



**MEMORANDUM**

Community Services Department

**DATE:** August 18, 2021

**TO:** Urban Forestry Board

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

**SUBJECT:** Heritage Tree Appeal – 1100 Carlos Privada

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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 Deny the Removal of One Heritage Tree at 1100 Carlos Privada, 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 a total of three Heritage trees at 1100 Carlos Privada was submitted by Elmar Glibicky on April 1, 2021 (Attachment 3). Tree Nos. 1, 2, and 3

(Figure 1) are *Afrocarpus gracilior*, commonly known as, and herein referred to as, fern pine.

The applicant had marked the following reason for removal of the trees on the application:

*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.*

The applicant also provided comments on the application, which included that the former homeowner received approval to remove all three trees in April, 2016, although the former owner chose not to proceed with removal. A Heritage tree removal permit is valid for two years from the date of issuance. After expiration of an issued permit, a new application must be submitted for removal.

Staff approved the removal of Tree Nos. 2 and 3 and denied the removal of Tree No. 1. Notice of the City's decision was posted on April 12, 2021 (Attachment 4). An appeal was filed by Elmar Glibicky for the denial to remove Tree No. 1 on April 21, 2021 (Attachment 5). The applicant appealed the denial for removal of Tree No. 1 due to concerns of the concrete pathway lifting, cracks in the adjacent wall, and possible damage to the underground pipes.

## **ANALYSIS**

Fern pines are a dense, graceful, tall evergreen tree with dark gray bark and pendulous branches that are heavily clothed in 2" to 3" long and narrow dark green leaves. They are strong-wooded trees with rare branch failures. Fern pines grow at a slow to medium rate and tend to be a nice shade tree and useful screening plant. In its natural habitat, fern pines can reach as tall as 100', although more typically reach 60' to 80' tall in the urban environment with a typical spread of 20' to 40'. Staff estimates Tree No. 1 to be 50' tall and 35' wide.

## **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 current decision is based on staff's inspection and evaluation of the most recent application submitted.

Based on the inspection and evaluation of Tree Nos. 1, 2, and 3, staff approved the removal of Tree Nos. 2 and 3 because the close proximity to each other was restricting room for those trees to grow properly.



**Figure 1: Three Fern Pine Heritage Trees**

Tree No. 1 was denied for removal based on its healthy state, and the tree does not present conditions that would impact adjacent structures and/or improvements.

Tree No. 1 is in good health. While it has codominant trunks, the union has a low angle of attachment, therefore allowing the wood to form a strong attachment. There is little concern for branch failures given the wood strength of the fern pine species.

Staff observed the concrete pathways in the area adjacent to the trees and concluded that the front edge of the walkway is slightly displaced with some lifting likely attributed to a root(s) from Tree No. 2 or 3, both of which were approved for removal (Figure 2). Staff also concluded that because the visible crack on the walkway does not seem to be displacing the area with pronounced lifting typical of a root issue, staff does not believe the visible crack is due to impacts from the adjacent trees. The existing cracking and lifting can be repaired.



**Figure 2: Sidewalk Cracks**

Staff also physically observed the wall. The top of the wall on the left side of the gate is exposed, revealing it to be wood with stucco coating rather than concrete. If the wall were concrete, staff could regard the area as having a restricted root zone due to the deep footing of the wall and consider tree removal. However, a wood and stucco-coated wall does not present this kind of tree root barrier. In addition, staff concluded that the cracks in the wall do not appear to be related to influences of Tree No. 1. The wall could be repaired in the short term and possibly reconfigured when it is time to replace the wall, allowing more room for Tree No. 1 (Figure 3).



**Figure 3: Tree No. 1 Proximity to Wall**

The applicant also raised general concerns related to underground pipes. Heritage tree removals are typically not approved due to underground pipe concerns. Pipes can generally be repaired or reconfigured to locations not impacted by the 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 retaining Tree No. 1 based on its healthy state. The concerns with both the walkway and stucco wall can be addressed without removing the Heritage tree. Staff recommends the appeal be denied and Tree No. 1 be allowed to remain.

JT/AF/6/CSD

224-08-18-21M

- Attachments:
1. Resolution
  2. Mountain View City Code, Article II, Protection of Urban Forest
  3. Application for Heritage Tree Removal Permit – 1100 Carlos Privada
  4. Heritage Tree Posting Notices – 1100 Carlos Privada
  5. Heritage Tree Appeal Letter – 1100 Carlos Privada