



**MEMORANDUM**

Community Services Department

**DATE:** December 8, 2021

**TO:** Urban Forestry Board

**FROM:** Matthew Feisthamel, Forestry Coordinator

**SUBJECT:** Heritage Tree Appeal – 1430 Mercy Street

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**RECOMMENDATION**

Adopt a Resolution of the Urban Forestry Board of the City of Mountain View to Deny the Appeal, Uphold Staff’s Decision, and Approve the Removal of One Heritage Tree at 1430 Mercy 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 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 *Sequoia sempervirens* tree, commonly known as, and herein referred to as, Coast redwood, at 1430 Mercy Street, was submitted by the property owner on June 28, 2021 (Attachment 3).

On the application, the property owner marked two of the boxes (the condition of the tree and the necessity of the removal to allow reasonable and conforming use) under reasons for removal for consideration of the tree as well as providing comments, stating: “Major structure damage if not removed as the tree is extremely close to both houses on the lot; roots are touching both foundations, lifting up the concrete floor in front of the back house, its foundation, and driveway; branches are close to damaging roof; invasive roots visible above ground and are a safety hazard for children.”

Staff approved the removal of the Coast redwood tree (Attachment 3). Notice of the City’s decision was posted on July 26, 2021 (Attachment 4). An appeal was filed by a neighbor for the approval to remove the Coast redwood on July 29, 2021 (Attachment 5), citing reasons, including the condition, size, and value of the tree and speculation regarding plans for the property.

### **ANALYSIS**

Coast redwood is an evergreen conifer and the sole living species of the genus *Sequoia*. It is native to a narrow strip of land along the Pacific coast from southern Oregon to Monterey County in California.

This tree grows at a fast growth rate and, in ideal conditions, can grow 24” to 36” per year and to a height of over 300’. Coast redwoods can live 2,000+ years in their native range, with a typical spread of 30’ to 40’. Staff estimates the tree to be around 80’ tall, approximately 100 years old, and with a spread of around 40’.

### **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 1430 Mercy Street property contains two homes on an approximately 7,700 square foot lot. Both homes are two-bedroom/one-bath for a combined total square footage of approximately 1,850 square feet.

Based on the inspection and evaluation of the Coast redwood, staff approved the removal of the tree because of its close proximity to the rear home structure, confined growing space, evidence of structural damage to the rear home structure, and the fact the rear home structure is on a slab foundation. Slab foundations have a higher damage potential from tree roots versus perimeter foundations. The Coast redwood tree’s roots will

continue to grow and expand and cause further damage to the rear structure if the tree is not removed.

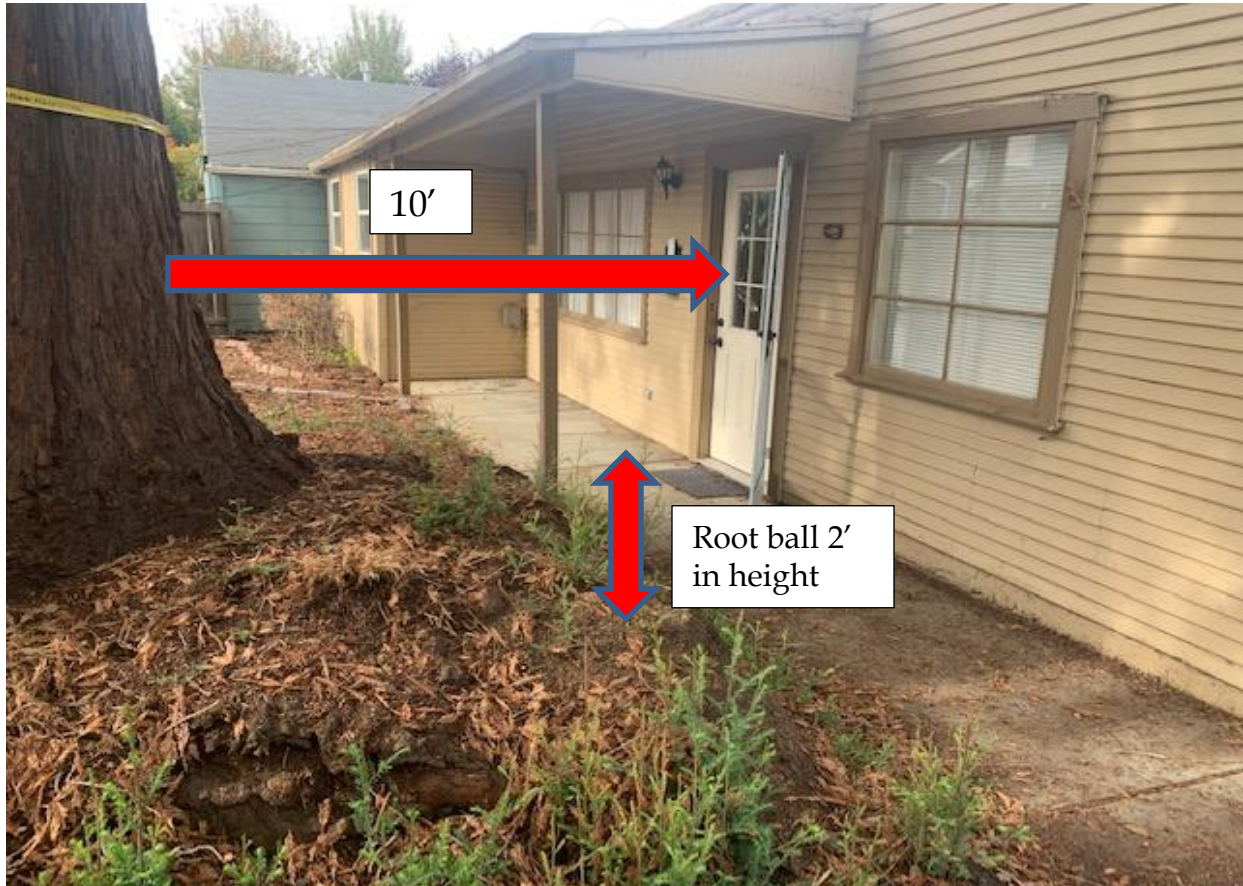
The Coast redwood is considered in good health with no signs of pest or disease issues. The tree is showing some signs of drought stress, which would be typical of the growing conditions (Figure 1).



**Figure 1: Tree Under Review**

It is staff's understanding that the property owner intends to live in the rear home (two-bedroom/one-bath) and rent out the front home (two-bedroom/one-bath). Staff is unaware of any intention to develop the property with a new home, and the City's Community Development Department has not received any building plans for the property.

The Coast redwood tree trunk is located 10' from the rear structure (Figure 2). The tree is growing in a confined space, limited by a driveway to the east, the rear structure and concrete walkway to the north, and the front house to the south (Figure 3).



**Figure 2: Proximity of Tree to Home**

The tree's roots are causing the concrete walkway around the rear home to slope in the direction of the home and impact the home with additional water during rain events. The only way to solve the drainage issue would be to remove the concrete walkway and replace it with a new concrete walkway. However, numerous roots would need to be cut to level the walkway, which then could cause concerning tree instability.





**Figure 3: Location of Tree**

The window on the east side of the rear structure (Figure 4) does not close properly, and a clear gap is present on the section of the window away from the tree. This indicates the home foundation is likely lifted up from roots growing under the home.



**Figure 4: Gap in Window Closing**

The concrete slab under the rear structure (Figure 5) has a section with a crack larger than a typical stress crack normally associated with slabs. This is likely caused by tree roots growing under the structure.



**Figure 5: Compromised Section Concrete Slab**

The interior of the rear structure (Figure 6) shows size gaps under the baseboards. In addition to this evidence, a home inspection report included observations of sloping and lifting of the floors in the back unit.



**Figure 6: Floorboard of Rear Structure**

## **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 allow the removal of the Coast redwood tree (Attachment 1). If the Board overturns staff's decision and allows for the protection of the Coast redwood 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 removal of the Coast redwood based on the unsuitable location of the tree and the damaging impact of this tree to the rear structure.

Prepared by:

Matthew Feisthamel  
Forestry Coordinator

Approved by:

John R. Marchant  
Community Services Director

MF/AF/8/CSD  
224-12-08-21M

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