



**MEMORANDUM**

Community Services Department

**DATE:** February 12, 2020

**TO:** Urban Forestry Board

**FROM:** Jakob Trconic, Forestry and Roadway Manager

**SUBJECT:** Heritage Tree Appeal – 1859 Elsie Avenue

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**RECOMMENDATION**

Deny the appeal, uphold staff's decision, and allow removal of the *Platanus acerifolia* (London plane 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 ten (10) calendar days after the notice of the decision is posted or mailed.

### **HERITAGE TREE REMOVAL REQUEST**

An application submitted by Sam Szteinbaum to remove a Heritage-sized *Platanus acerifolia* (London plane tree) was received on April 8, 2019 (Attachment 1). The criteria for removal listed in the comment section was house remodeling, and new parking would be impacted by the location. “The tree does not allow proper access to garage. We have a camper and need straight backing access.” A decision to approve the removal of the tree based on necessity to remove in order to construct improvements was dated May 16, 2019 and posted on May 17, 2019.

An appeal was filed by Hazel Cheilik with signatures from six additional neighbors. The appeal letter (Attachment 2) disputes and challenges the reasons the applicant provided to remove the tree and requests preservation of the Heritage tree.

## ANALYSIS

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. The application marked the following reason for the requested removal: “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.” In addition, the owner included comments that the remodel of the house will impact parking and the tree did not allow for proper access to the garage with a camper. When the owner submitted his application, he had plans for a new home that was going to utilize the existing garage slab. The original plan set showed an angled approach for the first section of driveway as it currently exists and showing the tree remaining on the plan set submitted and approved. The owner then submitted a Heritage tree removal application to see if it would be possible to remove the tree and straighten his driveway. After reviewing the plan and observing the tree in the field, staff asked about redesigning the layout to place the garage on the opposite side of the house to allow the tree to remain. The owner stated that that option was going to take a substantial additional investment that the owner had not budgeted for and would have added substantially to the project cost.

The tree in question is a *Platanus acerifolia* (London plane tree). It is believed to have resulted from a cross between the Oriental plane tree and the American sycamore. While the exact details of the tree’s origin have been lost over time, it was discovered that this hybrid could tolerate the smoke and grime of London. As a result, it has been widely distributed to cities throughout the moderate climate regions of the world for nearly 400 years. The *Platanus acerifolia* (London plane tree) grows fast to be 40’ to 80’ tall with a 30’ to 40’ spread and tolerates many soil types. Trees in urban settings would be expected to live 100 to 150 years. Staff estimates this tree to be around 45’ tall and approximately 70 years old. The tree has good structure and branch spacing with no major defects. The canopy is full and healthy.

Staff approved the Heritage Tree Removal Permit because it found the removal of the Heritage tree was required in order for the owner to make the improvements that were approved and would allow the desired use of the garage space. Prior to granting the permit, staff did discuss the tree with the owner and its value to the neighborhood. Staff also conveyed to the owner that a replacement tree would not be equal to the value of the lost Heritage tree.

## **Urban Forestry Board**

The Parks and Recreation Commission (PRC) serves as the Urban Forestry Board (Board) for Heritage tree appeals under MVCC Section 32.36(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 Board must support its decision with written findings. Staff has provided the Board with a draft resolution with findings 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**

Consideration was given to the removal criteria as noted above, and attempts were made to offer guidance on changes that could be made, but the owners' plans were already submitted and approved. Knowing the implication of the angled driveway approach and the long-term relationship the owner will have with the tree, staff recommends upholding its decision to allow the tree to be removed based on the necessity of the removal in order to construct improvements to allow for a straight driveway approach so the owner can use the garage to store a camper trailer as intended.

JT/6/CSD

221-02-12-20M

Attachment: 1. Application to Remove a Heritage Tree, April 8, 2019  
2. Appeal Letter

cc: F/c