



**MEMORANDUM**

Community Services Department

**DATE:** December 9, 2020

**TO:** Urban Forestry Board

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

**SUBJECT:** Heritage Tree Appeal – 350 Levin Avenue

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**RECOMMENDATION**

Adopt a Resolution of the Urban Forestry Board of the City of Mountain View to Deny the Appeal and Uphold a Heritage Tree Removal Application for the Removal of One Heritage Tree at 350 Levin Avenue, to be read in title only, further reading waived (Attachment 4 to the UFB 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 Merav Talmor to remove a *Cedrus deodara*, Deodar cedar, tree was received on August 5, 2020 (Attachment 1). The criterion for removal listed was a check on the box for 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. The box for necessity of the removal in order to construct improvements was also selected. In the write-in portion, Talmor listed that the roots had

reached the foundation and caused damage to the water lines and a leak under the house. This section also stated they were told by an expert that the root could not just be cut because it might cause the tree to fail and fall towards the street. A decision to deny the removal of the *Cedrus deodara*, Deodar cedar, tree was posted on September 21, 2020 (Attachment 2).

An appeal was filed by Merav Talmor on September 29, 2020 (Attachment 3).

## **ANALYSIS**

*Cedrus deodara*, Deodar cedar, is a species of cedar native to the western Himalayas in Eastern Afghanistan, Northern Pakistan, and India. It is the national tree of Pakistan. It is a large evergreen coniferous tree reaching 40 meters to 50 meters (131' to 164') tall, exceptionally 60 meters (197') with a trunk up to three meters (10') in diameter in its native range. In California, they typically grow to around 40' to 80'. They can live 150 years or more but, again, outside their native range, they typically live 60 to 80 years.

*Cedrus deodara*, Deodar cedar, has a conic crown with level branches. It is widely grown as an ornamental tree, often planted in parks and large gardens.

The inner wood is aromatic and used to make incense. Inner wood is distilled into essential oil. As insects avoid this tree, the essential oil is used as insect repellent on the feet of horses, cattle, and camels. It also has antifungal properties and has some potential for control of fungal deterioration of spices during storage.

Deodar cedar is in great demand as building material because of its durability, rot-resistant character, and fine, close grain, which is capable of taking a high polish.

## **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 *Cedrus deodara*, Deodar cedar, can be reasonably mitigated. The homeowner's primary concern was regarding the damage to the irrigation pipe and mainline to the home due to the close proximity to the tree and the tree's proximity to the home. Based on inspection and evaluation of the tree, staff denied the removal for the below reasons.

This tree is in good health with a full canopy. The branches are well spaced, and the trunk-to-branch ratios are within standard ratios that support relative strong branch attachments. The tree has general good structure except for a defect where the tree

appears to have lost its central leader and three branches have sprung from the location of the lost leader. In the tree's next pruning, one of the branches could be selected to be the main leader and the other branches removed to help alleviate concerns about multiple leaders and the issues they can cause. Branches stemming from the same location off of the main trunk can have weaker attachments in some cases. Staff suggested for the homeowner to hire a consulting arborist to review the tree and offer guidance on tree care and to review their concerns about the roots. They could also provide an opinion on the multiple leaders and a decision on leader selection if they felt it was necessary.



The tree appears to have started off with a lean that partially self-corrected, and this caused a surface root to develop on the opposite side of the tree to help with the lean. This root goes towards the home but does not appear to be causing any additional issues at this time other than the leak in the water line mentioned below. Staff suggested again that this could be reviewed by a consulting arborist, who could address their concerns about the tree roots. The branches appear to be being pruned over the home to alleviate roof and gutter debris. Ideally, these branches would be allowed to grow for the health and balance of the tree.





The irrigation lines and mainline were repaired by the homeowners. Water lines can typically be repaired in place or rerouted in most locations, allowing the Heritage tree to remain as is the case here. Only rare cases would require a tree to be considered due to a conflict with a water line, such as the tree being in a location where rerouting was not possible (e.g., directly over the line and surrounded by sidewalk and concrete).





The tree was planted in relative proximity to the home and to the walkway, but it does not appear to be causing any issues to either at this time. It is unlikely for trees to cause damage to foundations, even in close proximity. Sidewalks and concrete steps leading to the home can be affected because roots can get under them since they are not poured to the same standard depth as a foundation and tree roots can lift them, but this is considered a maintenance issue where the problem can be resolved by root mitigation and a repouring of concrete, if needed, but the tree is not causing damage. Fear of future damage is not a reason to consider a tree for removal.



### 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 deny the Heritage tree removal. 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 the Board adopt a resolution to deny the appeal, uphold staff's decision, and deny the removal of the *Cedrus deodara*, Deodar cedar, tree.

### **ALTERNATIVE**

The Board can approve the appeal, overturn staff's decision, and allow removal of the tree if it finds that the criteria for removal set forth in City Code Section 32.35 have been met.

JT-JRM/AF/6/CSD  
224-12-09-20M

Attachments: 1. Removal Application  
2. Tree Posting  
3. Appeal Letter  
4. UFB Resolution

cc: F/c