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October 24, 2005

Dear Members of the Sunnyvale City Council:

I noticed that liquidambar trees are a topic of discussion at tomorrow's council meeting. I regret that I am unable to attend the meeting but I urge you to formulate a plan that will eventually result in the removal (and replacement) of these dangerous and hazardous trees.
My wife and I have both slipped on liquidambar balls and were fortunate that no bones were broken. Residents of a nearby convalescent home are often walked down our street in their wheel chairs by unsuspecting friends or relatives who can't see these treacherous liquidambar balls while pushing a wheel chair. I'm sure you can relate to the hazards I'm referring to.

I have a liquidambar tree in front of my house on city property and another one further back from the sidewalk on my property. I would like to remove the tree on my property and replace it with a more suitable variety at my expense. I would suggest the City consider offering a tree removal and replacement program to property owners that reflects a meaningful discount resulting from the City's volume purchasing power.

A neighbor within the past year applied for a tree removal permit which was denied. I urge you to reconsider the City's policy on tree removal and take a more cooperative attitude regarding the City's policy toward granting permits to remove these trees.
I share the City's concern about denuding its tree lined streets but if a relatively fast growing replacement were selected, the problem would be only temporary.

I also share the City's concern about the budgetary aspects of such a tree removal program. Rather than take no action at all or continue to study the issue ad infinitum, I suggest the City embark on a systematic and orderly plan that would result in a solution over a reasonable period of time.

Respectfully submitted,
Jim Mellenger

Sunnyvale, CA 94087

We have lived in Sunnyvale for nearly 54 years, and have always thought the city was very well run. Over the years I have had many dealings with the city, among other things being the sole survivor of the developers of Cherry Chase.

Until a few months ago I had no idea there was a Tree Preservation Ordinance. We have a large magnolia tree (approximately 75 feet, with a 36" trunk) in the middle of our backyard. When I planted this tree it was 1 1/2" x 8'. Now it has grown so large that the roots have spread and expanded and tilted eighteen 5' x 10' concrete slabs, plus some smaller sections as well. The roots present a problem inasmuch as they are probably endangering the foundation of our house. In addition most of our large rear lawn is also ruined. The damaged concrete is a danger, particularly since we are in our 80s. Another problem is the constant removal of leaves and the small "cones".

A few months ago we decided to remove the tree. I was informed that I needed to obtain a permit, which came as a complete surprise. However, having always obtained permits when we were involved in residential and commercial building, I went to City hall September 6, 2005. While I was waiting I talked with a man who was waiting for a plan approval – he told me I was foolish to get the city involved. I wish I had followed his advice. If I had just removed the tree no one would have known or cared.

In a couple of weeks the arborist came to our house. I had requested on the application that whoever came should call first since we are not always home. When I saw him I asked why he had not called. He replied he had just noticed what I had written as he walked up the driveway. He then informed me the tree could not be removed, and that he was certain there was no danger to the foundation. Not being able to see under the patio slabs I cannot prove he is right or wrong, but sixty-six years in construction tells me we have a potential problem. In a week or so a lady also came to look at the tree, also ignoring my request to call prior to arrival. She told my wife we could not remove the tree and that if we did remove it there would be a substantial fine. When I called to ask how much the fine would be I was told it might run as high as $30,000, and that a lien could be placed on our property.

To add insult to injury, one of these people, I cannot recall which, told me that if we removed the concrete it should be replaced with other material, and that the city would tell me what to do and how to do it, or words to that effect. I was also told my neighbors would object to any tree removal. That is ridiculous – none of them care, nor can most of them see the tree without great effort. Three of the six closest neighbors have asked why the tree is still there.

I was told I could appeal the decision, but gathered that would be a waste of my time. We consider this ordinance an invasion of our privacy. If the tree in question had been the evergreen pear in our front lawn, there **might** be some justification for the ruling. However what we do in our backyard is **our business**, or so we thought. Is this eminent domain? In effect Sunnyvale is telling us we have no control over our own property. We are **not** pleased with any of this, including the way it was handled.

James W. Bell

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From: "Linda W"
To: <slynch@ci.sunnyvale.ca.us>
Date: 1/18/2006 8:54:38 AM
Subject: Tree Ordiance

Dear Mr. Lynch,

I do not know the particulars of the Sunnyvale Tree Ordiance. However, I would comment upon the types of trees that the city has planted on city sidewalks. On my property there is a mature sweetgum/liquid amber tree. The roots are very invasive and are interferring with the sewage system. The area adjacent to the trunk of the tree is raised with enormous roots protuding to the surface causing a safety hazard for pedestrians. Each years the tree produces hundreds of seed balls that cover the ground. When you accidently step on one of these balls, your ankle can twist or cause you to lose your balance. The city spends a great deal of money replacing the sidewalks. These trees are mature and probably twenty to thirty years old. They appear to not have been pruned and branches on mature liquid amber trees tend to be brittle and break off easily causing injury to the pedestrian or damage to the property owner. Can the city remove these trees or replace them with shade trees that are less invasive?

Linda Wang

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From: "Hughes, Chris R"
To: <slynch@ci.sunnyvale.ca.us>, <jmcleod@ci.sunnyvale.ca.us>
Date: 1/18/2006 8:24:46 AM
Subject: Tree Ordinance Study Issue 2006

Steve,

I may not be able to attend, on behalf of PG&E either of the two meetings you are having today, but I wanted to pass along some feedback to you regarding the cities tree ordinance.

As you know PG&E is continually in your community trimming trees from the power lines and working with the tree ordinance. Since we also work with many other cities tree ordinance it allows us the ability to be a great sounding board when cities request tree ordinance feedback.

In general the City of Sunnyvale has a good ordinance. However there are some inconsistencies that do not support the goal of a sustainable urban forest in our opinion.

Specifically, there are other city ordinances that conflict with the tree preservation ordinance. I am referring the fact that when a resident requests a building permit, the city mandates that trees are planted for screening and the Cities list of water conserving plants. In each case these documents do not educate residents to avoid planting large trees under the power lines.

I recently had the situation where a new homeowner allowed PG&E to remove their backyard trees under the power lines. A city tree permit was secured. Once the trees were removed, the next door neighbor was upset as those trees were required by the city just five years earlier due to a remodel project. In this case the city directed the planting of a species of trees that was incompatible with power lines.

I also have a similar concern with the Water Conserving Plants list that the City publishes. In this document the City lists 45 species of trees that should never be planted under power lines. Doing so risks public safety and electric reliability.

While PG&E applauds the Cities efforts to plant trees and encourage water conserving planting, we request and suggest that ordinances and documents make a distinction between trees that are "power line friendly" and those that are not. This is similar to recommending which trees can be planted near sidewalks to avoid sidewalk damage. By avoiding planting large trees under power lines the city will have a natural looking urban forest instead of having flat toped trees cut away from the power lines.

Utilities recommend that under powelines, trees should not grow higher then 25 feet. Please see the Greenbook at http://www.pge.com/docs/pdfs/customer_service/new_construction_services/greenbook/service_requirements/06.pdf page 23 for a picture.

If you don't already have one, you may wish to request the free ordinance reference manual from Safe tree. This is great document. This can be done from their web site at www.safetree.net

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I may have some extra copies. Give me a call and I can run one over to you.

Please feel free to contact me if you wish clarification to the points that I made above.

Chris Hughes
PG&E Forester
Vegetation Management
408-725-3364 co. 625-3364

CC: "Deffner, Darren D" <

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From: "Duane Cowgill" <[illegible]
To: <slynch@ci.sunnyvale.ca.us>
Date: 1/7/2006 6:53:49 PM
Subject: Sunnyvale tree preservation ordinance study issue 2006

Hello Mr. Lynch,

I'm a Sunnyvale resident and I am responding to an invitation to comment that is contained in a flyer left on my property.

Firstly, I love trees. Nevertheless, I think it best for the city and its environment if this ordinance is terminated and if the city disinterests itself in tree preservation. I say this as an educated working man (I am not a business owner, nor am I writing on the behalf of any commercial interest) who believes after much consideration that such matters are naturally handled best by individuals, private organizations, and industry. It is not a legitimate role or effective policy for government at any level to deal with the environment because this matter is too politically charged to represent the citizens interest. Such misguided efforts will only cause harm to the city and its residents. If it were a public safety matter I would think differently.

Regards,

Duane Cowgill

To: City Staff

From: Harry and Laura May,

Date: January 13, 2006

Re: Tree Preservation Ordinance Study Issue 2006

We are very pleased to learn the city is studying the impact of the Tree Preservation Ordinance. We feel it is a well intentioned ordinance that overburdens Sunnyvale homeowners who do not want the protected trees on their property.

We have 2 large Monterey Pine trees in the small front yard of our single family residential property. We feel the trees are too close to our house and overwhelm the front yard. We would like to remove them but the city will not grant us a permit to do so since they are protected by the ordinance.

We do not want to be guardians of these large trees. We also feel the trees present a hazard to our house and its contents and occupants since they are so close. We do not want to accept the liability of damage or death due to the trees potentially falling on our house. It was a large Monterey Pine tree that fell in San Francisco several years ago, killing an innocent motorist driving by. The event may have a very small probability of occurrence, but the probability is not zero.

A build-up of needles and debris on the roof of our house has been cited as a major reason for requiring $2500 worth of roof repairs (the repairs will be performed the week of 1/16/06). Thus, there are costly maintenance issues due to the presence of the trees and we are forced to bear these costs.

We would like to landscape our front yard as we wish. We are prevented from doing anything with our front yard landscaping because the dropped needles and shade from the trees prevent anything from growing under them (which is most of the front yard).

In short, we believe the Sunnyvale Tree Preservation Ordinance is too restrictive since we are not able to remove trees that we have determined to be both a nuisance and a liability. We understand the desire to protect the environment in which we live and to have trees (or vegetation in general) in the city to provide the many benefits cited in the preservation ordinance. We have numerous trees on our property and we take pride in a nicely landscaped property (except the front yard). We feel we can provide more than our fair share of healthy vegetation without the two large trees we are forced to keep.

How many people in the city provide no vegetation to the environment since they don't own land? These people have equal voting power, but cannot ever be burdened by such an ordinance. Thus, non-landowners are being allowed to impose their will on land-owners to provide something to the city for their benefit that they are not expected to provide. It is not a fair ordinance.

An area where there can be conflicting goals is for homeowners who want to install solar power systems on their roofs, but have protected trees that can interfere with them, either by shading the optimum locations for such a system, or by dropping leaves, needles, or debris on them, making them inefficient without constant maintenance. In our case, we would like to put such a system on our roof, but the needles and debris generated by our trees make this impractical. The State of California is encouraging the installation of these systems for environmental reasons by offering rebates to those who make the investment. Thus the Sunnyvale Tree Ordinance and the State of California solar power rebate program are both set up for environmental reasons, but can conflict with each other as in our case.