



MEMORANDUM

Community Services Department

DATE: November 14, 2018

TO: Urban Forestry Board

FROM: J.P. de la Montaigne, Community Services Director
Jakob Trconic, Forestry and Roadways Manager
Rebecca Shapiro, Deputy Zoning Administrator

SUBJECT: Review Heritage Tree Removal Application Processes

RECOMMENDATION

Accept the presentation from the Community Services Department and Community Development Department explaining the City's Heritage tree removal application processes.

BACKGROUND

As part of the Work Plan for Fiscal Year 2018-19, the Parks and Recreation Commission included an informational item to learn about the Heritage tree removal application process that goes through the Community Development Department.

Chapter 32 of the City Code, along with the Community Tree Master Plan, are the guiding regulatory and policy documents for tree removals in the City. These documents are based on a fundamental objective to try to preserve and grow Mountain View's existing urban forest and tree canopy, due to the benefits that large trees and overall tree canopy provide. Article II of Chapter 32 was established to preserve Heritage trees in Mountain View, which are defined as any (large) tree that measures a circumference of forty-eight inches (48") or more at fifty-four inches (54") up from the ground. Cedars, redwoods, and oak trees are specimen species with Heritage tree protection at smaller sizes. If a resident, business, developer, or landowner wants to remove a Heritage tree, they must follow one of two application processes defined in the City Code.

Development-Related Tree Removals

One of the application processes is managed by the Community Development Department (CDD), and applies to development-related tree removals. If the removal of a Heritage tree is connected with a discretionary development permit application, the application for Heritage tree removal is filed and reviewed as part of the overall development review process, with a final decision by the official or hearing body that acts on the development permit. This process is managed by staff in the Community Development Department and is reviewed by multiple departments. Because changes to the landscape plan of multi-family (R3) and commercial sites require development permits, applications for standalone Heritage tree removals on those properties are also processed by CDD.

All Other Tree Removal Applications

The Community Services Department manages the application process for all other applications for Heritage tree removals, which includes public trees in parks or medians, street trees as defined in Chapter 32, and trees for private homeowners. Applications for these types of removals are submitted to the Forestry and Roadways Manager in the Community Services Department (CSD), who reviews the application, manages the application process, and makes a decision on whether to approve or deny the removal.

ANALYSIS

Nondevelopment-Related Application Process

When a public tree, street tree, or private homeowner wants to remove a Heritage tree(s), it is considered a nondevelopment-related Heritage tree removal. The application and fee is submitted to the Forestry Division in the Community Services Department. Typically, the Forestry and Roadways Manager and one other certified arborist assess the tree(s) proposed to be removed, and determine if the reasons for removal identified in the application are justifiable based on the criteria established in Chapter 32 of the City Code. After review, the Forestry and Roadways Manager provides a decision to the applicant on whether their request for removal is approved or denied.

The tree(s) is then posted with the decision to deny or approve the removal. The posting period is active for 10 days, and the posting has information regarding the appeal process for anyone wishing to appeal the decision. Appeals must be made in this 10-day period. If the tree(s) was approved for removal and no one appeals the

decision, the applicant is mailed their permit and can proceed with the removal. If a formal appeal is submitted within the 10-day appeal period, the appeal is heard by the Urban Forestry Board and the appellant is provided with an opportunity to present their reason for appeal. The decision of the Urban Forestry Board to accept or deny the appeal is final. All trees, which are denied for removal either through an uncontested denial of the application or a denial of an appeal by the Urban Forestry Board, cannot be reapplied for removal for two years unless a substantial change affecting the tree removal decision occurs.

Development-Related Application Process

The application process for a development-related Heritage tree removal has many similarities to the application process managed by CSD. In this case, the application is filed and application fees paid with the Community Development Department (CDD) and reviewed concurrent with the other associated development plans and permits. The proposed tree removal plans and arborist report(s) are then routed to CSD staff for review and input. Large projects that go to City Council for final action have increased in recent years; to assist in review of these large projects, the City has contracted to hire a consulting arborist to help evaluate the proposed tree removals based on criteria in the City Code.

The City Code requires the applicant to wrap each Heritage tree proposed to be removed with designated yellow tape and post a notice, as approved by CDD, stating the time, date, and place of the tree removal hearing five days prior to the hearing. CDD staff aims to provide such notice at least 10 days before the hearing to match public noticing timelines for companion development permits. The final decision-maker for the tree removals depends on the scope of the associated development permits and would typically be either the Zoning Administrator (ZA) or City Council.

The Zoning Administrator is typically the final decision-maker on tree removal permits for small redevelopment projects, such as a residential development creating three units and standalone tree removals on existing multi-family (R3) and commercial sites. When the Zoning Administrator takes final action on the Heritage tree removal, the decision to approve or deny the tree removal application (or portion thereof) may be appealed within ten (10) days of the action. The appeal is heard by the City Council.

The City Council generally makes the final decision on all other tree removal permits. Projects requiring City Council action include, but are not necessarily limited to, medium to large-size residential developments creating four or more units, and large office developments in Precise Plan areas. In those cases, the Zoning Administrator or the Environmental Planning Commission (EPC) forwards a recommendation to the City

Council, which acts as the final decision-maker. For projects that go to the City Council, the tree taping and posted hearing notice information will be done before the EPC/ZA public hearing and will remain up for the City Council hearing. All tree removal decisions by the City Council are final, including on appeals.

JPdIM-JT-RS/BR/2/CSD

240-11-14-18M

Attachment: 1. Chapter 32 of the Mountain View City Code

cc: DZA, FRM, ZA