



MEMORANDUM

Community Services Department

DATE: November 10, 2021

TO: Urban Forestry Board

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

SUBJECT: Heritage Tree Appeal – 1147 Burgoyne Street

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 1147 Burgoyne Street, 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 to 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 two *Pseudotsuga menziesii* trees, commonly known as and herein referred to as Douglas fir, at 1147 Burgoyne Street was submitted by the property owner, Chihming Hsu, on June 25, 2021 (Attachment 3).

The applicant marked all of the boxes under reasons for removal for consideration of the tree and provided comments on the application, stating: “Too close to house. Damaging the pathway around the house. Pushing away the fence. Unhealthy. Unwanted leaves strokes. Trying to replace these two with smaller trees.”

Staff denied the removal of Tree No. 1 and approved the removal of Tree No. 2 (Attachment 3). Notice of the City’s decision was posted on July 6, 2021 (Attachment 4). An appeal was filed by the property owner for the denial to remove Tree No. 1 on July 7, 2021 (Attachment 5) citing reasons, including the tree being unhealthy, too big, too close to the house, debris and sap make the walkway and driveway messy, and the desire to replant smaller trees. No appeals were made for the removal of Tree No. 2.

ANALYSIS

Douglas fir, also called Oregon pine and Columbian pine, is an evergreen conifer species in the pine family native to western North America. Despite its common name, it is not a true fir.

The Douglas fir grows in the coastal regions from west-central British Columbia southward to central California, occurring near sea level and up to 5,900’ above sea level in the mountains.

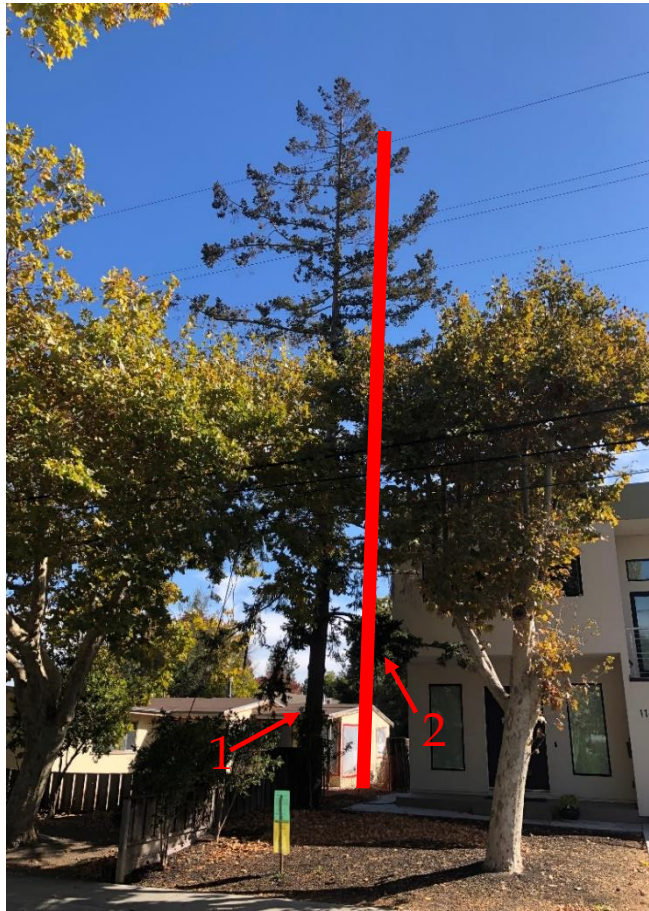
This tree grows at a medium rate with increases of 13” to 24” per year up to a height of 40’ to 70’. Douglas firs can live over 500 years in their native range and 80 to 120 years in urban settings, with a typical spread of 20’ to 30’. Staff estimates Tree No. 2 to be around 60’ tall, 35 years old, and with a spread of around 25’.

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.

Based on the inspection and evaluation of Tree No. 1 and No. 2, staff approved the removal of Tree No. 2 because of its close proximity to Tree No. 1. Tree No. 2 did not

have proper growth space and enough room to spread out without causing severe restrictions to other trees competing for light and water. Tree No. 2 has since been removed.



Tree No. 2 was approved, and the homeowner removed the tree.

Tree No. 1 was denied for removal based on its relatively healthy state and fair condition. If managed well through the construction process, the root loss for Tree No. 1 should be within the 25% or less threshold with no long-term implications. Because Tree No. 1 was growing in such close proximity to the removed tree, its branches are mostly on one axis, but it should fill out over time.

The homeowner noted a crack in the pathway around the home, but staff observed and concluded that it appears to be a natural crack not associated with root upheaval or forces from tree roots.

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 removal of the Tree No. 1 (Attachment 1). If the Board overturns staff's decision and allows removal of Tree No. 1, 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 retaining Tree No. 1 based on its relatively healthy state and fair condition. With some care, the tree will fill out and provide benefits to the community. The concern with the pathway can be addressed without removing the tree.

JT-JRM/AF/6/CSD
224-11-10-21M

- Attachments:
1. Resolution
 2. Mountain View City Code, Article II, Protection of Urban Forest
 3. HT Application for Removal Permit
 4. HT Posting Notice
 5. HT Appeal Letter