



**MEMORANDUM**

Community Services Department

**DATE:** March 11, 2020

**TO:** Urban Forestry Board

**FROM:** Jakob Trconic, Forestry and Roadway Manager  
John R. Marchant, Community Services Director

**SUBJECT:** Heritage Tree Appeal – 246 North Whisman Road

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**RECOMMENDATION**

Adopt a resolution denying the appeal, upholding staff’s decision, and allowing removal of the *Schinus molle*, California pepper tree.

**BACKGROUND**

Article II, Protection of the Urban Forest, Sections 32.22 through 32.39 of the Mountain View City Code (MVCC), was established to preserve large trees (Heritage trees) within the City of Mountain View. The preservation program contributes to the welfare and aesthetics of the community and retains the great historical and environmental value of these trees. The Parks and Open Space Manager, under the authority granted in the Code to the Community Services Director, has been designated as the primary decision-maker in these matters. Under the Code, there are specific criteria for removal of a Heritage tree. The determination on each application is based upon a minimum of one of the following conditions:

1. The condition of the tree (with respect to age of the tree relative to the life span of that particular species), disease, infestation, general health, damage, public nuisance, danger of falling, proximity to existing or proposed structures, and interference with utility services.
2. The necessity of the removal of the Heritage tree in order to construct improvements and/or allow reasonable and conforming use of the property when compared to other similarly situated properties.

3. The nature and qualities of the tree as a Heritage tree, including its maturity, its aesthetic qualities such as its canopy, its shape and structure, its majestic stature, and its visual impact on the neighborhood.
4. Good forestry practices, including, but not limited to, the number of healthy trees a given parcel of land will support, the planned removal of any tree nearing the end of its life cycle, and the replacement of young trees to enhance the overall health of the urban forest.
5. Balancing criteria: In addition to the criteria referenced above which may support removal, the decision-maker shall also balance the request for removal against the following which may support or mitigate against removal:
  - a. The topography of land and effect of the requested removal on erosion, soil retention, water retention, and diversion or increased flow of surface waters.
  - b. The effect of the requested removal on the remaining number, species, size, and location of existing trees on the site and in the area.
  - c. The effect of the requested removal with regard to shade, noise buffers, protection from wind damage and air pollution, and the effect upon the historic value, scenic beauty, health, safety, prosperity, and general welfare of the area and the City as a whole.

The decision-maker shall consider additional criteria, if applicable, in weighing the decision to remove a Heritage tree, with the emphasis on the intent to preserve Heritage trees.

MVCC Section 32.31 allows any person aggrieved or affected by a decision on a requested removal to appeal the decision by written notice within 10 calendar days after the notice of the decision is posted or mailed.

### **HERITAGE TREE REMOVAL REQUEST**

An application submitted by Diane Huynh and Tien Tran to remove several Heritage trees was received on October 4, 2019 (Attachment 1). The criteria for removal listed in the comment section was interference with utility services. The box was also checked for the condition of tree with respect to age and the nature and qualities of the tree on the form. The application was for three pine trees and one California pepper (*Schinus molle*) tree. The pine trees were denied, and a decision to approve the removal of the California pepper tree was posted on November 25, 2019.

An appeal was filed by Anthony Peeples on December 6, 2019 (Attachment 2).

## **ANALYSIS**

### **Schinus molle, California Pepper Tree Facts**

The *Schinus molle*, California pepper tree (also known as Peruvian pepper/American pepper) is native to the arid zone of northern South America and Peru's Andean deserts and goes to central Argentina and central Chile. It has, however, become widely naturalized around the world where it has been planted, known for its strong wood used for saddles. It was part of the Spanish colonies' supply sources for saddles, as an ornamental, and for spice production. They are a drought-tolerant, long-lived, hardy evergreen species. In some areas, it has become a serious invasive weed in the U.S. and internationally.

Although not related to commercial pepper (*Piper nigrum*), the pink/red berries are sold as pink peppercorns and often blended with commercial pepper. The fruit and leaves are, however, potentially poisonous to poultry, pigs, and possibly calves. Records also exist of young children who have experienced vomiting and diarrhea after eating the fruit.

### **Staff's Evaluation**

When evaluating Heritage Tree Removal Applications, staff looks to see if the reason(s) for removal on the application match what is observed in the field. If the reason(s) meet the criteria, staff looks to see if issue(s) regarding the tree can be reasonably mitigated. Based on inspection and evaluation of the California pepper tree, staff approved the removal of the tree for the following reasons:

- The upper canopy of the tree is thinning and fairly sparse compared to a healthy California pepper tree. The northeast corner of the tree has a dead section, and the center of the tree is void of branches. The canopy is weighted to either side of the main trunk. Trees with uneven or lopsided canopies are subject to wind dynamics that can put branches at risk due to increased movement in the canopy.
- The tree has two main codominant trunks with a large section of included bark that has the potential for a major trunk failure at that connection.
- The tree also has some other large branches that were stub-cut possibly due to past failures at the locations or higher in the tree. Branches should be removed to the

trunk, and stub cutting should be avoided because the wounds are less likely to heal over.

- Two large branch sections have areas that were torn out from past branch failures possibly due to included bark, and there is less holding wood since the bark interferes with allowing the branches to knit together. These locations are weaker than the average healthy branch because the wood is exposed to the elements and the torn areas are also subject to decay over time without a protective bark layer. One of the branches that had a large failure also has a decayed hollow at the base of the torn branch, and this further increases the potential for this branch to fail.
- Trying to clean up the tree would involve removing the large branches showing signs of decay and failures. Then the areas of dead wood would need to be removed. By the time this work is done, there will not be much left of the tree, and the tree would still have the codominance and included bark at the base of the tree along with the weighted and further lopsided canopy issues. The remaining tree would be further subject to changes due to wind dynamics.

Although the property owner emphasized the interference with utility services part of the condition of the tree criteria, for the aforementioned reasons, staff agrees that the condition of the tree is a reason for removal but more so due to its general health, damage, public nuisance, and danger of falling.

### **URBAN FORESTRY BOARD**

The Parks and Recreation Commission (PRC) serves as the Urban Forestry Board (Board) for Heritage tree appeals under MVCC Section 32.26(b)(1). The Board must consider whether to deny the appeal and uphold staff's decision or overturn that decision using the aforementioned criteria set forth in MVCC Section 32.35. The Urban Forestry Board must support its decision with written findings. Staff has provided the Board with a draft resolution with findings (Attachment 3) upholding staff's decision to remove the Heritage tree. If the Board overturns staff's decision and denies removal of the Heritage tree, staff recommends the Board make their findings orally, and staff will include the findings and decision in this meeting's written minutes.

**SUMMARY**

Staff recommends the appeal be denied and the *Schinus molle*, California pepper tree, be allowed to be removed due to its condition.

JT-JRM/6/CSD  
221-03-11-20M-1

Attachments: 1. Application to Remove Heritage Tree – October 4, 2019  
2. Heritage Tree Appeal – December 6, 2019  
3. Resolution

cc: F/c