

PLANNING COMMISSION MINUTES OF JULY 11, 2011

2011-7340 - Appeal of a decision by the Director of Community Development denying a Tree Removal Permit for three of six trees at **1402 Kelowna Ct.** RK

Trudi Ryan, Planning Officer, presented the staff report. She said Leonard Dunn, Urban Landscape Manager, is present to answer questions.

Comm. Dohadwala discussed with Mr. Dunn the age of the Redwood trees.

Vice Chair Hendricks asked staff about the policy for granting tree removals for home additions. Ms. Ryan said tree removal permits received with Design Reviews are often permitted if the use of the property is impaired by the tree. She said tree removal permits related to solar panel permits are approved.

Vice Chair Hendricks said he just realized that he knows the appellant, recused himself, and left the Council Chambers. He named Comm. Chang as chair pro tem.

Comm. Chang presided over the remainder of the public hearing for this project.

Comm. Chang opened the public hearing.

Michael and Sonya Lee, appellants, referred to Attachment E, page 3, showing the home remodel plans submitted several years ago which would require removal of the subject trees. Mr. Lee said they are remodeling in phases due to the economy and tree removal and maintenance continues to increase. He said the trees are hazards to the concrete, sewer system, property, people, and possibly the cause of allergies. He said they would like to remove the trees as they are making a significant investment to improve the home and the trees are a problem.

Comm. Sulser discussed with the applicants the sewer damage and whether the trees are a possible cause of allergies.

Comm. Dohadwala discussed with the applicants the size of the trees and that the trees were probably put in as "curb appeal" about 18 years ago.

Comm. Larsson discussed with the applicants and Mr. Dunn: the trees being a possible cause of allergies; the trees related to the sewer line; and the applicant possibly replacing the sewer line.

Mrs. Lee added that part of the remodel effort is to increase the aesthetic appeal of the front of their home. She said the Redwood trees make a wall in front of their home.

Comm. Chang closed the public hearing.

Comm. Dohadwala asked staff about landscaping requirements for new single-family homes. Ms. Ryan said each Tree Removal Permit is judged on the value of the tree to the property and neighborhood. Comm. Dohadwala commented there are a lot of trees on this lot with a financial obligation for the homeowner to maintain.

Comm. Sulser asked staff about the potential remodel and potential solar panels. Staff said if the remodel or solar panel permits are applied for, that tree removals could be considered at the time of application. Comm. Sulser discussed with Mr. Dunn Redwood trees and allergies.

Comm. Chang discussed with staff the growth of the Redwood trees and the sewer lines.

Comm. Dohadwala moved for Alternative 2, to grant the appeal and approve the Tree Removal Permit subject to the conditions in Attachment B. The motion died for lack of a second.

Comm. Sulser moved for Alternative 1, to deny the appeal and uphold the decision of the Director of Community Development to deny a portion of the Tree Removal Permit. Comm. Larsson seconded the motion.

Comm. Sulser said he was unable to make the findings, the trees seem to be in good health, and a remodel requiring their removal is too speculative at this time. He said the issue of allergies is persuasive, but there is not enough evidence under this option.

Comm. Larsson said he was almost persuaded by the aesthetic argument as the trees create a screen to the house. He said he agrees with Comm. Sulser that a future addition is too speculative at this time. He said if plans change for a remodel or the addition of solar panels that the City can work with applicant.

Comm. Dohadwala said she would not be supporting the motion as she can make the findings. She said aesthetically she thinks there are too many trees on this site and that the existing trees make the house dark.

Bo Chang said he would be supporting the motion as the trees are healthy. He said if there is a remodel or solar panel application in the future that the removal the three trees could be reconsidered.

ACTION: Comm. Sulser made a motion on 2011-7340 to deny the appeal and uphold the decision of the Director of Community Development to deny a portion of the Tree Removal Permit. Comm. Larsson seconded. Motion carried 4-1, with Comm. Dohadwala dissenting, Vice Chair Travis recusing himself, and Chair Travis absent.

APPEAL OPTIONS: This action is final.