



City of Sunnyvale

Agenda Item-No Attachments (PDF)

File #: 20-0854, Version: 1

REPORT TO PLANNING COMMISSION

SUBJECT

Proposed Project: Appeal of a decision by the Director of Community Development denying a Tree Removal Permit for two Redwood trees located in the front yard of single-family home.

Location: 1590 Lewiston Drive (APN:323-23-027)

File #: 2020-7438

Zoning: R-1

Applicant / Owner: Joseph B. Didone (applicant) / Verna Didone Trustee (owner)

Environmental Review: A Class 4 Categorical Exemption relieves this project from California Quality Act provisions and City Guidelines.

Project Planner: Betty Avila, (408) 730-7419, bavila@sunnyvale.ca.gov

REPORT IN BRIEF

General Plan: Residential Low-Density

Existing Site Conditions: Single Family Home

Surrounding Land Uses

North: Single Family Home

South: Single Family Home

East: Single Family Home

West: Single Family Home

Issues: Tree location

Staff Recommendation: Deny the appeal and uphold the decision of the Director of Community Development to deny the Tree Removal Permit for trees #1 and #2.

BACKGROUND

Description of Proposed Project

A Tree Removal Permit application (2020-7438) was filed by a property owner on July 21, 2020. The application included removal of three Redwood trees located in the front yard of the property. The Planning Division approved removal of one of the three trees. The applicant appealed the decision on August 10, 2020 and is requesting that the Planning Commission grant the appeal and approve removal of the other two trees.

See Attachment 1 for a map of the vicinity and mailing area for notices and Attachment 6 for a photo of the trees in question.

Previous Actions on the Site

There are no previous planning permit applications related to the project.

EXISTING POLICY

General Plan Goals and Policies: The following are key goals and policies from the Land Use and Transportation Chapter of the General Plan:

Policy LT-2.3 Recognize the value of protected trees and heritage landmark trees (as defined in City ordinances) to the legacy, character, and livability of the community by expanding the designation and protection of large signature and native trees on private property and in City parks.

ENVIRONMENTAL REVIEW

A Class 4 Categorical Exemption relieves this project from California Environmental Quality Act provisions and City Guidelines. Class 4 Categorical Exemptions include alterations in the condition of land and/or vegetation, such as removal of trees.

DISCUSSION

Present Site Conditions

The existing site is developed with a single-family home, with three protected Redwood trees in the front yard. Protected trees are trees that have a circumference of over 38 inches (12 inches in diameter), as measured 4.5 feet from the ground. The trees are growing within approximately 5 to 8 feet of one another:

- Tree #1 is 30 inches in diameter and is closest to the house.
- Tree #2 is 38 inches in diameter is closest to the public sidewalk.
- Tree #3 is 26 inches in diameter is leaning towards the property to the right side.

Applicant's Appeal

The applicant submitted a Tree Removal Permit on July 21, 2020, stating that the roots and branches of the Redwood trees are causing damage to the property. Approval was granted to remove tree #3 due to root decay and an unhealthy lean towards the neighbor's property to the right side. Trees #1 and #2 were required to be preserved, as required findings justifying the removal of the trees could not be made (Attachment 2).

On August 7, 2020, the applicant submitted an arborist report after staff's decision (Attachment 6). The arborist states that the homeowner has incurred costly damage to the main sewer line and the three Redwoods have the potential to damage the foundation of the home on the subject property, as well as the adjacent home on the right side (1594 Lewiston Drive). The arborist also claims that the tree roots have caused damage to the public sidewalk and walkway to the house. The arborist also states that Redwood trees have intertwined root systems. If tree #3, is removed, it would likely result in residual risk for trees #1 and #2.

Staff Discussion

Sunnyvale Municipal Code (SMC) Chapter 19.94.060 requires that at least one of the following findings be made to remove a protected tree:

1. The tree is diseased or damaged.
2. The tree represents a potential hazard to people, structures or other trees.
3. The tree is in sound condition but restricts the owner's or adjoining owner's ability to enjoy the reasonable use or economic potential of the property.

Planning staff and the City Arborist have each visited the property and are not able to make any of the findings for removal of trees #1 and #2:

1. The trees are healthy and productive.
2. The trees are 15 to 20 feet away from adjacent structures and do not appear to be causing damage. The damaged sewer pipes were likely old and corroded, hence roots breaking into the already cracked pipes.
3. The trees are within the front setback of the property and do not conflict with the owner's ability to enjoy the property. Instead, the trees are an asset to the property and neighborhood.

The City Arborist also finds that the removal of tree #3 can be effectively done without compromising the health of trees #1 and #2 through proper stump grinding of no more than 8 to 12 inches below grade. A landscape professional should be present during the process to evaluate the exact depth needed for stump grinding.

Therefore, staff recommends that the Planning Commission uphold the decision to deny removal of trees #1 and #2.

FISCAL IMPACT

No fiscal impacts other than normal fees and taxes are expected.

PUBLIC CONTACT

Notice of Public Hearing

- 49 notices mailed to property owners and residents within 300 feet of the project site

Staff Report

- Posted on the City's website

Agenda

- Posted on the City's official notice bulletin board
- Posted on the City's website

Public Contact: Staff has not received any correspondence or phone calls from neighbors at the time of writing of this report.

ALTERNATIVES

1. Deny the appeal and uphold the decision of the Director of Community Development to deny the Tree Removal Permit for trees #1 and #2.
2. Grant the appeal and approve the Tree Removal Permit for trees #1 and #2 subject to the Conditions in Attachment 3.

3. Grant the appeal and approve the Tree Removal Permit for trees #1 and #2 with modified Conditions.

STAFF RECOMMENDATION

Alternative 1: Deny the appeal and uphold the decision of the Director of Community Development to deny the Tree Removal Permit for trees #1 and #2.

Prepared by: Betty Avila, Assistant Planner

Approved by: Noren Caliva-Lepe, Principal Planner

ATTACHMENTS

1. Site, Vicinity and Public Notice Mailing Map
2. Recommended Findings
3. Recommended Conditions of Approval (if the appeal is granted)
4. Letter Denying the Tree Removal Permit for Trees #1 and #2
5. Letter Approving the Tree Removal Permit for Tree #3
6. Arborist Report submitted by the Applicant