



MEMORANDUM

Community Services Department

DATE: February 9, 2022

TO: Urban Forestry Board

FROM: Matthew Feisthamel, Forestry Coordinator

SUBJECT: Heritage Tree Appeal – 501 Moorpark Way, No. 94

RECOMMENDATION

Adopt a Resolution of the Urban Forestry Board of the City of Mountain View to Deny the Appeal, Uphold Staff’s Decision, and Deny the Removal of One Heritage Tree at 501 Moorpark Way, No. 94, to be read in title only, further reading waived (Attachment 1 to the memorandum).

BACKGROUND

Article II, Protection of the Urban Forest, Sections 32.22 through 32.39, of the Mountain View City Code (MVCC or Code), 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 Code requires a permit be obtained prior to removal of a Heritage tree, and City staff, under the authority granted in the Code to the Community Services Director, has been designated to review and approve, conditionally approve, or deny removal permit applications. 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 conditions set forth in the Code (Attachment 2).

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 to remove one *Washingtonia robusta* tree, commonly known as, and herein referred to as, Mexican fan palm, at 501 Moorpark Way, No. 94, was submitted by the property owner on October 10, 2021 (Attachment 3).

On the application, the property owner marked one of the boxes (the condition of the tree) under reasons for removal for consideration of the tree, as well as providing comments stating: “Problematic nuisance tree, dropping sharp fronds and seed pods in private yard and public street, unsuitable species with not enough viable space.”

Staff denied the removal of the Mexican fan palm (Attachment 3). Notice of the City’s decision was posted on November 1, 2021 (Attachment 4). An appeal was filed by the property owner on November 9, 2021, for the denial to remove the Mexican fan palm (Attachment 5) citing reasons, including the tree as a public nuisance and that the property owners would like to make upgrades to the landscape space near the tree.

ANALYSIS

The Mexican fan palm is a palm tree native to Baja California and northwestern Mexico. It is widely planted and often naturalized throughout the world.

Mexican fan palms can grow up to 36” per year and to a height of 100’. Staff estimates the subject Mexican fan palm tree to be around 85’ tall and approximately 60 years old with a spread around 8’.

Staff’s Evaluation

When evaluating Heritage Tree Removal applications, staff considers if the reason(s) for removal on the application match what is observed in the field. If the reason(s) meet the criteria, staff evaluates whether issue(s) regarding the tree can be reasonably mitigated.

The Mexican fan palm is growing inside a private fenced yard of Unit No. 94 in the Moorpark Mobile Home Park. The fenced side yard of Unit No. 94 borders Alice Avenue.

Based on the inspection and evaluation of the Mexican fan palm, staff denied the removal of the tree because it did not meet the criteria listed in the Heritage Tree Ordinance. The tree is considered in good health and well maintained with no signs of pests or disease issues.



Figure 1 (Palm tree under review)

The property owner indicates the fan palm tree (Figure 1) is a public nuisance and potential safety hazard with the dropping of fronds and debris on the nearby public roadway, moving vehicles, outdoor yard space, and home. Public nuisance is listed as a criterion to be considered for the potential removal of a Heritage tree. Staff does not believe public safety is an issue, and the cleanup of the palm fronds and debris is a general maintenance item that does not rise to the level of a public nuisance. These concerns should not warrant the removal of the fan palm tree.



Figure 2 (Palm tree fronds)

Mexican fan palm fronds remain on the tree after they die until they are manually removed or fall off due to weather conditions (Figure 2). The property owner is concerned with the annual cost of hundreds of dollars to prune and maintain the fronds and debris falling on the home (Figure 3).



Figure 3 (Debris on roof)



Figure 4 (Fenced yard area)

The owners of Unit No. 94 would like to make upgrades to the outdoor space near the fan palm tree (Figure 4), including the installation of artificial turf and new plant material, and would prefer to remove the tree prior to the improvements. Upgrades to the outdoor space can be made with the fan palm tree remaining in place.

URBAN FORESTRY BOARD

The Parks and Recreation Commission serves as the Urban Forestry Board (Board) for Heritage tree appeals under MVCC Section 32.26. The Board must consider whether to uphold staff's decision and deny the appeal, and/or overturn that decision using the criteria set forth in MVCC Section 32.35. The 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 removal of the Mexican fan palm (Attachment 1). If the Board overturns staff's decision and allows for the removal of the Mexican fan palm 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 denying the appeal and allowing the fan palm tree to remain.

MF/AF/4/CSD

226-02-09-22M

- Attachments:
1. Findings and Determination – 501 Moorpark Way, No. 94
 2. Mountain View City Code, Article II, Protection of Urban Forest
 3. Application for Removal Permit
 4. Posting Notice – 501 Moorpark Way, No. 94
 5. Appeal letter – 501 Moorpark Way, No. 94