuration minimizes impacts to the Heritage Grove. If the applicant had to reconfigure the underground parking, there would be potential impacts to more of the redwoods in the Heritage Grove.

4. If all of the findings in subsections (f)(2) through (f)(4) of this section are not made, the permit shall be denied. **Finding Met.**

The required findings have been met as noted above and the request for removal can be granted subject to the Recommended Conditions of Approval.

Tree Removal Permit – Standards and Criteria

The Director of Community Development may, without public notice or hearing, approve or deny a tree removal permit application in accordance with this chapter. One or more of the following standards must be met before a protected tree removal permit may be approved:

- (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 owner'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:
 - (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; and
 - (8) Any other information the director of community development finds pertinent to the application.

Granting removal of the tree will allow the construction of a simplified underground parking garage that will minimize impacts to the remaining five redwood trees in the Heritage Grove. Two large specimen trees will be planted on site in closer proximity to the remaining redwoods to enhance the grove and overall aesthetic. An Arborist report has been prepared and the City Arborist has reviewed the report and concurs with the recommendation of replacement trees rather than relocation. Approval is subject to the Recommended Conditions of Approval in Attachment 3.