



MEMORANDUM

Community Services Department

DATE: August 12, 2020
TO: Urban Forestry Board
FROM: Jakob Trconic, Forestry and Roadway Manager
SUBJECT: Heritage Tree Appeal – 505 Cypress Point Drive

RECOMMENDATION

Deny the appeal, uphold staff’s decision, and allow removal of the holly oak (*Quercus illex*).

BACKGROUND

Article II, Protection of the Urban Forest, Sections 32.22 through 32.39 of the Mountain View City Code (MVCC), 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 Parks and Open Space Manager, under the authority granted in the Code to the Community Services Director, has been designated as the primary decision maker in these matters. 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 following conditions.

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

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.

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 ten (10) calendar days after the notice of the decision is posted or mailed.

HERITAGE TREE REMOVAL REQUEST

An application was submitted by Matthew P. Berry, Certified Arborist from Brightview Tree Care Service, acting as agent for Terri Rayle, board member for Cypress Point Lakes homeowners association, to remove three Heritage-sized trees (Attachment 1). The application was received on December 6, 2019. It listed a Canary Island pine, a Monterey pine, and a holly oak. The holly oak is the subject of the appeal. The criteria for removal listed for the holly oak stated that the tree is damaging the adjacent carport roof. The box was also checked relating to the condition of the tree with respect to age and the nature and qualities of the tree. A decision to approve the application was posted by staff on February 20, 2020.

An appeal was filed by Daniel Reiman for the holly oak on March 3, 2020 (Attachment 2).

ANALYSIS

Holly Oak (*Quercus ilex*) Tree Facts

Holly oak (*Quercus ilex*) is a species of *Quercus ilex*, the evergreen oak, holly oak, or holm oak, is a large evergreen oak native to the Mediterranean region. It takes its name from holm, an ancient name for holly. The resemblance of the foliage to that of the common European holly (*Ilex aquifolium*) has led to its common and botanic names. The name *ilex* was originally the classical Latin name for the holm oak, but later adopted as a botanical genus name for the hollies.

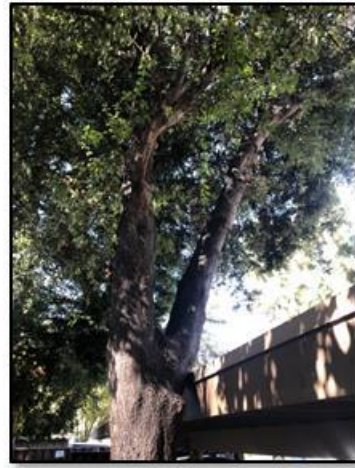
An evergreen tree of large size, attaining in favorable places a height of 30' to 60' tall, has a dense rounded head with a span of 30' to 60' and smooth dark grey bark. Holm oak grows in pure stands or mixed forest in the Mediterranean and often at low or moderate elevations. One of the plant associations in which holm oak is found is the holm oak/Atlas cedar forests of the Atlas Mountains.

It can grow in full sun to partial shade and can tolerate moist to dry soil. They are resistant to armillaria and verticillium wilt. The branch strength is rated as strong and root damage potential is rated as low. They can live 150 years or longer in their native range and 80 years to 100 years in urban areas. Staff estimates this tree to be around 20 years to 25 years old.

Staff's Evaluation

When evaluating Heritage Tree Removal Applications, staff looks to see if the reason(s) for removal on the application match what is observed in the field. If the reason(s) meet the criteria, staff looks to see if issue(s) regarding the tree can be reasonably mitigated. Based on inspection and evaluation of the holly oak (*Quercus ilex*), staff approved the removal for the following reasons:

- The tree is currently pushing against the carport structure. Pruning the codominant trunk from the side touching the carport is not an option because in order to make a proper cut the remaining trunk would still be touching the carport or possibly very close to touching if made properly to ensure healing of the wound. This would also subject the remaining portion of tree to additional sway and movement from wind dynamics due to further increasing the imbalance of the canopy.



- The tree has codominant trunks with included bark making this tree more likely to have a major failure at the union of these two trunks.



- The upper canopy of the tree is heavily weighted towards one side of the tree, and the tree has a substantial lean. Trees with significant leans and canopies weighted towards the lean have a higher potential for failure than the average tree.



- The tree appears to be in good health and the canopy is full and dense. The structure of the tree is problematic due to the severe codominance and included bark, so structurally the tree is problematic from a risk management perspective.
- It would be possible to modify the carport to allow the tree more room, but this does not resolve the other issues with the tree in regards to lean, poor structure, and weighted canopy.

URBAN FORESTRY BOARD

The Parks and Recreation Commission (PRC) serves as the Urban Forestry Board (Board) for Heritage tree appeals under MVCC Sec. 32.26. The Board must consider whether to deny the appeal and uphold staff's decision or overturn that decision using the aforementioned criteria set forth in MVCC Sec. 32.35. The Urban Forestry Board must support its decision with written findings. Staff has provided the Board with a draft resolution with findings upholding staff's decision to remove the Heritage tree. If the Board overturns staff's decision and denies removal of the Heritage 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 the appeal be denied and the holly oak (*Quercus ilex*) tree be allowed to be removed due to its poor structure, lean, weighted canopy, and impact to the carport structure.

Prepared by:

Jakob Trconic
Forestry and Roadway Manager

Approved by:

John Marchant
Community Services Director

JT/5/CSD
221-08-12-20M

Attachments: 1. Tree Application
2. Appeal

cc: F/c