

PLANNING COMMISSION MINUTES OF DECEMBER 13, 2010

2010-7654: Appeal by the applicant of a decision by the Director of Community Development denying a Tree Removal Permit for a Redwood tree in the front yard at **910 Ponderosa Avenue.** – RK

Trudi Ryan, Planning Officer, presented the staff report. She said staff recommends the Commission grant the appeal and approve the Tree Removal Permit subject to the conditions in Attachment B.

Comm. Hungerford discussed with staff the condition in the report allowing the applicant to pay an in-lieu fee rather than plant a replacement tree if the appeal is granted.

Vice Chair Hendricks asked staff about the language in the report title that reads, “a decision by the Director of Community Development”. Staff explained that certain decisions are made by staff, with staff acting on behalf of the Director of Community Development.

Chair Travis opened the public hearing.

Razi Mohiuddin, applicant, spoke on behalf of himself and his neighbor. He said they would like to remove the tree as the roots are damaging the foundation of his neighbor’s home. He said the tree is five feet from his neighbor’s home and 17 feet from his home, and though the tree is great and majestic, the vigorous growth of the tree is its biggest strength and weakness. He said the roots are visible in the yard and, based on the reports of two arborists, the damage will continue, discussing a new crack that has occurred recently. He said the arborists recommended the roots not be pruned any closer than 17 feet from the tree, which eliminates pruning as a mitigation measure, leaving only removal as an option. He said the tree is planted too close to the homes and requested the Planning Commission accept the revised recommendation of the Planning Division and grant the tree removal permit.

Chair Travis closed the public hearing.

Vice Chair Hendricks said he could make the findings to grant the appeal and moved for **Alternative 1, to grant the appeal and approve the Tree Removal Permit subject to the conditions in Attachment B.** **Comm. Chang** seconded the motion.

Vice Chair Hendricks said this is a majestic tree and he would have liked to have found a way to save it, however, he was able to make the findings. He said he is basing his recommendation for the appeal purely on the comment about damage to the foundation of the property.

Comm. Chang agreed with Vice Chair Hendricks that this is a majestic tree, however the proximity of the tree to the structures allows him to make the findings for removal.

ACTION: Vice Chair Hendricks made a motion on 2010-7654 to grant the appeal and approve the Tree Removal Permit subject to the conditions in Attachment B. Comm. Chang seconded. Motion carried 6-0, with Comm. Dohadwala absent.

APPEAL OPTIONS: This action is final.