



MEMORANDUM

Community Services Department

DATE: February 13, 2019
TO: Urban Forestry Board
FROM: Jakob Trconic, Parks Section Manager
SUBJECT: Heritage Tree Appeal – 1668 Begen Avenue

RECOMMENDATION

Deny the appeal and allow the *Magnolia grandiflora*, Southern magnolia, to be removed.

FISCAL IMPACT – None.

BACKGROUND

Article II, Protection of the Urban Forest, Sections 32.22 through 32.38 of the City Code, was established to preserve large trees within the City, which are growing on private or public lands. 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 enforcement agent in this matter. Under the Code, there are specific criteria for removal. The determination on each application is based upon a minimum of one of the following conditions. 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.

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 such as, but not limited to, the number of healthy trees a given parcel of land will support and 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 and scenic beauty and the health, safety, prosperity, and general welfare of the area and the City as a whole.

Also, within Code Section 32.31, an appeals process has been included that states:

“Any person aggrieved or affected by a decision on a requested removal may appeal the decision by filing a written notice of appeal with the City Clerk stating the grounds for the appeal, and paying the requisite appeal fee, as established by Council resolution, within ten (10) calendar days after the notice of the decision is posted or mailed.”

HERITAGE TREE REMOVAL REQUEST

An application submitted by Tom Trembois to remove a Heritage-sized *Magnolia grandiflora*, Southern magnolia, tree was received on November 13, 2018. The criteria for removal listed in the comment section were interference with sidewalk, street causing damage, and the boxes were checked for the condition of tree with respect to age and the nature and qualities of the tree on the form. A decision to approve the removal of the tree was posted on November 15, 2018.

An appeal was filed by Sasha C. for Christine Crosby on February 13, 2018. The appeal letter states, in part: “I am one of the neighbors near the location of the lovely and healthy magnolia tree there. Proper ‘root’ treatments are now available to mitigate, if any, root ‘interference.’ A proper outside arborist report would secure the healthy tree diagnosis. Too many healthy Heritage trees are being marked for removal, as of the past approximate three years. This should be addressed ethically rather than any other recent rationale.”

ANALYSIS

When evaluating Heritage Tree Removal Permit applications, staff looks to see if the reasons for removal on the application match what is observed in the field. If the reasons meet the criteria, staff looks to see if issues regarding the tree can be reasonably mitigated. Based on inspection and evaluation of the *Magnolia grandiflora*, Southern magnolia, the appeal should be denied.

- *Magnolia grandiflora*, Southern magnolia, is native to the southeastern United States, from southeastern North Carolina to central Florida, and west to East Texas. Although endemic to the lowland subtropical forests on the Gulf and south Atlantic coastal plain, *Magnolia grandiflora* is widely cultivated in warmer areas around the world. *Magnolia grandiflora* is a medium to large evergreen tree. The leaves are dark green with smooth margins, stiff, and leathery. The large, showy, lemon citronella-scented flowers are white and fragrant with a waxy texture, emerging from the tips of twigs on mature trees in late spring. It is the state tree of Mississippi and the state flower of Louisiana. The Southern magnolia grows to a height of 60’ to 80’, and a spread of around 40’ at maturity. This tree grows at a slow to medium rate, with height increases of anywhere from less than 12” to 24” per year. In its natural range, Southern magnolia can live 200 years. Trees in urban settings will have a shorter life expectancy of around 60 to 80 years. Staff estimates the trees to be around 45’ tall and approximately 45 years old. Southern magnolias have aggressive and shallow root systems and are generally not replanted as a street tree in Mountain View for this reason.
- The upper canopy of the tree is thinning and fairly sparse compared to a healthy magnolia tree. In a healthy tree, you should not be able to see daylight looking up into the tree.
- Staff had a conversation several years ago with the homeowner regarding damage to the brick planter area in front of the home. The planter does not appear to have a foundation and does not have reinforcing materials to hold the bricks together. The central section has a crack and shift in a section of the bricks and another crack

to the right facing the home near the corner that may be related to a tree root. At the time staff advised that the area could be excavated and if an offending root was discovered, it could be cut to allow for the repair or replacement of the brick planter and hopefully reduce the future potential damage to the brick planter. The same argument can be used regarding fear of the root system affecting the home itself. Staff is not aware of any issues to the home or structure now or at the time of that original discussion.

- The homeowner more recently called with a question regarding a sewer back up caused by tree roots in the sewer lateral. Staff discussed the issue and explained that sewer laterals have an effective service life and if this is the original clay or cast iron pipe, it was likely due for replacement. The sewer lateral is approximately 25' away and, therefore, conventional trench digging would be acceptable with minimal impact to the tree. Pipe bursting could be used instead of conventional trenching to replace the sewer lateral to help avoid damage to roots but would not be required based on the distance from the tree. Pipe bursting utilizes pits that are dug at both ends of the section of pipe in need of replacing, and hydraulic equipment is used to split the existing pipe while pulling a new liner in place. It tends to be a little more expensive of a construction technique but requires less landscape repair work when completed.
- The sidewalk and corner ramp area to the street has some issues due to lifting and cracking. The lifting appears to be related to tree roots. Sections have been grounded and ramped over time to reduce the potential tripping hazards at the location. Generally, when an issue arises with a sidewalk and the lifting is creating a potential trip hazard that is beyond what grinding and ramping can effectively address, the area is placed on a list for eventual replacement. Public Works addresses areas based on severity of the issues and availability of funding. Generally, staff evaluates these areas as we would any patio, driveway, or sidewalk affected by a tree. The concrete would be removed and if tree root removal can mitigate the issue and the sidewalk can be repoured, that is the route that is taken. If the root removal would require the removal of buttress roots that may destabilize the tree, a decision may be made at that time to consider the tree for removal, but in most cases root removal will mitigate the issue. Magnolias generally do not react well to root removal but tolerate it to some degree. Staff will typically allow the tree's health over time to dictate the future consideration of the tree if the root removal considerably affected the tree's health.
- This tree has an issue with overall canopy vigor with thin branching and die-back in sections of the canopy. Magnolias generally do not recover when they have entered a state of decline. The tree did have a small patch of mushrooms at the

base of the tree, but staff could not tie it to a specific root, so it could just be organic material breaking down at that spot versus a decay mechanism at work.

SUMMARY

Staff is of the opinion that it is reasonable to remove the tree based on its state of decline. Staff recommends the appeal be denied and the *Magnolia grandiflora*, Southern magnolia, street tree be allowed to be removed.

Prepared by:

Jakob Trconic
Forestry and Roadway Manager

Approved by:

J.P. de la Montaigne
Community Services Director

JT/1/CSD
221-02-13-19M

Attachment: Appeal Packet

cc: F/c