



MEMORANDUM

Community Services Department

DATE: November 18, 2020

TO: Urban Forestry Board

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

SUBJECT: Heritage Tree Appeal – 1783 Woodhaven Place

RECOMMENDATION

Adopt a Resolution Denying the Appeal, Upholding Staff’s Decision, and Denying the Removal of the *Quercus Agrifolia* (Coast Live Oak) Tree at 1783 Woodhaven Place, to be read in title only, further reading waived (Attachment 5 to the memorandum).

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 Forestry and Roadway Manager, under the authority granted in the MVCC to the Community Services Director, has been designated as the primary decision-maker in these matters. Under the MVCC, 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, and 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 Yun Mei Wang to remove a *Quercus agrifolia* (Coast live oak) tree was received on December 3, 2019 (Attachment 1). The criterion for removal listed was a check on the box for 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. A decision to deny the removal of the *Quercus agrifolia* (Coast live oak) tree was posted on February 26, 2020 (Attachment 2).

An appeal was filed by Yun Mei Wang on March 9, 2020 (Attachment 3). The appeal included a letter from Amy and Gregory Pal, who own the neighboring property at 611 Leksich Avenue, regarding the tree's potential impact to their rental property's garages (Attachment 4).

ANALYSIS

***Quercus Agrifolia* (Coast Live Oak)**

Quercus agrifolia, the California live oak or Coast live oak, is a highly variable, often shrubby evergreen oak tree, a type of live oak native to California. It grows west of the Sierra Nevada mountain range from Mendocino County, California, and south to northern Baja California in Mexico. It is classified in the red oak section of oaks.

The Coast live oak typically has a many-branched trunk and reaches a mature height of 33' to 82'. The typical range for life expectancy would be 300 to 500 years in their native ranges. Some specimens may attain an age exceeding 1,000 years in ideal conditions and locations. In urban settings, the expected range would be 80 to 150 years. Staff estimates this tree to be around 25 to 30 years old.

The trunk, particularly for older individuals, may be highly contorted, massive, and gnarled. The crown is broadly rounded and dense, especially when aged 20 to 70 years. In later life, the trunk and branches are well-defined and the leaf density lower. The oldest specimens might exceed 20' in trunk circumference and 100' in height. Staff estimates this tree to be 44' tall and 38' wide.

The Coast live oak is the only California native oak that actually thrives in the coastal environment, although it is rare on the immediate shore. It enjoys the mild winter and summer climate afforded by ocean proximity, and it is somewhat tolerant of aerosol-borne sea salt. The coastal fog supplies relief from the rainless California summer heat.

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 *Quercus agrifolia* (California live oak

or Coast live oak) tree can be reasonably mitigated. Based on inspection and evaluation of the tree, staff denied the removal for the following reasons:

1. This tree is in good health with a full canopy.



2. Branch spacing overall is good, and no substantial defects are noted from staff's ground observations (photos below).



The appeal letter states a concern about the threat the tree imposes on the neighboring property's garage/storage building. The tree is in relative proximity to the storage building, and the owner notes the trunk being approximately 17" away. Trees can live in close proximity to structures and not cause issues, and this seems to be the case with this tree. Oak trees typically grow at a rate of 1/8" to 1" in diameter per year given the growing conditions. This would put the range of growth toward the garage at 1/16" to 1/2" per year. Even at the higher growth rate estimate, this would mean the tree could remain in place for another 7-1/2 years and possibly longer before this would start to become a concern.



Fences can be modified and built to allow trees to remain in place and is the suggested mitigation for any issue the tree imposes to the fence.

The letter from the owners of 611 Leksich Avenue suggests cutting roots or the tree trunk on their side of the tree as a possible remedy, but they note that cutting roots and the trunk could cause the tree to be unstable. If no reason exists to consider roots as an issue, then cutting them would be a violation of the MVCC and, therefore, should not be considered as mitigation to the tree's proximity to the structure covered under Heritage Tree Preservation in MVCC Section 32.25(b). It does appear efforts are being made to trim branches from the 611 Leksich Avenue side of the tree, likely to address leaf litter issues. Although the side trimming of the tree is not ideal, it does not pose a stability risk in staff's opinion but would be nice aesthetically if the tree were allowed to grow out so that the canopy remains balanced over time. Excessive pruning can be considered detrimental to the Heritage tree and, therefore, a potential for a violation of the MVCC. The trimming to date is acceptable, but staff is noting it as a word of caution to maintain proper pruning to avoid harming the tree. This tree does not appear to have a stability issue, nor is it a risk of falling from staff's observations.

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. 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 upholding staff's decision to deny the Heritage tree removal. If the Board overturns staff's decision and allows 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 Board adopt a resolution to deny the appeal, uphold staff's decision, and deny the removal of the *Quercus agrifolia* (Coast live oak) tree.

ALTERNATIVE

The Board can approve the appeal, overturn staff's decision, and allow removal of the tree if it finds that the criteria for removal set forth in MVCC Section 32.35 have been met.

JT-JRM/6/CSD

221-11-18-20M

- Attachments:
1. Application for Heritage Tree Removal Permit – December 3, 2019
 2. Heritage Tree Removal Denial – February 26, 2020
 3. Heritage Tree Removal Appeal Letter – March 9, 2020
 4. Appeal Letter from Amy and Gregory Pal
 5. Resolution Denying Heritage Tree Appeal

cc: F/c