



REPORT TO PLANNING COMMISSION

Hearing Date: May 29, 2013

File #: 2013-7285
Location: 822 Pear Avenue in a R-0 Zoning District
(APN: 201-13-026)
Proposed Project: Appeal of a decision by the Director of Community Development denying a Tree Removal Permit for one redwood tree in the front yard.
Applicant/Owner: Gerald and Barbara Burch
Staff Contact: Elise Lieberman, 408-730-7443, elieberman@sunnyvale.ca.gov

REPORT IN BRIEF:

Existing Site Conditions Single Family Residential, Low Density Residential, R-0

Surrounding Land Uses

North	Single Family Residential
South	Single Family Residential
East	Single Family Residential
West	Single Family Residential

Issues Tree Condition

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

Staff Recommendation Deny the appeal and uphold the decision of the Community Development Director to deny a redwood tree in the front yard for removal.

PROJECT DESCRIPTION:

Tree Removal Appeal

A Tree Removal Permit is required to remove any “protected tree” on private property. A protected tree is defined as any single trunk tree 38 inches or greater in circumference, or any multi-trunk tree which has at least one trunk 38 inches or greater in circumference OR where the measurements of the multi-trunks added together equal at least 113 inches.

BACKGROUND:

A Tree Removal Permit (2013-7285) application was filed by the property owner on April 9, 2013 to remove one redwood tree located in the front yard of the property.

On April 10, 2013, the City Arborist inspected the tree and recommended preservation of the tree. Planning Division staff concurred with the City Arborist’s recommendation and notified the applicant of the decision on April 18, 2013 (Attachment E - Permit Letter). The applicant appealed the Tree Removal Permit (Attachment F – Appeal Letter) on April 30, 2013.

DISCUSSION:

Applicant’s Appeal

The applicant submitted a letter (Attachment F) stating reasons for the request to remove the tree. These reasons include lifting of the sidewalk, unstable shallow root system, disruption of the main water line and the continual replacement of the applicant’s drip irrigation system. They also note there is a fear of falling tree limbs on theirs and their neighbor’s home as well as a financial burden for the amount spent to maintain the tree. The applicant has included information regarding redwood trees on small residential lots along with pictures of the affected areas (Attachment F – Appeal Letter).

Staff Discussion

Planning Staff and the City Arborist have each visited the site. Although lifting of the sidewalk is apparent and caused by the redwood tree, replacement of the sidewalk is considered a viable option and has been recommended in similar situations throughout the City to protect a tree.

The City Arborist notes that the tree is not diseased or damaged, but rather healthy and vigorous. The tree has a significant number of years remaining life expectancy.

To ensure no foundation damage occurs, certain root pruning measures and root barriers can be constructed. Pruning limbs of the tree can also reduce the impacts onto the neighboring homes. These measures can occur without endangering the health of the tree and should be carried out under the

direction of a certified arborist, not a tree pruning service. If the tree is substantially injured or damaged from improper pruning a civil penalty of not less than \$5,000 and not more than \$25,000 can be incurred as stated in the SMC 19.94.160(a)(1).

Environmental Review

A Class 4 Categorical Exemption relieves this project from California Environmental Quality Act provisions and City Guidelines. Class 4 Categorical Exemptions include minor alterations of land.

FISCAL IMPACT

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

PUBLIC CONTACT

Notice of Public Hearing	Staff Report	Agenda
<ul style="list-style-type: none"> • Published in the <i>Sun</i> newspaper • Posted on the site • 9 notices mailed to property owners and residents adjacent to the project site 	<ul style="list-style-type: none"> • Posted on the City of Sunnyvale's Web site • Provided at the Reference Section of the City of Sunnyvale's Public Library 	<ul style="list-style-type: none"> • Posted on the City's official notice bulletin board • Posted on the City of Sunnyvale's Web site

Staff has received one letter from a neighbor supporting the removal of the redwood tree (Attachment E).

CONCLUSION

Discussion: Staff is recommending denial of the appeal because the Findings for tree removal (Attachment A) cannot be made.

Findings and General Plan Goals: Staff was not able to make the required Findings for the Tree Removal Permit. Recommended Findings and General Plan Goals are located in Attachment A.

Conditions of Approval: Recommended Conditions of Approval are located in Attachment B.

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 B.
3. Grant the appeal and approve the Tree Removal Permit with modified conditions.

RECOMMENDATION

Recommend Alternative 1. Deny the appeal and uphold the decision of the Director of Community Development.

Reviewed by:

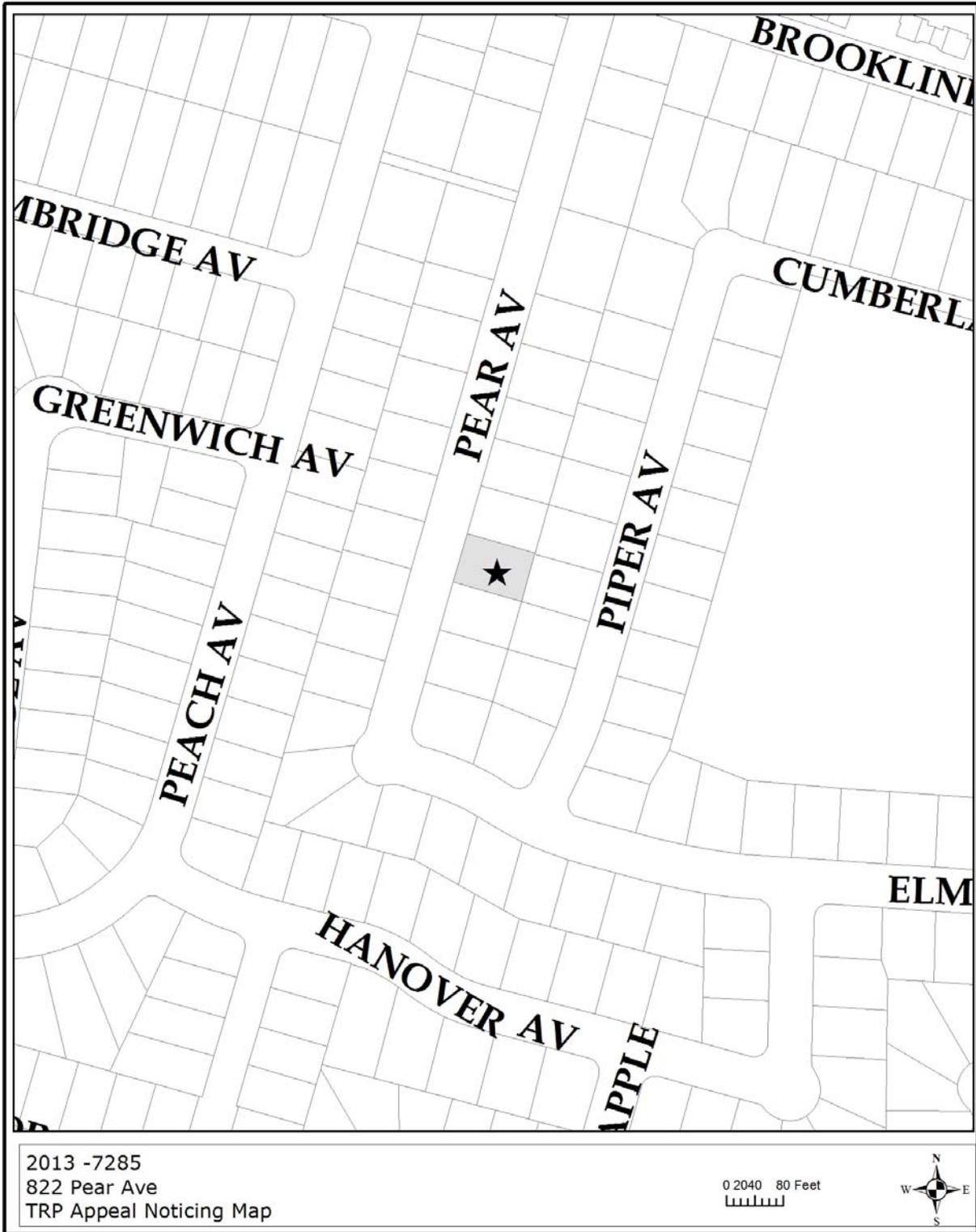
Gerri Caruso
Principal Planner

Prepared By: Elise Lieberman

Attachments:

- A. Vicinity Map
- B. Data Table
- C. Recommended Findings
- D. Recommended Conditions of Approval
- E. Letter Denying the Tree Removal Permit (4/18/2013)
- F. Letter of Appeal from the Applicant
- G. Letter from Interested Party

VICINITY MAP



PROJECT DATA TABLE

	EXISTING	PROPOSED	REQUIRED/ PERMITTED
General Plan	Low Density Residential	Same	Low Density Residential
Zoning District	R0	Same	R0
Lot Size (s.f.)	6,900	Same	6,000

RECOMMENDED FINDINGS

Tree Removal Permit

In order to grant a Tree Removal Permit, one or more of the following findings must be met. Based on the additional information, staff was able to make one of the three required findings.

1. The tree is diseased or badly damaged. (*Finding Not Met*)

The subject tree is not diseased or damaged. It has been found to be in good health by the City Arborist.

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

Although the applicant states that the tree is a potential threat to the home, staff does not find that the hazard is immediate and further pruning can prevent damage to the home.

3. 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*):

- a. 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 or property;
- b. The topography of the land and the effect of the requested action on water retention and diversion or increased flow of surface water;
- c. The approximate age of the tree relative to its average life span;
- d. The potential effect of removal on soil erosion and stability where the tree is located;
- e. Current and future visual screening potential;
- f. A property has sufficient landscaping or is over landscaped;
- g. Allow a removal of overgrown, but healthy, trees;
- h. Any other information the Director of Community Development finds pertinent to the application.

Staff agrees the location of the tree is not ideal, but does not find that the subject tree is restricting reasonable use of the property or adjoining property. The subject tree is considered healthy and well maintained. Staff finds that the tree provides an aesthetic benefit to the property and neighborhood.

**RECOMMENDED
CONDITIONS OF APPROVAL AND
STANDARD DEVELOPMENT REQUIREMENTS
May 29, 2013**

Planning Application **2013-7285, 822 Pear Avenue**
Tree Removal Permit to allow the removal for one redwood tree
located in the front yard.

In addition to complying with all applicable City, County, State and Federal Statutes, Codes, Ordinances, Resolutions and Regulations, Permittee expressly accepts and agrees to comply with the following conditions of approval of this Permit:

Unless otherwise noted, all conditions shall be subject to the review of approval of the Director of Community Development.

1. One replacement tree, a minimum of 15-gallon size, shall be planted anywhere on the property within 90 days of removal of the subject tree. If a replacement tree is not planted, an in-lieu fee of \$25100 shall be paid to the City within 90 days of removal of the subject tree to allow a tree to be planted on City property.



April 18, 2013

Sent Via E-mail to: gerald.burch@yahoo.com
Gerald and Barbara Burch
822 Pear Avenue
Sunnyvale, CA 94087

Subject: Tree Removal Permit – 822 Pear Ave., Sunnyvale, CA
File No.: 2013-7285

Dear Mr. and Mrs. Burch:

The Department of Community Development has reviewed your application for a Tree Removal Permit for **one Redwood tree** in the front yard of the property at the above address and has **denied** your request. In order to grant a Tree Removal Permit, at least one of the following findings is necessary: (1) the tree is not healthy, (2) it represents a potential hazard, or (3) it unreasonably restricts the use of your property or your neighbor's use of their property. Based on an examination of the subject trees, none of these findings can be made.

The Sunnyvale Tree Preservation Ordinance was adopted to protect the diversity of trees in Sunnyvale. Trees are a valuable asset to the community in terms of aesthetics, protection of habitat, and enhancement of economic value of property and may be removed only under the circumstances noted above. The City Arborist indicates that the subject tree is not diseased, damaged, or posing a hazard and is in good health. The tree is well maintained and is not determined to restrict the owner or neighbor's ability to enjoy the reasonable use or economic potential of the property. The tree is located in close proximity to the home; however, the foundation of the home has not been damaged or is threatened at this time. Please refer to the ISA Pruning Guidelines at <http://www.treesaregood.com> for information on safe root pruning techniques to avoid damaging the tree. We strongly recommend consulting a Certified Arborist for pruning assistance.

You may appeal this decision to the Planning Commission by filing a written appeal within fifteen calendar days of the date of this notice. There is a \$150.50 filing fee for the appeal.



If you have questions on tree maintenance, you may consult with the City Arborist, Joe Gonsalves, at (408) 730-7507. If you have any questions regarding this permit, please contact me at (408) 730-7443. Thank you for your cooperation.

Sincerely,

A handwritten signature in cursive script, appearing to read "Elise Lieberman".

Elise Lieberman
Project Planner

To: The Planning Commission
Subject: Permit Appeal
Re: Redwood Tree Removal at 822 Pear Avenue, Sunnyvale
Date: May 13, 1913

We are requesting the removal of our redwood tree which is located in our front yard, close to our living room and fence.

Twenty years ago we hired a landscaper, and because of our lack of knowledge of redwood trees, we allowed her to plant the tree in our front yard. Unfortunately, the tree was planted to close to our house and our neighbor's house, twelve feet from our house and twelve feet from our neighbor's house. The tree is now 60 feet tall, with a circumference of 105 inches, and a root base of 7 feet in diameter and causing damage to both homes. The tree has a growth rate of four to six feet a year, and capable of reaching a height of 120 to 150 feet.

The tree has caused the following damage:

1. Lifting Problems. The roots of the tree have caused lifting to our side walk. Lifting of the side walk causes the water to run toward my neighbors's house. I suspect that the horizontal crack on my neighbor's garage wall is due to the settling of the foundation caused by water.
2. Unstable shallow root system-chance of falling. During a storm in April, I was near the tree when I felt the side walk lifting as the tree was swaying from one side to another. This experience showed me that the root system is not very stable. This was very disturbing to me, my wife and our neighbors. My neighbor informed me years ago that during storms that his family does not use that side of the house.
3. The main water line was broken from the roots. We are concerned the sewer system may be next.
4. Our drip system has been replaced three times at a cost of \$1,800.00 due to the tree roots.
5. Large tree limbs break off falling on our roof and the neighbor's roof.
6. We have had to replace the lawn three times, and adjacent plants that don't get enough light. The redwood basically takes all the nutrients and water from the lawn and blocks the sun light. I spent over \$2,000.00 to repair and replace the lawn over the years.

When talking to the city arborist he said that the damage was not enough to warrant removing the tree. My question is how much damage is enough to our home and our neighbor's home. Is it when the tree comes down and causes more damage or worse, harming someone. Where does the liability lie?

I have contacted several arborist to give us a quote on maintaining, and keeping the tree healthy and safe. The price ranges from \$800.00 to \$2,000.00 a year. Although the price range varies, one thing they all agreed on was that the tree would eventually have to

come down due to it's proximity to the house. Redwood trees should never be planted on a lot size this small. I came to understand that redwoods have a very shallow root system and maintain stability by growing together in forest with other redwood trees, intermingling their roots.

We have maintained the tree as per arborist recommendations, trimming and thinning the tree every two years. However, trimming and thinning the tree has caused the tree to grow upward even more with the roots expanding, which have caused the lifting of the side walk. We now have learned that cutting any part of the root system may harm the health and stability of the tree. We feel our only option is to bring the tree down.

When I applied for the permit to remove the tree I asked that I be present when the arborist does his inspection. I felt that there where things that I needed to show him. Unfortunately, I was not contacted prior to his visit and I was not home. I missed the opportunity to show the arborist where the lifting took place during the storm. I am including photos.

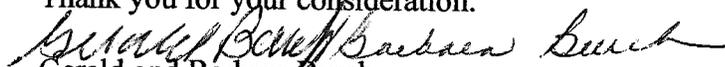
We are also including more information from experts stating that it is not appropriate to plant redwood trees on small residential lots, due to the damage they cause.

Through the years we have spent in excess of \$10,000 dollars to maintain the tree, the yard and repair damages caused from the tree and the root system. This has become a financial burden.

If you allow me to remove the tree I will plant a more appropriate tree for the spot.

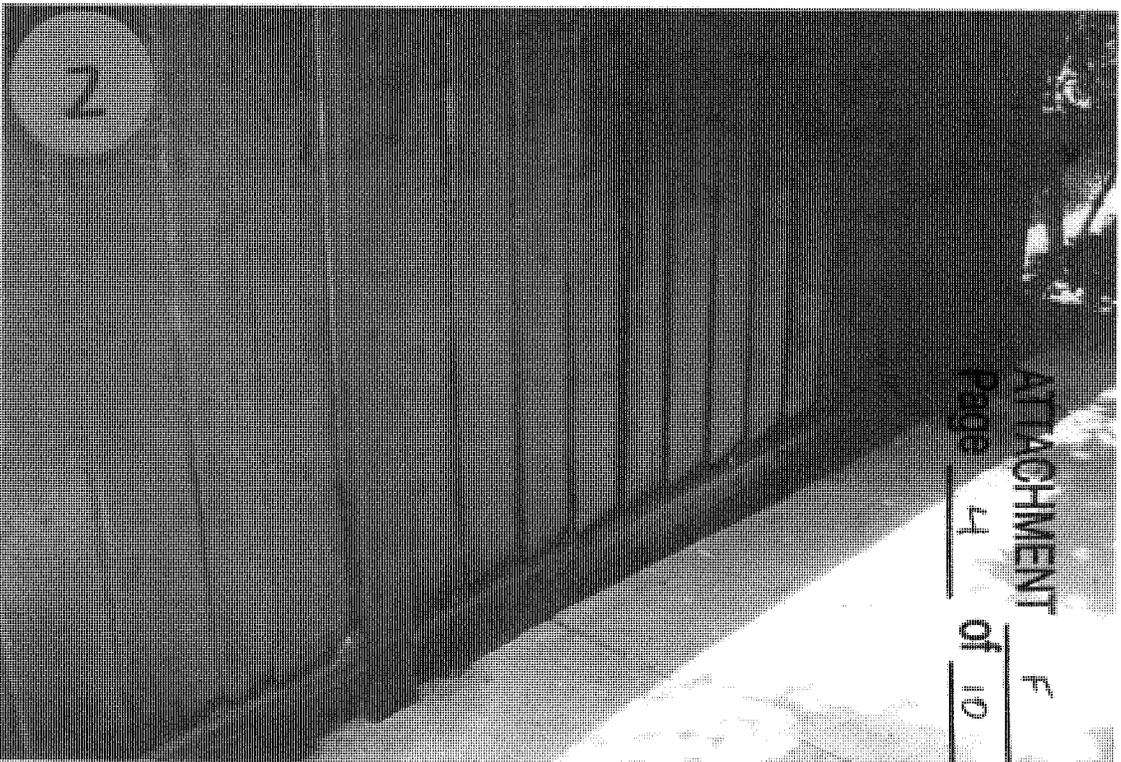
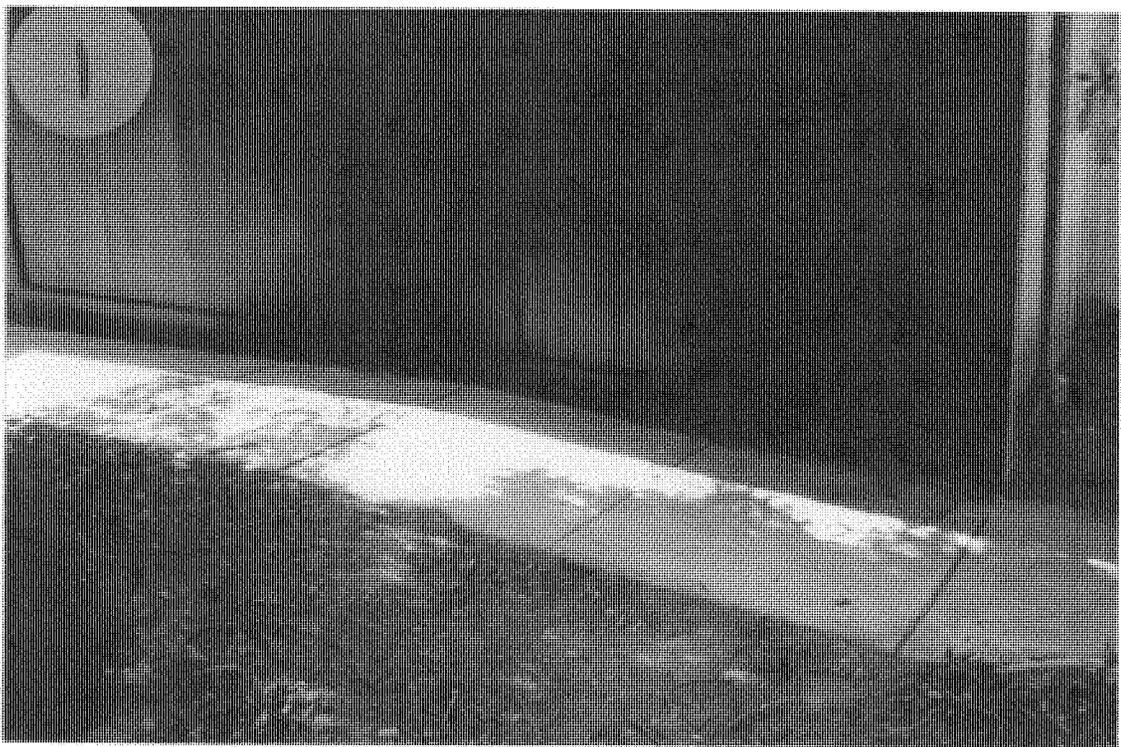
We appreciate and thank the arborist and Elise Lieberman for their quick response and help in the filing and appeal process.

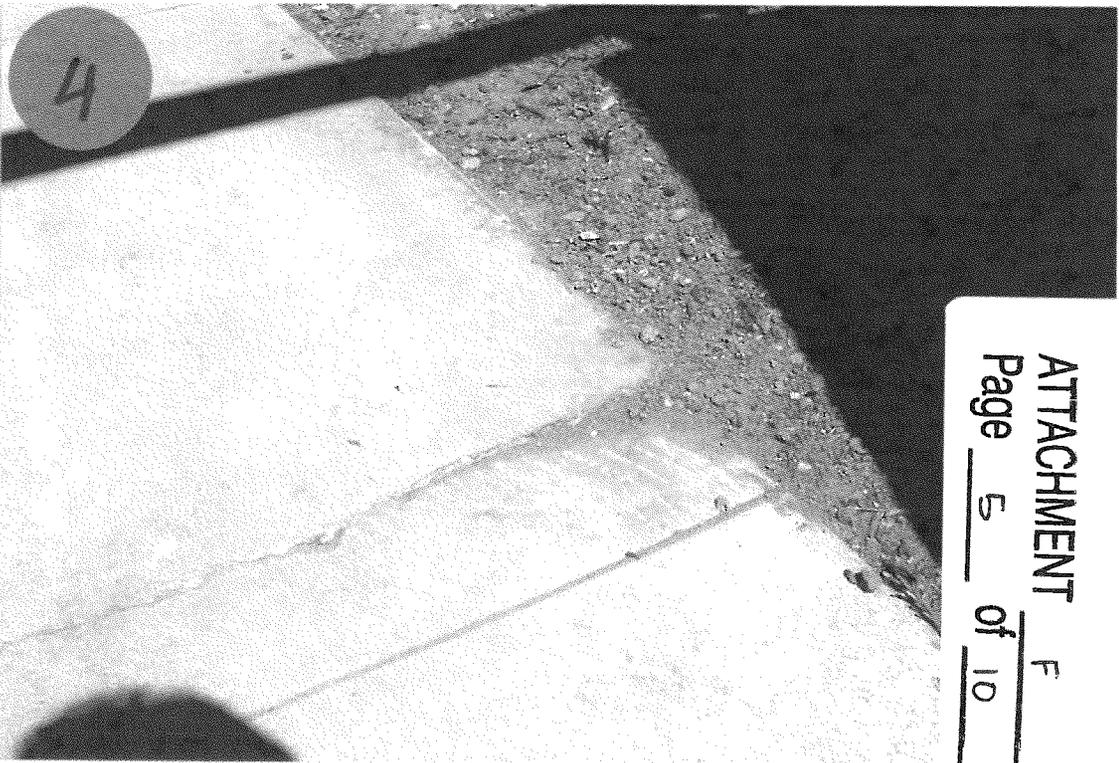
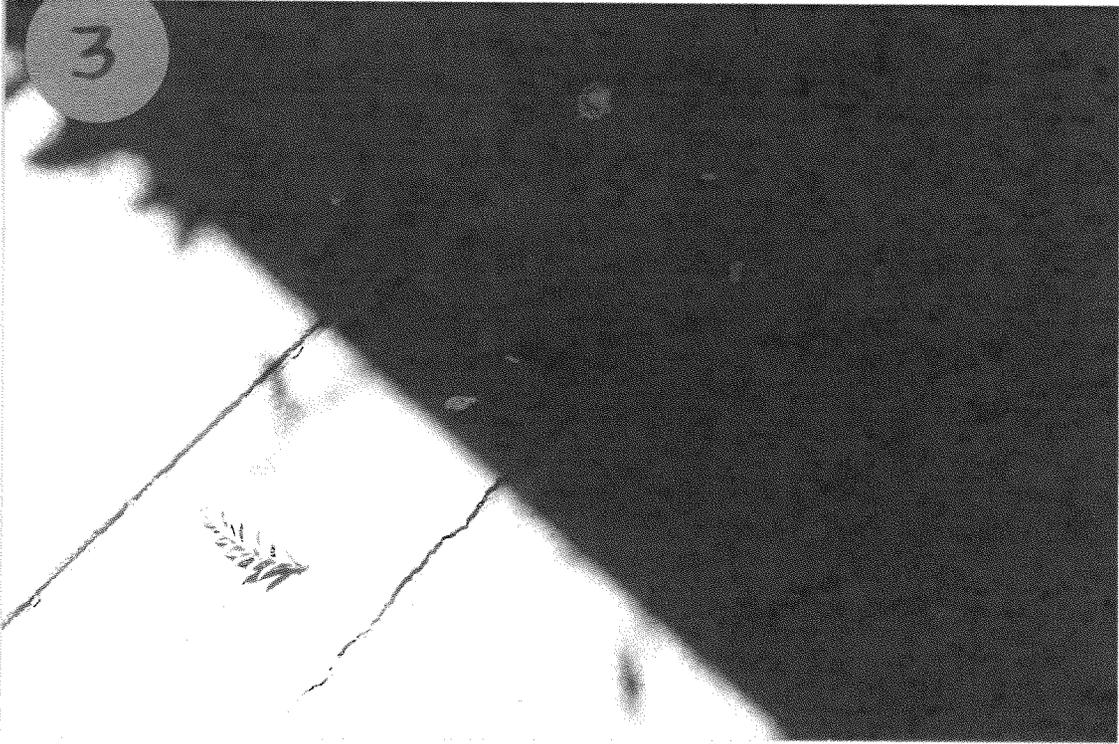
Thank you for your consideration.

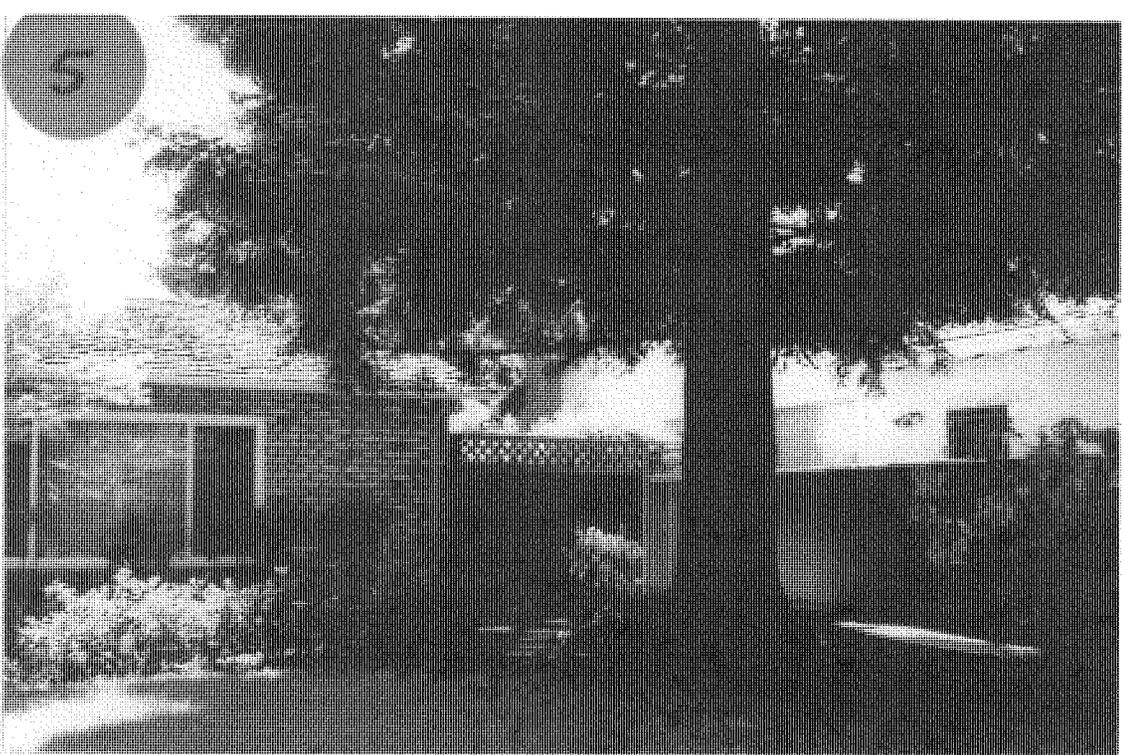

Gerald and Barbara Burch
Homeowners

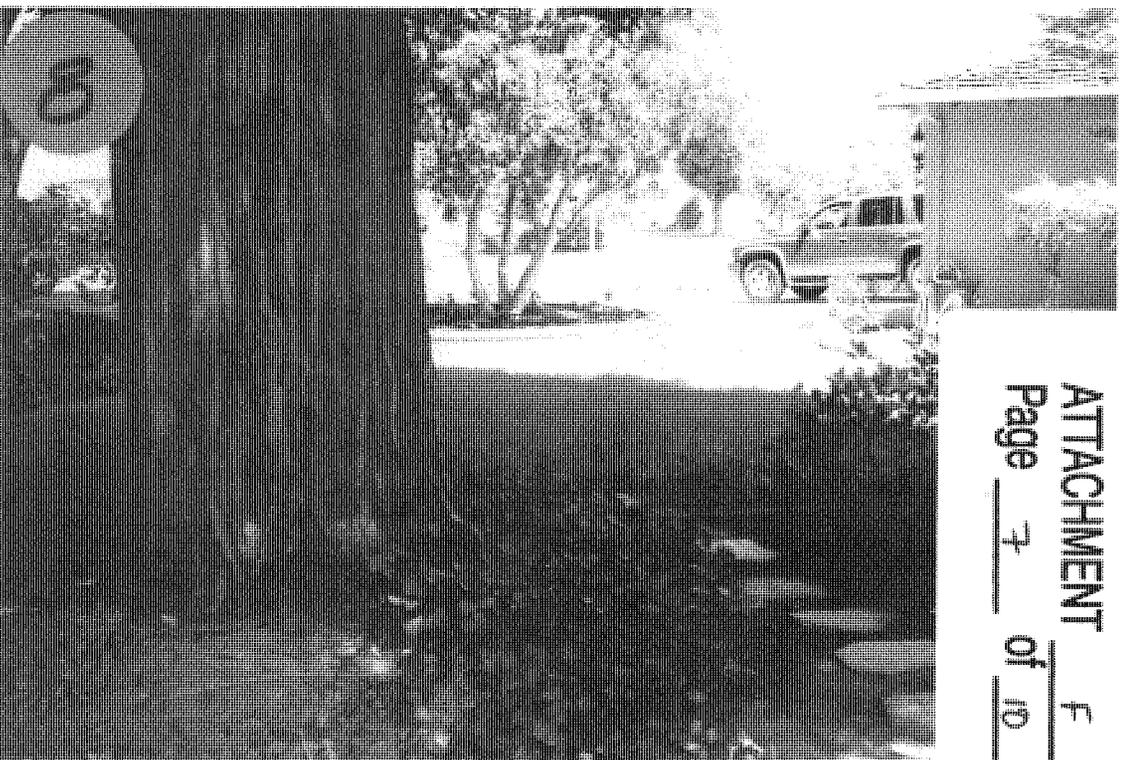
PHOTOS INCLUDED

- 1 LIFTED SIDE WALK
- 2 LIFTED SIDE WALK
- 3 CRACKED SIDE WALK
- 4 LIFTED AND CRACKED SIDE WALK
- 5 PROXIMITY TO OUR HOUSE AND THE
NEIGHBORS
- 6 CRACKED SIDE WALK
- 7 CRACKED SIDE WALK
- 8 DIRECTION OF THE ROOT GOING TOWARD
THE MAIN WATER LINE AND SEWER LINE









Experts Say Redwood Trees Are Inappropriate for Landscaping Small Residential Lots

Homeowners are strongly advised *not* to plant redwood trees in small residential settings.

Bay Area: At least four Bay Area communities (Tiburon¹, Sausalito², El Cerrito³, Belvedere⁴) list coast redwoods as “undesirable” (due to rapid growth (more than 3 feet per year), height at maturity, dense foliage, shallow root structure, breakability). It is *illegal* to plant them in El Cerrito. Tiburon, which also considers redwoods as “undesirable,” requires residents to get a permit from the city to plant redwoods before doing so.

The City of Berkeley’s Tree Guide warns residents of the perils of planting redwoods:

“Large trees growing too close to homes can cause considerable damage to foundations and sidewalks, block sunlight and eventually damage walls and roofs. For example, homeowners have planted redwood trees in their yards. Twenty years later, that tree is 80 feet tall and will continue growing for another 1,000 years. Before planting, match the tree's mature size to the space available to see if the tree can grow to its mature size without damaging your house. . . .”⁵

Native Coast Range: The City of Fortuna, in the heart of Humboldt County and the redwood’s native Coast Range, advises against planting redwoods on suburban lots.

“WARNING! Even though a redwood is an awesome tree, *Sequoia sempervirens* is NOT a good choice for a suburban lot if you wish to remain a good neighbor. Even in average soil it will quickly overwhelm the surrounding area. After growing an extensive root system, a juvenile tree will generally add five or six feet to its height each year. It is easily capable of reaching a height of 120 to 150 feet during a person's lifetime.

The year-round heavy shade will not allow grass to grow and landscaping will be limited to shade-loving plants such as ferns... The redwood is also a messy tree, dropping a third of its branchlets each year as it renews them, clogging gutters and drains.

Its roots are very efficient at removing nutrients from your and your neighbor's soil. They are shallow and extend many feet from the tree, damaging foundations, driveways and cracking water and drain pipes. Many years after removal, the existing roots will continue to send up sprouts in your and your neighbor's landscaping.

NEVER, NEVER, NEVER top a redwood. The top of the trunk will then send up multiple sprouts. Each sprout will become a trunk and will grow its own branch system. It will accumulate a tremendous amount of weight. These sprouts are attached only on one side and to the outside of the trunk, not the heartwood, and a wind will peel them right off the tree with devastating consequences.

The tree maintenance companies love redwood trees because of the job security. Its fast growth and large mass makes it very expensive to prune or to remove. If you absolutely have to have a redwood tree, be sure your homeowner's insurance will pay for the damage it will do. There's a reason they're in the parks.”⁶

University of California: The University of California Division of Agriculture and Natural Resources and the Contra Costa Master Gardener's Program lists Coast Redwoods as “trees not recommended for planting in lawns.” The coast redwood “loves being in or near a lawn for the water, but overpowers the lawn in 10-20 years.”⁷

California Agricultural Scientist: Thomas Ogren, creator of the Ogren Plant-Allergy Scale (OPALS™) adopted and used by the USDA Urban Forestry Effects Model, says coast redwoods “should not be used as landscape plants, because they soon outgrow their surroundings.”⁸

Gamble Garden Center, Palo Alto: Scott Loosley, horticulturalist at the Gamble Garden Center, does not recommend planting redwood trees – “the roots are very invasive... eventually winning.”⁹

Redwood Trees' Characteristics Make Them Poor Trees for Lifetime Protection on Small Residential Lots

Redwoods Are Too Big for Small Lots.

Redwoods are Known for Rapid Growth and Great Size at Maturity. Redwoods grow very rapidly, from 4 to 6 feet a year, and quickly reach heights well in excess of 100 feet.¹ According to the University of California Division of Agriculture and Natural Resources, redwoods can easily overpower a residential yard in 10-20 years time.² Coast Redwoods "can reach over 370 feet tall, with trunks to 20 feet in diameter."³ The world's tallest tree, at 378 feet, is a Coast Redwood.⁴

Redwoods have Wide Spacing Requirements. Experts advise wide spacing for redwoods that is more than small (50'x150') Palo Alto lots can provide.

Bruce Hagan, California Department of Forestry and Fire Protection, reports that recommended spacing for redwoods "is about one foot of space for each inch of trunk diameter."⁵ In other words, a 31" trunk diameter redwood (approximate age 25 years old) should have 31 feet of area around its tree trunk free from competition by other trees.

Redwoods are Easily Stressed on Small Lots.

Redwoods have Roots that are Easily Damaged. Redwoods have shallow root systems. Roots are wide-spreading (up to 50') with no taproot⁶ and can be damaged from soil compaction in areas of heavy foot or vehicular traffic.⁷ The roots take over the landscape, precluding families from using their yards without damaging the trees.

Redwoods Suffer Dramatically from Even Brief Environmental Stress.

Redwoods suffer substantial dieback when their high water demands are not met for even a short period of time.⁸ (Figure 4.9⁹) When planted outside of their native range, redwoods will eventually outgrow the available water supply, leading to chronic water stress, *where no realistic irrigation schedule can supply the amount of water needed.*¹⁰ Chronically-stressed redwoods are susceptible to disease that causes extensive canopy dieback which further degrades its condition and increases the risk of sudden breakage.¹¹

Redwoods Increase Hazards / Risks on Small Lots.

Redwood Limbs are Prone to Breakage. Redwood branches are prone to breakage creating "a hazard to life and property," according to Ray Moritz, a Marin County arborist.¹² Redwoods drop their tops or branches when (i) under stress (due to droughts, rodent damage to the bark, or previous topping for example), (ii) their canopies are thinned out, or (iii) their branches are headed back to reduce the crown or remove internal twigs. Safety pruning techniques often lead to further problems. Over-mature trees become even more vulnerable to breakage, which can cause sudden harm to surrounding people and property.¹³

Just four months ago, a 25-30' long redwood limb fell in a winter storm, crushing a truck and damaging a car while their drivers were in them. According to the Palo Alto Weekly, the Fire Department had to cut the truck driver out to remove him from his vehicle and immediately rushed him to the hospital for care.¹⁴ A year earlier, the 75' top of a Crescent Park redwood 50-year-old snapped in a storm and severely damaged the home while the residents were sleeping.¹⁵ The San Francisco Chronicle has similar reports; in 2007 a story ran about a Marin County homeowner's redwood tree which speared through the roof of her home and through her mattress "just moments after she got up because she heard a cracking noise."¹⁶ In

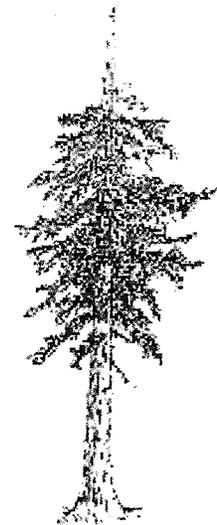


Figure 4.9. Spike Top. When needles and cambium layer at the top of the tree are stressed they can die, resulting in a limbless top. These stresses include aerosols of salt spray, drying winds, or lack of ground water

Humboldt County, the City of Fortuna warns residents of the perils of topped redwoods (natural or otherwise); the topped redwood “will accumulate a tremendous amount of weight . . . and a wind will peel [the top] right off the tree with devastating consequences.”¹⁷

Topped Redwoods Pose Multiple Risks. The International Society of Arboriculture provides an extensive explanation of why topping of trees should be avoided at all costs due to the damage it causes to trees and the risks it creates.¹⁸

1. Topping makes trees more hazardous.
2. Topping stresses trees.
3. Topping causes decay.
4. Topping can lead to sunburn.
5. Topping makes trees ugly.
6. Topping is expensive because topped trees require more frequent pruning.

Stressed Redwood Trees Expose People and their Surroundings to High Levels of Tannic Acid.

When under stress (for instance, insufficient water or otherwise), the redwood tree will release high levels of tannins, a known carcinogen to animals.¹⁹

Redwoods Expose Homeowners to Allergens

Redwood trees cause allergic reactions²⁰ which have resulted in life-threatening events.²¹

Redwoods Are Too Expensive for Homeowners to Maintain.

Annual Costs to Homeowners Far Exceed the Community Benefit. In 2003, the Center for Urban Forest Research conducted a comprehensive benchmark study for the City of San Francisco pricing the community benefit of a tree in San Francisco at \$108/year at a cost of \$262/year.²² A similar 2005 study in Berkeley priced the cost of maintaining a large tree at \$65/year.

The upkeep costs of redwoods far exceed those of other trees. It is not unheard of for a homeowner to have an arborist charge \$1000's a year to keep just one redwood tree healthy.²³ This does not include the high water bills to make up for the extra water needed that annual precipitation does not provide. Add to that the cost to the homeowner of house and landscaping repair, repainting and clean up because of the frequent staining caused by redwood tannins.²⁴

May 11, 2013

Planning Commission
City of Sunnyvale

Dear members of Planning Commission;

I have been living at the current address since 1986. City of Sunnyvale has been my home, and I am very proud of our city because of its well managed city government. This is my first time that I have to appeal to the city government because of the neighboring large redwood tree that affects my family, and I sincerely hope that an affirmative decision would come from the commission.

The redwood tree in Mr. Jerry Burch's front yard has been a grave concern to our family because of its size, closeness to my property, and its unstable roots. I spoke to Jerry about 6 years ago for replacing it with a manageable tree, but according to him the City of Sunnyvale rejected his request that time. Since then, the tree has grown so much, and its roots have been lifting the concrete between his and my properties.

I was worried so much that I did some research about redwood trees. To my surprise, I found out that redwood tree has no tap root and has a shallow root system for its height. The trees are able to remain upright by growing close together with other redwood trees, intermingling root systems. However we have only one redwood tree here, and its shallow root system will endanger our lives.

*The City of Berkeley's Tree Guide warns residents of the perils of planting redwoods:
"Large trees growing too close to homes can cause considerable damage to foundation and sidewalks, block sunlight and eventually damage walls and roofs..... Before planting, match the tree's mature size to the space available to see if the tree can grow to its mature size without damaging your house..."*

I have attached the document at the end of this letter.

I also learned that redwoods increase hazards / risks on small lots like ours. Redwood branches are prone to breakage creating "a hazard to life and property," according to Ray Moritz, a Marin County arborist. Redwoods drop their tops or branches when (i) under stress (due to droughts, rodent damage to the bark, or previous topping for example), (ii) their canopies are thinned out, or (iii) their branches are headed back to reduce the crown or remove internal twigs. Safety pruning techniques often lead to further problems.

In 2006, a 25-30' long redwood limb fell in a winter storm, crushing a truck and damaging a car while their drivers were in them. According to the Palo Alto Weekly, the Fire Department had to cut the truck driver out to remove him from his vehicle and immediately rushed him to the hospital for care. In 2005, the 75' top of a Crescent Park redwood 50-year-old snapped in a storm and severely damaged the home while the residents were sleeping. The San Francisco Chronicle has similar report; in 2007 a story ran about a Marin County homeowner's redwood tree which speared through the roof of her home and through her mattress "just moments after she got up because she heard a cracking noise."

During storms and windy days, our family stays away from the room that is near the tree. We do not sleep there, and we do not use it during stormy season. We are afraid that if the tree comes down we would get hurt. The tree has grown so much that if the tree comes down for some reason my house will be destroyed. Root lifting is also a big concern as it will damage the foundation of my house. My house is only 12 feet from the tree. Because of its size, I am definitely sure that its roots are all over my property by now. If the root moves up and down as the wind sways this big tree during storms, my garage's concrete slab and the foundation of my property will be damaged. The tree should have not been planted there in the first place; a large redwood tree like this belongs to parks and forests, not around residential area like ours.

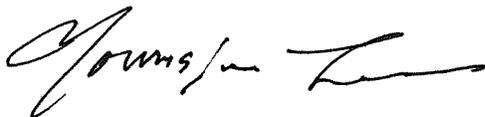
I would like each member of the commission to put yourself in my position. Would you want to live with a constant fear that the tree may damage your home or hurt your family? How would you feel if you cannot even use a part of your house because of the possibility of tree's falling down?

I understand that City of Sunnyvale wants to maintain a good green environment for its resident's well being, but I also know that City of Sunnyvale cares more about its people and their safeties than saving a tree. Jerry wants to plant another tree after removing the redwood tree, so from environmental perspective, there would not be any drawback for the City of Sunnyvale to grant him to remove the tree. It will allow my family to enjoy our home to the fullest with worry free environment.

I am afraid that if this appeal is not accepted and if something happens to my family or my home, the City of Sunnyvale will be liable. That's the last thing I want to see as I am very proud of the City of Sunnyvale and its government.

Thank you and I am grateful for this opportunity to share my concerns with you. I have attached to this letter additional facts that support my appeal.

Sincerely,



Youngjoon Lee
828 Pear Ave
Sunnyvale, CA 94087

Additional facts and supporting documents

Homeowners are strongly advised *not* to plant redwood trees in small residential settings.

Bay Area: At least four Bay Area communities (Tiburon, Sausalito, El Cerrito, Belvedere) list coast redwoods as “*undesirable*” (due to rapid growth, height at maturity, dense foliage, shallow root structure, breakability). *It is illegal to plant them in El Cerrito.* Tiburon, which is also considers redwood as “undesirable,” requires residents to get a permit from the city to plant redwoods before doing so.

Native Coast Range: The City of Fortuna, in the heart of Humboldt County and the redwood’s native Coast Range, advises against planting redwoods on suburban lots.

“WARNING! Even though a redwood is an awesome tree, it is NOT a good choice for a suburban lot if you wish to remain a good neighbor. Even in average soil it will quickly overwhelm the surrounding area. After growing an extensive root system, a juvenile tree will generally add five or six feet to its height each year. It is easily capable of reaching a height of 120 to 150 feet during a person’s lifetime.

The year-round heavy shade will not allow grass to grow and landscaping will be limited to shade-loving plants such as ferns....The redwood is also a messy tree, dropping a third of its branches each year as it renews them, clogging gutters and drains.

Its roots are very efficient at removing nutrients from you and your neighbor’s soil. **They are shallow and extend many feet from the tree, damaging foundations, driveways and cracking water and drain pipes.** Many years after removal, the existing roots will continue to send up sprouts in your and your neighbor’s landscaping.

Redwoods are Easily Stressed on Small Lots.

Redwoods have shallow root system. Roots are wide-spreading (up to 50’) with no taproot and can be damaged from soil compaction in areas of heavy foot traffic. The roots take over the landscape, precluding families from using their yards without damaging the trees.

Redwoods need 4 to 5 times the water annual rainfall provides in Sunnyvale . Redwoods suffer substantial dieback when their high water demands are not met for even a short period of time. When planted outside of their native range, redwoods will eventually outgrow the available water supply, leading to chronic water stress, where no realistic irrigation schedule can supply the amount of water needed. Chronically-stressed redwoods are susceptible to disease that causes extensive canopy dieback which further degrades its condition and *increases the risk of sudden breakage.*

Attachment 1: Tree Guide from City of Berkeley; the quoted portion is highlighted.

Attachment 2: Municipal Code of City of El Cerrito: coast redwood trees are prohibited in the city.

Attachment 3: Municipal code of City of Tiburon: coast redwood is listed under undesirable trees.

- (4) Removal with replacement plantings;
- (5) Removal without replacement plantings.

(b) In all cases, the documentable extent of view or sunlight existing at any time during the tenure of the present owner or legal occupant is the maximum limit of restorative action which may be required.

(c) Restorative action may include written conditions (including ongoing maintenance), and directions as to appropriate timing of such actions, and may be made to run with the land and apply to successors in interest. Where removal is required, replacement by appropriate species should be considered.

(d) In cases where trimming, windowing or other restorative action may affect the health of a tree which is to be preserved, such actions should be carried out in accordance with standards established by the International Society of Arboriculture for use in the state of California

Section 15-8 Town Guidelines Concerning Restorative Action.

The Town of Tiburon provides the following general guidelines concerning restorative actions:

(a) **Undesirable Trees.** By reason of their tall height at maturity, rapid growth, dense foliage, shallow root structure, flammability, breakability or invasiveness, certain types of trees have been deemed "undesirable" by the Town, including Blue Gum Eucalyptus, Coast Redwood, Monterey Pine, Monterey Cypress trees, or any other tree which generally grows more than three feet per year in height and is capable of reaching a height of over thirty-five feet at maturity. When considering restorative action for "undesirable" trees, aggressive action is preferred

(b) **Protected trees.** The Town of Tiburon has designated certain trees to be "protected trees," defined in section 15-2. Any alteration or removal of protected trees will require a permit from the Town's Planning Director pursuant to chapter 15A of the Tiburon Municipal Code.

(c) **Stump growth.** Stump growth generally results in the hazard of weak limbs, and its protection is not desirable. When considering restorative action for stump growth, aggressive action is preferred. Restorative action which will result in future stump growth should be avoided.

(d) **Trimming.** Trimming is the most minor form of physical restorative action. This option is recommended when minor unreasonable obstruction has occurred, provided that ongoing maintenance is guaranteed.

Neighborhood Tree Conflicts:

Trees often contribute to neighborhood conflicts, especially if they are planted close to property lines or are blocking views or sunlight. Some neighborhood problems can be avoided by planting trees away from property lines. East Bay Community Mediation can provide assistance if there are neighborhood conflicts concerning trees. Tel: 548-2377 or e-mail info@ebcm.org or on the web at www.ebcm.org

Sudden Oak Death Disease:

The Sudden Oak Death (SOD) fungus, *Phytophthora ramorum*, has been found in many Northern California counties, including Alameda County. The list of tree species susceptible to this disease is constantly growing and at the present time, research is being conducted on prevention and control measures. The best source of information concerning all aspects of Sudden Oak Death is on the Sudden Oak Death web site at www.suddenoakdeath.org

Urban Forestry Contacts and Web Sites:

City of Berkeley

Parks Recreation & Waterfront Department – Parks Division

- Tree Ordinances
 - Fire Fuel Chipper Program
 - Street tree planting, maintenance and removal
- www.ci.berkeley.ca.us
Tel: 644-6566
E-mail: trees@ci.berkeley.ca.us

City of Berkeley Public Works Department – Engineering

- Sidewalk and curb damage caused by trees
- www.ci.berkeley.ca.us
Tel: 981-6400

City of Berkeley Fire Department – Fire Prevention

www.ci.berkeley.ca.us
Tel: 981-5585

East Bay Community Mediation

www.ebcm.org
Tel: 548-2377
E-mail info@ebcm.org

Nolo Press Books

- Neighbor Law: Fences, Trees, Boundaries & Noise
- www.nolo.com

International Society of Arboriculture

- Tree Care Information Brochures
- www.isa-arbor.com

California Native Plant Society

- Information on selection and care of native vegetation
- www.cnps.org

Sunset Magazine

- Wide range of tree related information and publications
- www.sunset.com

Pacific Gas & Electric

- Selection of tree species for planting near utility lines
- www.safetree.com

Sudden Oak Death

- Up to date information on sudden oak death
- www.suddenoakdeath.org

Urban Tree Foundation

- Selection, Planting and Pruning of Trees
- www.urbantree.org

A Guide To

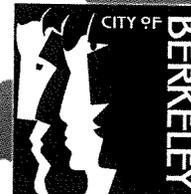
HEALTHY AND SAFE TREES FOR BERKELEY

Street trees, the trees in your yard and trees in our parks, make up the City of Berkeley's urban forest. Trees are one of our City's major physical features. Berkeley, like the entire East Bay region, was originally open grassland with intermittent stands of oak, buckeye and bay laurels. Over the past 150 years, the open grasslands have disappeared and City dwellers have planted over 250 species of trees. Trees contribute to our City's livability and beauty, but they also cause considerable damage to sidewalks, buildings, power lines, and cause allergies and litter.

The benefit of trees in an urban area are numerous. Trees control erosion, lessen storm water runoff, dampen wind and sound, help cool our homes, provide food and shelter for wildlife, add beauty, and convert carbon dioxide into oxygen. Trees can also be liabilities by contributing to an increase in fire danger, hazards during windstorms, barriers to sunlight and views, and interference with buildings, foundations and utilities, above and below ground. The City of Berkeley spends a quarter of a million dollars each year repairing sidewalks due to tree root damage.

The key to a healthy urban forest begins with the proper selection of the right tree species and an appropriate planting location.

This guide offers suggestions in tree selection, planting locations and tree care, plus a summary of Berkeley ordinances relating to trees.



PARKS RECREATION & WATERFRONT
Parks Division Office
1326 Allston Way
Berkeley, Ca. 94704

ATTACHMENT
Page 5 of 7
6
↘

Back side

City Ordinances Relating to Public and Private Trees:

Trees growing in the parkways (the space between the curb and sidewalk), center medians, along steps and walkways, in triangles and in City Parks are public trees. It is unlawful for anyone to plant, prune or remove any tree within these areas without a permit issued by the City. Private trees are all trees on private property.

The following are Berkeley Municipal Code ordinances related to public and private trees. The full text can be found on the City of Berkeley's web site at: www.ci.berkeley.ca.us

Chapter 12.44 "Trees and Shrubs" This ordinance lists regulations relating to the planting, pruning and removal of street and park trees in the City.

Ordinance No 6462-N.S. "Coast Live Oak Moratorium" This ordinance restricts the removal of Coast Live Oak trees, on both public and private lands, over 18 inches in circumference, without a permit from the City.

Chapter 12.45 "Solar Access and Views" This ordinance establishes a procedure for the resolution of disputes between private property owners relating to loss of sunlight or views due to trees.

Note: This ordinance only applies to private trees. If public trees block views or sunlight, property owners may contact the Parks Division office to schedule an inspection. If pruning or removal is permissible, the City will issue a pruning or removal permit.

City of Berkeley's Urban Forestry Program:

The City's Parks Recreation & Waterfront Department maintains about 35,000 street trees and 5,000 park trees. The Department plants around 800 trees and removes 600 dead, dying or hazardous trees each year.

Street Tree Planting: Anyone can apply to have a street tree planted in the parkway in front of their residence or business. Tree Planting Application Forms are available from the Parks Division's Forestry office or off the City's web site. The City will provide and plant the tree. The applicant must water the trees for the first two years after planting. Forestry staff makes an effort to match an appropriate tree species to the width of the parkway in an effort to minimize damage to curbs and sidewalks. Once a species has been selected for planting on a portion of a street, future tree planting will be with the same or compatible species.

Tree Pruning/Maintenance: The City is on a five-year pruning cycle. Forestry staff also prune trees with specific problems on an as needed basis. All pruning performed is based on International Society of Arboriculture Pruning Standards. The City does not have jurisdiction over PG&E's line clearing practices. PG&E will prune trees to ensure that tree branches do not interfere with electric power lines.

Tree Removal: Trees are removed when they are dead, dying or structurally unsound. Every tree removal is evaluated case-by-case, based upon a standard list of criteria. Adjacent property owners are always notified when each tree is marked for removal and posted with Forestry's phone number, in case there are questions.

Selecting the Right Tree for the Right Place:

To have the long term benefit of trees with few problems and conflicts requires selecting the right tree species for the right planting location. Choosing the right tree and the right planting location involves the following factors:

Size and Shape: Plant a tree in a place that allows the tree to grow to its mature size and shape to fit that location. Prior to selecting a tree species, check carefully in references books and web sites on the mature height and spread. A common mistake is to plant a young tree too close to a house. When mature, the tree will be 20-30 times larger and taller. Bad pruning compounds this mistake. A tree permitted to grow to its natural size and shape adds beauty to the landscape.

Location: Large trees growing too close to homes can cause considerable damage to foundations and sidewalks, block sunlight and eventually damage walls and roofs. For example, homeowners have planted Redwood trees in their yards. Twenty years later, that tree is 80 feet tall and will continue growing for another 1,000 years. Before planting, match the tree's mature size to the space available to see if the tree can grow to its mature size without damaging your house and without requiring expensive maintenance or removal.

Overhead and Underground Utilities: Plant trees away from overhead utility lines and underground utilities such as electrical, phone, gas, water and sewer lines. Trees planted in the clear prevent damage caused by falling trees and limbs, invasive roots and allow repairs to underground utility lines without damaging nearby trees.

Insect, Disease and Litter Problems: Many species of trees, both native and non-native, are susceptible to severe insect and disease problems if planted in the wrong environment. All reference books and web sites will list the tree types and their problems, as well as diseases and insects' to which they are susceptible.

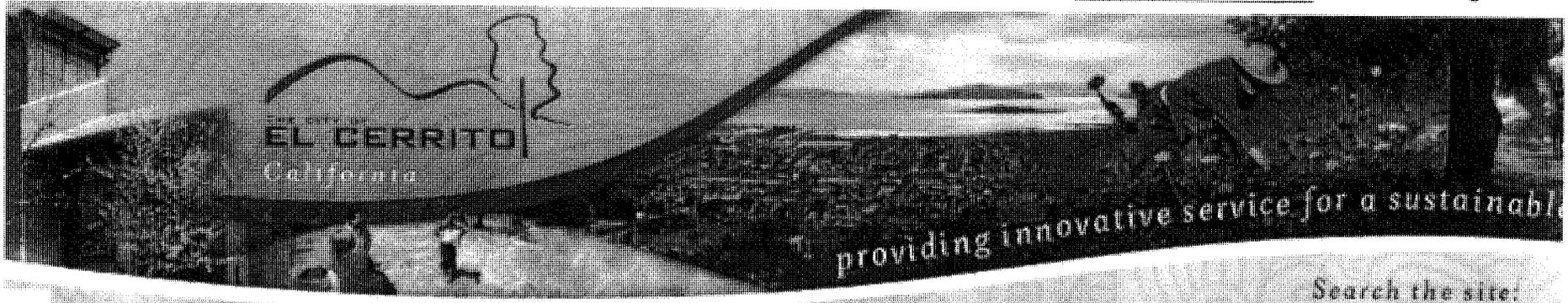
Allergens: Pollen from some tree species is very allergenic and can have a serious effect on the overall air quality of your yard or garden. Selecting species that are less allergenic will make your surroundings much more enjoyable.

Native Species: Native species are generally more adaptive to our environment than non-native species. Native trees also require less watering and if grown in their natural setting, they will often be less susceptible to insect, disease and environmental problems. Not all trees native to California will grow well in the Berkeley area and not all landscapes are suitable for native trees. An excellent source of information on native plants is the California Native Plant society at www.cnps.org

Fire Safe Landscape: A fire safe landscape is the key to protecting your home against a spreading fire. Trees and other vegetation growing close to a building can contribute to the spread of fire, especially in the high fire danger areas of the Berkeley hills. Proper plant selection, appropriate planting locations and the right maintenance, can contribute to fire safety and a beautiful landscape. For information call the City of Berkeley Fire Department - Fire Prevention at 981-5585 or visit the website at www.firesafecouncil.org/education/landscaping

+myConnections: Engage your community - connect to news, events and information you care about. [View more information...](#)

[Sign In](#)



Search the site:

[GOVERNMENT](#)
[CITY DEPARTMENTS](#)
[RESIDENTS](#)
[BUSINESS](#)
[GREEN EL CERRITO](#)

I am looking for...

[Prohibited Trees](#)

[Home](#) > [City Departments](#) > [Public Works](#) > [Maintenance](#) > [Trees](#) > [Prohibited Trees](#)

[Tree Care](#)

Prohibited Trees

[Tree Planting](#)

The following five tree species are prohibited in the City of El Cerrito.

[Tree Removal Policy & Procedures](#)

Tree List :

[Urban Forest Plan](#)

- Coast Redwood
- Monterey Cypress
- Monterey Pine
- Blue Gum Eucalyptus
- Red Gum Eucalyptus

[View Ordinance](#)

Muni Code :

[Agendas](#)

The [El Cerrito Municipal Code](#) Section 10.90.190 (Title 10, Chapter 10.90) entitled "Planting of Certain Trees Prohibited" states the following:

[Archives](#)

[Job Opportunities](#)

[July Festival](#)

[Municipal Code](#)

Due to their rapid growth, height at maturity, dense foliage, shallow root structure, flammability, breakability or invasiveness, no person shall plant or allow a new tree that results from the sprouting or other self-propagation, on private property within the City of El Cerrito.

[facebook](#) [twitter](#) [+ share](#)

ATTACHMENT
 Page 7 of 7
 5/11/2013 3:52 PM