



MEMORANDUM

Community Services Department

DATE: January 13, 2021

TO: Urban Forestry Board

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

SUBJECT: Heritage Tree Appeal – 1610 Yale Drive

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 610 Yale Drive, to be read in title only, further reading waived (Attachment 1 to this Urban Forestry Board Memorandum).

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 Forestry and Roadway Manager, under the authority granted in the MVCC to the Community Services Director, has been designated as the primary decision-maker in these matters. Under the MVCC, 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 10 calendar days after the notice of the decision is posted or mailed.

HERITAGE TREE REMOVAL REQUEST

An application submitted by Austin Brizgys to remove a *Pseudotsuga menziesii*, Douglas fir tree, was received on October 20, 2020 (Attachment 2). The box relating to the condition of the tree with respect to age of the tree as defined above in the Background section of criteria was checked. Comments written in by Mr. Brizgys were: "SEVERE LIMB FAILURE 2X 1' DIAMETER BRANCHES BROKE, MISSED...HOUSE BY 1 FOOT, SMASHED SEATING AREA. HAZARD KIDS AND FAMILY." A decision to deny the

removal of the *Pseudotsuga menziesii*, Douglas fir tree, was posted on November 3, 2020 (Attachment 3).

An appeal was filed by Austin Brizgys on November 10, 2020 (Attachment 4), which included photos (Attachment 5).

ANALYSIS

***Pseudotsuga menziesii*, Douglas Fir**

Pseudotsuga menziesii, Douglas fir, also called the Oregon pine and Columbian pine, is an evergreen conifer species in the pine family, *pinaceae*. It is native to western North America. Despite its common name, it is not a true fir. There are three varieties: coast Douglas fir (*P. menziesii* var. *menziesii*), Rocky Mountain Douglas fir (*P. menziesii* var. *glauca*), and Mexican Douglas fir (*P. menziesii* var. *lindleyana*).

Pseudotsuga menziesii var. *menziesii*, the coast Douglas fir, grows in the coastal regions from west-central British Columbia southward to central California. In California, it is found in the Klamath and California Coast Ranges as far south as the Santa Lucia Range, with a small stand as far south as the Purisima Hills in Santa Barbara County. It occurs from near-sea level along the coast to 5,900' above sea level in the mountains of California. Another variety exists further inland, *Pseudotsuga menziesii* var. *glauca*, the Rocky Mountain Douglas fir or interior Douglas fir. Staff believes this tree is the variety *menziesii* due to the color of the needles. *Gluaca* generally refers to a bluish-grey coloration in arboriculture.

Douglas fir is one of the nation's most important lumber species as it makes up nearly half of all Christmas trees grown in the U.S., and its attractive appearance and growth rate make it popular in yards and parks.

This tree grows at a medium rate, with height increases of 13" to 24" per year. The Douglas fir grows to a height of 40' to 70'. Staff estimates this tree to be around 60' tall. The typical spread of a Douglas fir is 20' to 30'. This tree has a larger canopy than most possibly due to its specific genetics and that it had space to grow. Douglas fir in their native range can live 500 years and possibly longer. Out of their native range, their life expectancy would be considerably less, likely in the 80- to 120-year range. This is one of the larger Douglas fir trees in Mountain View, and possibly the largest that staff is aware of. Staff estimates the tree to be around 60 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 tree, staff denied the removal for the following reasons:

The primary concern of the homeowner and reason for wanting to remove the tree is based on a recent large branch failure. The homeowner noted two branches failed, but it is likely that the larger branch broke the lower branch as it came down.



Branch failures can be scary, especially when they are observed or heard or, in this case, fall in a location where people sit or spend time. Branch failures unfortunately occur and

all trees are somewhat susceptible to occasional branch failures. Staff discussed the issue with the homeowner and asked if they had experienced any other recent issues with the tree. Staff has considered trees that have shown to be problematic when branch failures are frequent and out of the norm, but this did not appear to be the case. Staff suggested that the homeowner document branch failures as they have in the above photo. The date can be written on the back of the photos as to the occurrence.

Staff suggests the homeowner hire a consulting arborist to document the tree and offer suggestions for the care of the tree. The question may be raised regarding if it is possible to prune the tree to reduce the likelihood of potential branch failures. Evergreen conifers generally do not need a lot of trimming and, therefore, would not be recommended. End-weighting a conifer generally encourages more branching and weight to form on the ends of the branches. The tree is raised a little higher than typical. The lower branches generally tend to slow branches down if a failure does occur higher in the tree and is again why having a consulting arborist provide a report and advice every five to seven years on the tree would be helpful to the homeowner. The lower branches may have been removed to help with building clearance and reduced roof litter. Staff would be happy to review any information in the report if the information relates to any concerns about the tree or branches.

The tree appears to have a full canopy, and the tree is in good health. Branch spacing is good and the branch-to-trunk ratios are all under the one-half branch-diameter-to-trunk ratios. The strength of branch attachments has been studied. Of particular importance is the growing consensus that the strength of a branch attachment is best predicted by the relative size of the branch to its parent stem, which is referred to here as the “diameter ratio.” The branches all have wide angles of attachments with no signs of included bark. This tree does have a larger canopy than a typical Douglas fir and, again, this would be something a consulting arborist can review in a report.



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 deny removal of the Heritage tree. If the Board overturns staff’s decision and allows 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 retaining the tree based on its healthy state, and fear of a future branch failure is not reason to consider a Heritage tree for removal. Occasional branch failures are a part of living with and near Heritage trees. Staff recommends the appeal be denied and the *Pseudotsuga menziesii*, Douglas fir tree, be allowed to remain.

JT-JRM/6/CSD/221-01-13-21M

- Attachments:
1. Resolution
 2. Application for Removal – October 20, 2020
 3. Heritage Tree Removal Denial – November 3, 2020
 4. Appeal to Remove Heritage Tree – November 10, 2020
 5. Appeal Photos

cc: F/c