TO:    HONORABLE CITY COUNCIL

FROM:    CITY MANAGER

DEPARTMENT: PLANNING AND COMMUNITY ENVIRONMENT

DATE:    FEBRUARY 5, 2007

CMR: 128:07

SUBJECT: CONSIDERATION OF AN APPEAL AND RECORD OF LAND USE ACTION FOR THE PLANNING DIRECTOR’S DENIAL OF AN APPLICATION BY FLAVIO AND LAUREN BONOMI FOR REMOVAL OF TWO PROTECTED REDWOOD TREES AT 526 LOWELL AVENUE. EXEMPT FROM THE CALIFORNIA ENVIRONMENTAL QUALITY ACT PER SECTION 15270(a).

RECOMMENDATION
Staff and the Planning and Transportation Commission (Commission) recommend that the City Council uphold the Director of Planning and Community Environment’s (Director) decision to deny the Protected Tree Removal Permit to remove two ordinance size coast redwoods at 526 Lowell Avenue based upon the findings and conditions in the Record of Land Use Action (Attachment A).

BACKGROUND
The Palo Alto Tree Ordinance and Zoning Ordinance provide for an appeal of the Director’s decision on protected tree removal permits within a certain timeframe with a review and recommendation by the Commission. In the case of Protected Tree Removal Permit applications, three Council Member votes are required to remove the project from the consent calendar in order to consider the appeal at a subsequent Council meeting. Otherwise, the recommendation of the Commission stands and no hearing is held. If the Council votes to hear the item, a hearing shall be scheduled as soon as practicable.

The Director of Planning and Community Environment denied the request to remove two Coast Redwoods on December 4, 2006, based on noncompliance with the required findings criteria pursuant to the Palo Alto Municipal Code, Chapter 8.10 (Tree Preservation and Management Regulations).

Within the prescribed timeframe, on December 18, 2006, the applicant appealed the Director’s determination and a hearing was scheduled for the Planning and Transportation Commission.
COMMISSION REVIEW AND RECOMMENDATIONS
On January 10, 2007, the Commission reviewed the project and recommended that the City Council uphold the Director of Planning and Community Environment’s decision to deny the application pursuant to PAMC Section 8.10.050. The Commission staff report and the attachments are included as Attachment B.

Two adjacent neighbors to the applicant provided letters and spoke in support of the trees’ removal at the Commission hearing. Additionally, two members of the public submitted letters supporting the Director’s denial. Staff also received several voice mails supporting the Director’s denial.

ENVIRONMENTAL REVIEW
This project is exempt from the provisions of the California Environmental Quality Act (CEQA), per Section 15270 (A). If the request is scheduled for a public hearing, the application would still be exempt (Section 15304).

PREPARED BY: _____________________________________________
DAVE DOCKTER
Planning Arborist

DEPARTMENT HEAD REVIEW: ________________________________________
STEVE EMSLIE
Director of Planning and Community Environment

CITY MANAGER APPROVAL: ____________________________________________
EMILY HARRISON
Assistant City Manager

ATTACHMENTS:
A. Record of Land Use Action
B. Planning and Transportation Commission Staff Report, January 10, 2007
C. Planning and Transportation Commission Verbatim Minutes, January 10, 2007

COURTESY COPIES:
Flavio and Lauren Bonomi, Appellant