TO: HONORABLE CITY COUNCIL
FROM: CITY MANAGER
DEPARTMENT: PLANNING AND COMMUNITY ENVIRONMENT
DATE: MAY 7, 2007 CMR: 177:07

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.

RECOMMENDATION
Staff and the Planning and Transportation 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 Planning and Transportation Commission (PTC). 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. On February 12, 2007, the City Council pulled the item from the consent calendar and set the appeal for a public hearing.

The Director of Planning and Community Environment initially 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 PTC.

COMMISSION REVIEW AND RECOMMENDATIONS
On January 10, 2007, the PTC 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 PTC 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 PTC 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. Additional correspondence received prior to the Council meeting is included as Attachment E.

**Supplemental Arborist Letter**

This item was continued from the Council’s April 16, 2007 meeting. The applicant has submitted a letter from a third arborist assessing the health of the trees and damage they have caused (Attachment D). The City’s Planning Arborist has reviewed the letter report and notes that the letter does not provide any new information or analysis. The Planning Arborist indicated that stability of the trees and roots is not in question, and that keeping the tree branches and tree top in relatively safe condition is typically handled through restoration pruning. Seasonal debris is not a finding for removal in the City’s tree ordinance.

**ENVIRONMENTAL REVIEW**

This project is exempt from the provisions of the California Environmental Quality Act (CEQA), per Section 15304.

**PREPARED BY:**

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DAVE DOCKTER
Planning Arborist

**DEPARTMENT HEAD:**

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STEVE EMSLIE
Director of Planning and Community Environment

**CITY MANAGER APPROVAL:**

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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 of January 10, 2007  
D. March 14, 2007 Letter from Kielty Arborist Services  
E. Correspondence

**COURTESY COPIES**

Flavio and Lauren Bonomi, Applicant