

PLANNING COMMISSION MEETING MINUTES OF JANUARY 24, 2011

2010-7843: Appeal of a decision by the Director of Community Development denying a Tree Removal Permit for 8 of 9 trees at Remington Grove Apartments at **575 E. Remington Avenue**. (APN: 211-20-041, 211-20-062) – RK

2010-7844: Appeal of a decision by the Director of Community Development denying a Tree Removal Permit for 1 of 12 trees at Remington Grove Apartments at **575 E. Remington Avenue**. (APN: 211-20-060) - RK

Andrew Miner, Principal Planner, presented the staff reports for projects 2010-7843 and 2010-7844. He said staff is recommending the Planning Commission deny the appeals and uphold the decisions of the Director of Community Development on both projects. Mr. Miner said **Steve Sukke**, City Arborist, is present this evening to answer questions.

Comm. Sulser discussed with Mr. Sukke the staff recommendation of the use of “heavy end weights” and a “cabling system.” Staff said there are three trees at the end of Cumulus Drive that could be cabled together. Mr. Sukke said he did not see any outward signs of health problems with the trees that were not approved for removal adding that pruning would help resolve potential safety issues. Comm. Sulser discussed with staff various reasons for approving some of the trees for removal.

Comm. Hungerford disclosed that on his site visit he talked with the resident manager. Comm. Hungerford discussed with staff tree #9 and its proximity to the gas meters. Staff did not know, but said they could revisit the site. Comm. Hungerford discussed with staff the three trees that staff recommended be cabled and discussed that the trees are planted on a mound. Comm. Hungerford discussed with staff methods of pruning large, tall, overhanging trees.

Vice Chair Hendricks asked Mr. Sukke to discuss what is considered “too close” to structures with Mr. Sukke discussing different types of trees with different root structures.

Vice Chair Hendricks opened the public hearing.

Steve Pavlina, appellant, said he lives at the Remington Grove Apartments, is part owner, and manages the property. He said as a small business owner it is important to protect the public and property, and enhance the City. He said he appealed the denial of the removal of the nine trees and though the City arborist said they are currently healthy and no risk, that he disagrees. He said he thinks it is irresponsible to wait and see if there is a problem with the trees, and believes in solving a problem before it becomes a problem. He said if a tree falls over, the City staff does not have to live with

the consequences, and from a small business standpoint, his insurance would be affected and there are no guarantees his insurance policy would be renewed. He discussed cabling and pruning and his concerns about the weight of the three large pine trees, their close location to the utility boxes, occasional negative results of pruning, and tree lean in proximity to the buildings. He said overall he rejects the staff recommendation and would prefer to remove the nine trees and replace them. He said he likes trees, but when they are this close to buildings, he would rather remove them and be proactive before somebody gets hurt.

Comm. Sulser discussed with Mr. Pavlina the lean of the trees.

Comm. Hungerford asked Mr. Pavlina about tree #9, discussing the bank of meters that are about 10 to 15 feet from the trees.

Mr. Pavlina thanked the Commission for their contribution as volunteers to the City.

Maria Arias, a Sunnyvale resident and resident manager for Remington Grove Apartments, said she is present this evening to petition removal of trees as she has a responsibility for resident safety. She said she lives next to tree #1 and it concerns her that the tree is tilting toward the building. She said the three trees at the end of Cumulus have large, heavy pinecones that fall and someone could get hurt. She said this community and landscaping is well maintained, and they would replace the removed trees.

Sree Pulichintala, a resident of the Remington Grove Apartments, said tree #1 is leaning towards his bedroom, he is concerned about the safety of his family, and would like the tree removed.

Comm. Sulser confirmed with Mr. Pulichintala the location of tree #1. **Trudi Ryan**, Planning Officer, referred the Commissioners to Attachment C in both reports, which shows the location of each of the numbered trees.

Vice Chair Hendricks asked Mr. Pavlina if he feels there is a potential for an immediate failure of the trees. Mr. Pavlina said he hired an arborist and it was his arborist's opinion that these trees should be removed. He said he is not comfortable when he sees these trees. He said he would rather remove the trees and plant smaller trees. He said he had a tenant call on a windy day as a pinecone blew through his window and broke it.

Vice Chair Hendricks closed the public hearing.

Comm. Dohadwala commented that there are many large trees in the City, they are a big part of our City's heritage, and asked staff to comment. Ms. Ryan agreed that the trees provide value to the community, however there are reasons trees can be removed. She said the Tree Removal Permits make sure trees are not being removed without reviewing their value, safety, location, etc. Ms. Ryan said the applicant made a comment about the trees being close to the buildings and different factors can be used to determine whether the trees can be removed. Comm. Dohadwala discussed with staff that she has seen some very tall trees being planted in some of the newer developments. Comm. Dohadwala asked Mr. Sukke if the trees being reviewed for removal would be planted in newer developments today. Mr. Sukke said they probably would not be the preferred trees for their locations, however he did not find any immediate reason to remove the trees that the City denied.

Comm. Larsson discussed with Mr. Sukke the continued growth of these trees. Mr. Sukke commented about trees having an economic life cycle, where the accommodations for the tree can out-weigh the value of the tree, and discussed phasing of planting using smaller species in replacement trees. Comm. Larsson asked if the property owner works with the City on a plan of transition, with Mr. Sukke saying the City tries to help property owners make informed decisions. Comm. Larsson discussed the pinecones with Mr. Sukke and Mr. Pavlina, determining that the greener cones are heaviest, about 3 pounds, and that they are a little smaller than a football. Comm. Larsson asked staff to comment about the pinecones, with staff saying this could be a factor when considering removal. Comm. Larsson discussed with staff the yellowing of the needles and that there is not a limit on the number of times a person can apply for a tree removal permit.

Comm. Hungerford discussed with Mr. Sukke the stability of trees #4, #5 and #6 with Mr. Sukke saying he has never seen this type of tree fall over. Comm. Hungerford confirmed with Mr. Sukke that there is a greater risk of a limb, or pinecone falling down as opposed to the tree falling down.

Vice Chair Hendricks asked Mr. Sukke if the cabling is required for tree #4, #5 and #6. Mr. Sukke said it is not a requirement, and discussed the three trees saying that the cabling is to reduce load and for peace of mind. Vice Chair Hendricks had Mr. Sukke comment about immediacy of potential concern, confirming that broken branches and the pinecones would be the immediate concern. Vice Chair Hendricks discussed with Mr. Sukke the trees approved for removal with Mr. Sukke saying the approval was based mostly on life expectancy of the trees.

Comm. Larsson discussed with Mr. Sukke that squirrels usually cause the green cones to fall.

Comm. Hungerford moved to deny the appeal except for trees #3, #7, and #8 as they are very close to the existing buildings. Comm. Sulser seconded the motion. Vice Chair Hendricks confirmed that this is the motion for project 2010-7843.

Comm. Hungerford said he was able to make finding 3 as he thinks the three trees that are close to the buildings qualify as overgrown.

Comm. Sulser said he could make finding three, agreeing with Comm. Hungerford that these trees can be considered as over-landscaping.

Comm. Larsson said he would not be supporting the motion as he cannot make the findings at this time and that he agrees with the City Arborist. He said he is concerned about the pinecones, however they are not an overriding concern.

Comm. Dohadwala said this is a difficult decision as the Commission does not have to live with the results. She said she would depend on the expert knowledge of the City Arborist, that these trees have more years of life, and she would not be supporting the motion.

Vice Chair Hendricks said this is a nice well-maintained complex and agreed that this is a difficult decision. He said he did not hear anything that convinced him of an immediate, potential hazard. He said he will support the motion and if things change the applicant should return to the City with another request.

Motion for project 2010-7843.

ACTION: Comm. Hungerford made a motion on 2010-7843 to deny the appeal for tree #1, #4, #5, #6, and #9 and grant the appeal for tree #3, #7, and #8, as they are very close to the existing buildings. Comm. Sulser seconded. Motion carried 3-2, with Comm. Larsson and Comm. Dohadwala dissenting, and Chair Travis and Comm. Chang absent.

APPEAL OPTIONS: This action is final.

2010-7844: Appeal of a decision by the Director of Community Development denying a Tree Removal Permit for 1 of 12 trees at Remington Grove Apartments at **575 E. Remington Avenue.** (APN: 211-20-060) - RK

Comm. Sulser moved to deny the appeal and uphold the decision of the Director of Community Development to deny a portion of the Tree Removal Permit. Comm. Hungerford seconded the motion.

Comm. Sulser said he could not make the findings for this particular tree.

Comm. Hungerford said he thinks the tree is okay to remain.

Vice Chair Hendricks said he would be supporting the motion as he thinks this tree adds value to the property.

Comm. Dohadwala said she would be supporting the motion and she would like the tree to stay based on the recommendation of the City Arborist.

Motion for project 2010-7844.

ACTION: Comm. Sulser made a motion on 2010-7844 to deny the appeal and uphold the decision of the Director of Community Development to deny a portion of the Tree Removal Permit. Comm. Hungerford seconded. Motion carried 5-0, with Chair Travis and Comm. Chang absent.

APPEAL OPTIONS: This action is final.