

Resolution No.

STOCKTON CITY COUNCIL

RESOLUTION DENYING AN APPEAL AND UPHOLDING THE COMMUNITY DEVELOPMENT DIRECTOR'S DENIAL OF A HERITAGE TREE PERMIT TO REMOVE TWO HERITAGE OAK TREES AT 1417 NORTH HUNTER STREET

On June 6, 2016, the Community Development Director denied a Heritage Tree Permit to remove two heritage oak trees at 1417 N. Hunter Street; and

On June 15, 2016, pursuant to the provisions of Section 16.130.040.C.2.b of the Stockton Municipal Code (SMC), the property owner submitted an appeal of the Director's decision; and

On August 9, 2016, the City Council convened a public hearing regarding the appeal of the Director's decision; now, therefore,

BE IT RESOLVED BY THE COUNCIL OF THE CITY OF STOCKTON, AS FOLLOWS:

1. The City Council hereby denies the appeal and upholds the decision of the Community Development Director to deny a Heritage Tree Permit to remove two heritage oak trees at 1417 N. Hunter Street, based on the following findings:

a. The arborist report indicates that the trees are healthy and not in danger of falling or interfering with utility services if properly pruned and maintained. Neighbors at the hearing expressed concerns about removing heritage oaks that are not dangerous or in poor health, and noted that a number of other trees had been removed in the area recently.

b. No evidence was submitted indicating that the trees need to be removed in order to allow construction or for further development on the site. The applicant indicated that there were no immediate plans to do construction work.

c. No evidence of topographical features in the area and their effect on erosion, soil retention, and diversion or increased flow of surface waters was submitted. However, the code indicates that retaining oak trees is expected to have beneficial effects with respect to reducing erosion and retaining soil, thereby reducing runoff of surface waters.

d. No evidence of the number of similar trees in the area was submitted. However, several neighbors expressed concerns about a number of street trees that had been removed in the area recently and the cumulative effect of removing

more trees on the neighborhood, some parts of which have extensive tree shade provided by very large, mature trees.

e. The proposed tree removal is inconsistent with the Stockton General Plan 2035's policy NCR-1.1, which states, "The City shall strive to protect natural resource areas, fish and wildlife habitat, scenic areas, open space areas, agricultural lands, parks, and other cultural/historic resources (including Oak trees) from encroachment or destruction by incompatible development," because the removal would not protect and maintain natural resources.

2. The City Manager is authorized to take whatever actions are necessary and appropriate to carry out the purpose and intent of this resolution.

PASSED, APPROVED, and ADOPTED August 9, 2016.

ANTHONY SILVA
Mayor of the City of Stockton

ATTEST:

BONNIE PAIGE
City Clerk of the City of Stockton