



**MEMORANDUM**

Community Services Department

**DATE:** March 11, 2020

**TO:** Urban Forestry Board

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

**SUBJECT:** Heritage Tree Appeal – 1866 Golden Way

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**RECOMMENDATION**

Adopt a resolution denying the appeal, upholding staff's decision, and allowing the *Magnolia grandiflora*, Southern magnolia, to remain.

**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 10 calendar days after the notice of the decision is posted or mailed.

### **HERITAGE TREE REMOVAL REQUEST**

An application submitted by Kevin Chatow to remove a Heritage-sized *Magnolia grandiflora*, Southern magnolia tree, and a liquidambar street tree was received on October 3, 2019 (Attachment 1). The criteria for removal marked was the condition of the tree, with a specific comment that the trees were causing damage to the property owner and neighbor's driveways and homes. The liquidambar street tree was approved for removal based on codominant stems with included bark and heavy surface rooting. The

Southern magnolia was denied for removal. The trees were posted with this information on December 18, 2019.

An appeal was filed by Kevin Chatow on January 2, 2020 (Attachment 2). The City accepted the appeal despite it being filed past the 10-calendar-day requirement due to City Hall's closure from December 24, 2019 through January 1, 2020.

## **ANALYSIS**

### **Magnolia grandiflora, Southern Magnolia Facts**

- *Magnolia grandiflora*, Southern magnolia, is native to the southeastern United States, from southeastern North Carolina to central Florida and west to east Texas. Although endemic to the lowland subtropical forests on the Gulf and south Atlantic coastal plain, *Magnolia grandiflora* is widely cultivated in warmer areas around the world. *Magnolia grandiflora* is a medium-to-large evergreen tree. The leaves are dark green with smooth margins, stiff and leathery. The large, showy, lemon citronella-scented flowers are white and fragrant with a waxy texture, emerging from the tips of twigs on mature trees in late spring.
- The Southern magnolia grows to a height of 60' to 80' and a spread of around 40' at maturity. This tree grows at a slow-to-medium rate. In its natural range, Southern magnolia can live 200 years. Trees in urban settings will have a shorter life expectancy of around 60 to 80 years. Staff estimates the tree in question to be around 35' tall and approximately 35 years old.

### **Staff's Evaluation**

- The upper canopy of the tree is healthy and full. The tree has good branch spacing and no structural problems.
- Staff discussed the issues of the areas with the property owner and suggested that the property owner consult a structural engineer or construction company to determine if mitigation with repair work would be possible to resolve the issues observed.
- At some point in time, the original driveway was replaced. The front edge of the driveway is lifting a little, possibly due to the Southern magnolia tree's roots next to the sidewalk, or it was poured slightly higher than the sidewalk. It is also possible that a large section of sidewalk has settled, but that is less likely to be the case.

- The front-middle section of the garage pad appears to be cracked and lifted, possibly due to a current or past root issue. When the driveway was removed, it would have been a good time to review the surrounding conditions and roots impacting the driveway, porch, and garage floor. At that time, the area could have been excavated to a depth for new base rock, and roots could be evaluated for removal or shaving. It is possible that roots are lifting the center of the driveway and contributing to issues, but the garage door trim is below the concrete pour at the bottom edge of the door. This indicates that the driveway grade changed with the new driveway and they raised the section of concrete next to the garage trim. (See photo below.)



- The porch has been overlaid with a brick veneer and a section appears to have shifted, creating a lip and crack between the support post and the wall. Staff suspects that this could be a root issue but could also be a part of the construction detail or settling of the area. Again, the porch area near the post could be excavated to see if roots are impacting this location. (See photo below.)



- Due to the complexities of the issues in relation to construction details and grading, staff suggested the homeowner consult with a contractor or structural engineer that could help determine any construction and grading issues that may be contributing to shifting and grade changes. Staff does not know what was done in regard to roots when the original driveway was replaced and can only offer guidance on mitigation efforts when they are available. It is possible to scan the area using ground-

penetrating radar to determine the size and depth of roots that may exist under the concrete. This scanning typically costs around \$1,500 and would only show where roots may exist and at what depth.

- In staff's opinion, mitigation should be possible when combined with the corrective work needed to repair the areas noted above. Removing the tree without consideration for preservation is premature given that additional information is needed to determine whether the Southern magnolia tree's roots are actually causing the damage to the areas noted above and, if so, to what degree.

### **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 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 retain the Heritage tree (Attachment 4). 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 Southern magnolia tree based on its healthy state and potential for the property owner to mitigate issues with root pruning when repairs are scheduled or made. Staff recommends the appeal be denied and the *Magnolia grandiflora*, Southern magnolia street tree, be allowed to remain.

JT-JRM/6/CSD

221-03-11-20M

- Attachments:
1. Application to Remove Heritage Tree – October 3, 2019
  2. Heritage Tree Posting
  3. Heritage Tree Appeal – January 2, 2020
  4. Resolution

cc: F/c