



City of Sunnyvale

Agenda Item-No Attachments (PDF)

File #: 20-0857, 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 one Redwood Tree located in the rear yard of Unit 41 in a Mobile Home Park.

Location: 1050 Borregas Avenue (APN:110-13-062)

File #: 2020-7376

Zoning: RMH

Applicant / Owner: Ryan Jasinsky (applicant) / Staedler Lands LLC Etal (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: Mobile Home Park

Existing Site Conditions: Mobile Home Park

Surrounding Land Uses

North: Residential Mobile Home Park

South: General Industrial

East: Apartments (5 or more)

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.

BACKGROUND

Description of Proposed Project

A Tree Removal Permit (2020-7376) application was filed by the property manager on behalf of the Cape Cod Village Mobile Home Community on June 24, 2020. The application included removal of one Redwood tree located in the rear yard of Unit 41. The Planning Division denied the permit and the applicant submitted an appeal on August 21, 2020.

See Attachment 1 for a map of the vicinity and mailing area for notices and Attachment 7 for a photo of the tree in question.

Previous Actions on the Site

Three Tree Removal Permits were previously approved within the development (Tree Removal Permits #2007-0819, #2017-7796, and 2018-7793). Trees removed consisted of Redwood, Monterey

Pine and Ash trees. Replacement trees were planted and are scattered throughout the development.

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

Cape Cod Village is comprised of 188 mobile home units. Most of the protected trees for the development are along the Borregas Drive frontage and within the centralized recreation area. The subject tree is within the rear yard of Unit 41, which backs up to and is visible from Borregas Drive. The tree is located to the left of the main driveway entrance into the development.

Applicant's Appeal

The applicant submitted an application for a Tree Removal Permit on June 24, 2020, stating that the Redwood tree was causing damage to the sewer and water lines running under the tree, as well as to the adjacent wooden fence. An arborist report, dated June 10, 2020, was provided which agreed with the applicant's claims and recommends removal of the tree (Attachment 6).

The Tree Removal Permit request was denied, as required findings justifying the removal of the tree could not be made (Attachment 2). After visiting the site and reviewing the arborist report, staff disagreed with the arborist's findings and denied the permit. The applicant subsequently submitted an appeal on August 21, 2020.

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 the Redwood tree:

1. The tree is healthy and productive.

2. The damaged water line is likely old and corroded, and not caused by the tree roots. The water line should be replaced anyway, and root barriers can be installed around the new line. Also, fences located adjacent to mature trees can be uplifted due to tree roots. However, the fence on the subject property appears to be structurally safe. In addition, the gas line running beneath the tree does not appear to pose a hazard to structures or people.
3. The tree is located within the rear yard of the unit and the tree is an asset to the property and neighborhood.

Therefore, staff recommends that the Planning Commission uphold the decision to deny removal of the tree.

FISCAL IMPACT

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

PUBLIC CONTACT

Notice of Public Hearing

- 1,253 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 received one email from the resident of Unit 41, who owns the mobile home and rents the property that it is located on (Attachment 8). The resident expresses concern with the removal process and mitigation measures following its removal. Staff finds that this is a private matter between the property manager and resident.

ALTERNATIVES

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

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 Application
5. Letter of Appeal from the Applicant
6. Arborist Report Submitted by the Applicant
7. Applicant's Photo of the Tree and Gas Line
8. Letter from Resident