



MEMORANDUM

Community Services Department

DATE: July 8, 2020

TO: Urban Forestry Board

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

SUBJECT: Heritage Tree Appeal – 1950 San Ramon Avenue

RECOMMENDATION

Deny the appeal, uphold staff's decision, and allow removal of the *Juglan californica*, California black walnut tree.

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; or
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; or
 - 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 submitted by Linda A. Wiederin, as agent for owner Janice W. Mock, to remove a *Juglan californica*, California black walnut tree, was received on November 25, 2019 (Attachment 1). The criteria for removal listed was relating to the condition of the tree with respect to age of the tree as defined on the check box of the application. A decision to approve the removal of the California black walnut tree was posted on January 9, 2020 (Attachment 2).

An appeal was filed by Jane Sinense on January 21, 2020 (Attachment 3).

ANALYSIS

***Juglan californica*, California Black Walnut**

Juglan californica, California black walnut, also called the California walnut or the Southern California black walnut, is a deciduous shrub- to medium-sized tree growing to 50' to 70' tall and is endemic to California. It is generally found in the southern half of the State and can be either a large shrub with one to five trunks or a small single-trunked tree. The main trunk can fork close to the ground, making it look like two trees that have grown together, then diverge. It has thick bark, deeply channeled or furrowed at maturity. It has a small, hard nut in a shallowly grooved thick shell that is difficult to remove. The nuts are edible and were eaten by Chumash Indians of the Channel Islands of California; they are not grown commercially for this purpose since they are difficult to open and eat.

Juglan californica is now endangered in large parts of the southern portion of its natural range due to continued development. Hopefully, native gardeners in southern California will help restore this important part of the ecosystem. It is best to plant near an irrigated area or naturally moister areas, such as a stream bed, seep, or canyon bottom. They are a food source for birds and wildlife. Toxins in walnut seeds will typically prevent other plants from growing under this tree, so do not try to put understory plants in close proximity.

Thousand cankers black walnut disease, a fatal black fungus identified in 2008, is killing many of these trees in both the eastern and western U.S. It is introduced just under the tree's bark by the walnut twig beetle (*Pityophthorous juglandis*).

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 California black walnut tree can be reasonably mitigated. Based on inspection and evaluation of the tree, staff approved the removal for the following reasons:

This tree has multiple codominant trunks that join the main trunk 3' to 4' off of the ground. This would contribute to a high risk of failure at each of the points of connection based on included bark, weak attachment points, and nonideal structure.



The tree was planted/allowed to grow underneath high-voltage power lines and has been trimmed to meet PG&E distance requirements, and this leads to less-than-ideal trimming practices and practices that lead to stub cuts with new branch formations that are weakly attached in addition to the problem associated with the codominant trunks. This tree was likely a volunteer that grew at this location. This tree has also been pruned by other individuals trying to keep it away from vehicles parked on the street and possibly the building. This is also contributing to poor pruning practices resulting in additional stub cuts in the tree.



The lateral branches also have locations of included bark and issues that make them susceptible to breaking.



This branch was stub-cut, and two new branches formed. Both of these locations do not have the strength of a naturally formed branch based on the way the wood develops.



Stub cut



High angle of branch attachment with included bark.

Stub cut location with weak union.



The top branches have similar issues with smaller stub cuts and flushes of new growth on weak attachments. This is likely from repeated pruning and removal to clear the roof line.



The area where the trunks join together appears to have initial signs of decay. Debris can settle in this area and begin to decompose and allow moisture to collect to start the decay process. This is at the union of the trunks after the leaves and decayed matter were brushed away by hand.



URBAN FORESTRY BOARD

The Parks and Recreation Commission (PRC) serves as the Urban Forestry Board (Board) for Heritage tree appeals under MVCC Section 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 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 remove the Heritage tree (Attachment 4). 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 *Juglan californica*, California black walnut tree, be allowed to be removed due to its condition and utility interference.

JT-JRM/6/CSD/221-07-08-20M-1

- Attachments:
1. Application for Heritage Tree Removal
 2. Heritage Tree Posting
 3. Appeal Letter
 4. Resolution

cc: F/c