P05M

CITY OF MOUNTAIN VIEW

MEMORANDUM

Community Services Department

DATE: February 14, 2018

TO: Urban Forestry Board

FROM: Jakob Trconic, Parks Section Manager

SUBJECT: **Heritage Tree Appeal—467 Carmelita Drive**

RECOMMENDATION

Deny the appeal and allow the approved Douglas fir tree to be removed.

FISCAL IMPACT—None.

BACKGROUND

Article II, Protection of the Urban Forest, Sections 32.22 through 32.38 of the City Code, was established to preserve large trees within the City which are growing on private or public lands. 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 Service Director, has been designated as the enforcement agent in this matter. Under the Code, there are specific criteria for removal. The determination on each application is based upon a minimum of one of the following conditions. 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.

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

Also within the Code Section 32.31, an appeals process has been included that states:

> "Any person aggrieved or affected by a decision on a requested removal may appeal the decision by filing a written notice of appeal with the city clerk stating the grounds for the appeal, and paying the requisite appeal fee, as established by council resolution, within ten (10) calendar days after the notice of the decision is posted or mailed."

HERITAGE TREE REMOVAL REQUEST

An application submitted by Judy Jen to remove two Heritage-sized *Pseudotsuga menziesii* (Douglas fir) trees was received on November 21, 2017. The criteria for removal listed in the comment section were codominant stems and hazardous. The boxes were checked for: (1) Condition of tree with respect to age; (2) The nature and qualities of the trees as a Heritage tree; and (3) Good forestry practices. Staff visited the site to observe the trees and their condition. A decision to approve the removal of the

tree with codominant stems and a denial for the second tree were posted on December 8, 2017.

An appeal was filed by Norma Jean Bodey Galiher on December 19, 2018 for the Douglas fir tree that was approved. The appeal letter states: "It is not apparent to us that its condition justifies removal." The appellants feel they are stakeholders desiring to see remaining Heritage trees preserved and that their appeal coincides with the City's stated objective of preserving the urban forest. The letter also suggests mitigation suggestions provided by a consulting arborist that were attached. The letter continues to discuss and point out the value of trees and the many benefits they provide.

ANALYSIS

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 *Pseudotsuga menziesii* (Douglas fir) Tree No. 1 with codominant stems and a review of the arborist guidance/notes on basic mitigation, the appeal should be denied.

- *Pseudotsuga menziesii* (Douglas fir) tree's entire range include Oregon, Washington, and parts of the Rocky Mountains and extends to Alaska and California as far south as Fresno County. In coastal climates, it is fast-growing, feathery, dark green, with slightly drooping branchlets. They tolerate wind and will grow in most soils. The common name is misleading since it is not a true fir, (i.e., not a member of the genus *Abies*). Douglas firs are medium-size to extremely large evergreen trees – 70′ to 330′ tall (although only Coast Douglas firs reach such great height). In its natural range, Douglas fir is very long-lived; ages in excess of 500 years are not uncommon and some have exceeded 1,000 years. Trees in urban setting will have a shorter life expectancy of around 100 years or longer. Trees tend to lose lower branches as the trees age. Staff estimates the trees to be around 65′ tall and approximately 50 to 60 years old.

- The application had an attachment with some notes in relation to guidance from Ray Morneau, a consulting arborist, in relation to mitigating issues when dealing with codominant stems. Staff felt that, due to the severity of the codominance and the large portion of included bark where the two unions meet, that removal of one or the other would not be an option because it would leave a very large wound that would be difficult for this tree to recover from, especially considering the length and depth of the inclusion. The tree would also become unbalanced because each leader is made up of half of the canopy. The remaining canopy

would then be subject to a major change in wind dynamics and the aesthetics of what was left would be far from attractive. Staff feels that cabling is not an acceptable approach to defects in trees because they do not prevent the potential for a failure at a weakened union with included bark and would pose other negative factors such as reduced flexibility in trees and a potential for reduction in resistance wood that forms in moving branches. Cabling was used extensively in the past, but it is used less frequently now that the reality of weakened unions is more clearly understood and they are used in limited applications where risks to homes or other high-risk targets are not in close proximity.

- The upper canopy of the tree is already fairly sparse so there would not be a lot of pruning that could take place to mitigate the overall weight that is acting on the union of the two leaders. The majority of the forces are related to the size and weight of the wood mass in the leaders themselves. Thinning the canopy would reduce the sail effect on the canopy, specifically if it was a full and dense-canopied tree, but this is not the case. Staff feels that end weight pruning would only slightly reduce the forces acting on the union.

- Staff felt that pruning the larger tree would be a good choice based on the past branch failures noted in the canopy since it did not appear that the tree had been pruned for some time. Pruning to mitigate future branch failures in this tree was an option and is why it was denied.

- The notes also mentioned the relationship that trees have and that they do better in a community environment. Trees tend to improve the environment around them as they drop leaves that decompose and improve the soil around them. Evergreen conifers tend to increase acidity of the soil as their pine needles decompose and this is beneficial to them if the needles are allowed to remain in place. Trees can grow to form root systems that can grow together and can benefit all the trees in the system. Removal of a tree does not eliminate the connections between the root systems and the remaining tree(s). Staff would argue that in nature, a grove of trees is different from trees in the urban environment where the major factor on the change in a grove of trees would be the potential of wind dynamics to adversely affect the dynamics of the other remaining tree(s) if one or more were to be removed. In this case, staff feels the distance between the two trees would not drastically change the dynamics surrounding the remaining tree and that it would adapt to any changes over time. One could argue that trees also compete for nutrients, light, space, and resources just as they improve the conditions and environment in a mutually beneficial way.

- Both trees appear to have some issues with overall canopy vigor with thin branching and dieback of needles in sections of the canopy. Staff is not sure of the exact reasons for the browning and thinning of areas around the canopy but drought and possibly canker could be factors. Trees can live for many years with canker and, therefore, even if the trees had canker, it would not be a reason for consideration for removal at this time. Both canker and drought stress would show the symptoms of twig and branch dieback but neither would affect the overall viability of the tree(s). The trees are still growing, although at different rates, and they have plenty of room to grow. Staff does not feel the removal of the one tree would negatively impact the remaining tree in a substantial way.

SUMMARY

Staff is of the opinion that it is reasonable to remove the tree with codominant stems due the higher potential for leader failure and the risk of the target areas of either in the event of a major failure. Removal of either leader is not an option based on the extent and size of the inclusion of bark. Pruning to mitigate does not eliminate the potential for failure based on the heavy weight of the existing leader(s)' size and weight.

Staff recommends the appeal be denied and the *Pseudotsuga menziesii* (Douglas fir Tree No. 1) be allowed to be removed.

JT/7/CSD
221-02-14-18M-E-1

Attachment: 1. Appeal Packet

cc: F/c

467 CARMELITA DRIVE
FIR

HERITAGE TREE APPEAL NOTICE

The decision to approve the removal of these Heritage Trees has been appealed. An appeal shall automatically stay issuance or denial of the Heritage Tree Notice to remove or deny removal of the tree(s) identified on the notice (Mountain View City Code Section 32.31). An appeal hearing has been set before the Urban Forestry Board for **Wednesday, FEBRUARY 14, 2018, 8:00 p.m.,** at the Senior Center, 266 Escuela Avenue, Mountain View, California. For information regarding the appeal, please contact the Forestry Division Office at 650-903-6273.

This notice shall be posted until a final decision has been rendered.

Posted By

1/31/18
Date

City of Mountain View
Forestry Division
231 North Whisman Road
P.O. Box 7540
Mountain View, CA 94039-7540

PK-16 (1/96)

CITY OF MOUNTAIN VIEW

OFFICE OF THE CITY CLERK

Miscellaneous Fee Collection Schedule

Name: Norma Jean Galiher Date: 12/19/17

Address: 434 Carmelita Dr. Mtn View

ACCOUNT

020012-42715	Sales of maps, pamphlets, codes, ordinances, charters, publications, Precise Plans, agendas, minutes, Council reports, copies, faxes (DOCFEE)	
020012-42799	Heritage Tree Appeal (TREEAP) 467 Carmelita Dr. Tree #1	50.00
020012-42715	Sales of City Code and Code Supplements Subscription (CITYSUB)	
710100-22150	Elections—Deposit for Printing of Candidate's Statement (CANDST)	
020038-42715	Elections—Precinct Maps (ELCMAP)	
020103-43643	Sales of City Souvenirs (SOUVEN)	
211215-42799	Zoning Appeal to Council—CDD (ZONEPP)	

RECEIVED
DEC 19 2017
CITY CLERK

PAID
DEC 19 2017
CITY OF MOUNTAIN VIEW
FINANCE & ADMIN SERVICES DEPT

City Of Mountain View

Date: 12/19/17 TS /TS19/CD1
Time: 15:53:05 Receipt No: 473230

Account No: NORMA JEAN BODEY GALIHER

Beginning Balance	0.00
HERITAGE TREE APPEAL	-50.00
Ending Balance	-50.00
CHECK Amount	50.00
Payment	50.00
Change	0.00

467 CARMELITA DR TREE #1

Thank You And Have A Nice Day

SUBTOTAL 50.00

TAX

TOTAL 50.00

ce and Administrative Services
rt to the City Clerk's Office.

Receipt No.: 473230

RECEIVED
DEC 19 2017
CITY CLERK

Norma Jean Bodey Galiher
434 Carmelita Dr.
Mountain View, CA 94040
(650) 964-3803
njgaliher@earthlink.net

12 / 18 / 17

City of Mountain View
Urban Forestry Board
c/o Office of the Clerk
City Hall
Mountain View, CA 94040

Re Appeal of application to remove one of a pair of long-established, interdependent Heritage Trees in the front yard of 467 Carmelita Dr. Tree #1

City of Mountain View:

I and my neighbors Christine Crimaldi and Pat Scandalis, as "aggrieved/affected persons" (stakeholders) under Ordinance No. 01 03 (Sect. I Article II: Protection of the Urban Forest 32.31) appeal the application of the current resident at 467 Carmelita to cut down one of the pair of mature fir trees in the front yard at that address. It is not apparent to us that its condition justifies removal. We who are participating in this appeal, long time residents of Carmelita Dr., noting that a large number of Heritage Trees on our block have already been lost, place a high value on preservation of the remaining mature trees in our neighborhood.

The City has had a Heritage Tree Preservation Ordinance since 1961 and currently has stated its commitment to increasing canopy. We applaud that commitment and would like to see increased homeowner education as to responsibility for maintain their Heritage Trees in good health and increased enforcement of existing sections of current Code.

In this appeal we explain what makes us stakeholders or affected persons desiring to see remaining Heritage Trees preserved after many have already been lost, how our appeal coincides with the City's stated objective of preserving urban forest and expanding canopy, possible alternatives to mitigate (if deemed necessary) the imperfect structure of the specific tree so as to permit the homeowner to preserve and maintain it and its partner tree in good health, as required by City Ordinance, rather than killing and replacing it with a large mature tree and assuring that the replacement tree becomes well established, as also required by that Ordinance.

We are not aware whether the current resident who operates the day care center at #467 is the homeowner or another in a series of tenants who I have lived at that address in recent years.

We wonder whether the actual property owner has been made aware of the applicable clauses of the City Code that we specifically cite and, if not, request educational outreach to accomplish that and to provide suggestions as to alternatives to killing and replacing the tree that may end up satisfying the homeowner, the affected neighbors, and the objective of the City to preserve urban forest. We provide suggestions obtained from a Consulting Arborist, and a list of certified arborists who he is confident could perform whatever mitigation work might be agreed upon.

Included in this appeal are the following:

Attachment 1: Mitigation suggestions from the Consulting Arborist
Attachment 2: Aug. 3, 2007 article regarding a prior successful appeal, including quotes pertinent to the current appeal that we wish to cite
Attachment 3: City of Mtn. View stated policies RE Heritage Trees that we specifically cite
Attachment 4: A list of Heritage Trees that have already been lost on our street
Attachment 5: Financial value of a mature tree to a property and to neighbors' properties
Attachment 6: What makes one of us, Norma Jean Galiher, an affected person or stakeholder

Throughout this appeal, we cite portions of the City's Heritage Tree Ordinance and associated on-line guidance for homeowners. We request that in this appeal the Board considers those specifically mentioned in **Attachment 3**.

City Ordinance 01 03 Section II Protection of the Urban Forest starts by pointing out that "the beauty and health of this area has been enhanced by the presence of large numbers of majestic trees", notes that many have been lost to development, and that limiting additional losses is desired.

Under Ordinance 01 03, the City requires the preservation of healthy heritage trees, noting that preservation contributes to the welfare and esthetics of the community. We neighbors know just how much mature trees contribute to the desirability of our neighborhood.
It is our contention that agreeing to non-essential removal of existing mature trees does not fit with the statement in the Ordinance.

The tree that is the specific subject of this appeal:
The pair of fir trees was present when I moved in across the street 40 yr. ago, at which time I chose to live here primarily because there were lovely mature trees not only on the property I purchased but in front of the majority of houses neighboring the one I purchased, forming a shady, cool, greenbelt that offered harborage for birds and squirrels. This end of Carmelita Dr. was, at that time, a highly esthetically appealing area. Each of the multiple subsequent losses of nearby heritage trees has adversely affected the esthetic aspect of the neighborhood. The fact that there are less and less of them remaining increases the incremental negative impact of each additional loss.

The posted notice of application to remove this fir tree at 467 Carmelita states its "condition" as being "codominant stems with embedded bark". That is only a description of morphology. The morphology of these two fir trees was basically the same 40 yr. ago as it is now. Over the four decades I've lived here, the tree has repeatedly withstood wind and rain storms without either being harmed or causing harm. It is not apparent to concerned neighbors that the tree's morphology, unchanged over all these years, is sufficient reason for its removal. In reviewing Sect. 32.35 Criteria for removal; Conditions, Findings we do not see that the morphology of the tree, which has not changed, equates to a problem calling for or justifying its destruction. Criteria justifying removal, such as disease, infestation, general health, do not obviously apply.

We would like to explore whether there are actions the property owner could take to alleviate whatever concern prompted the request for removal, as less drastic alternatives to killing an established tree that does not appear to be diseased or infested. We specifically request that potential killing of the tree be considered only as a last resort.

Toward that end, guidance was sought from Mr. Ray Morneau, Consulting Arborist, the question being whether the morphology of the tree should be considered to necessitate its removal, or whether any problem it might be considered to pose might be remediable short of " killing the tree to save it". Possible actions that could be taken to preserve and maintain the health of the tree, based on that consultation are outlined in **Attachment #1**, together with Mr. Morneaus' bona fides. We request that the Urban Forestry Board consider such possible mitigation actions as less drastic steps that could be taken rather than permitting the tree to be cut down at this time.

Ongoing losses of Heritage Trees have occurred on Carmelita

On our 1-block long street, there has been ongoing loss of Heritage Trees. **Attachment 4** lists those Heritage Trees, plus two especially mourned ornamentals, that 5 residents, concerned about the ongoing loss and adequate replacement, have compiled.
These losses have diminished the esthetic appeal of the neighborhood for us as affected residents, as well as its desirability for future residents. In turn, that adversely affects our property values. We would like to see those few remaining heritage trees on our block preserved.

At #139 Carmelita, in 2007, several neighbors successfully appealed the request of an out-of-town developer to remove a heritage tree near one end of our street. The developer who sought to cut down the tree was not going to have to live with the consequences of the denuding of one end of the block, but neighbors were. They appealed and prevailed in saving the tree. The Mountain View Voice published a front page article about that and other Heritage Tree issues in Mountain View neighborhoods, including several quotes from Mr. Peter Hurlburt of the City Parks Dept. that are as pertinent to the current appeal as to that of a decade ago. We incorporate excerpts of the published article in the voice as **Attachment 2** and respectfully request that the Board review and consider them as part of this appeal. As one specific, Mr. Hurlburt indicated that it was up to neighbors to keep an eye out, since staff levels did not permit the Urban Forestry Board to follow-up on whether adequate replacement of heritage trees was being done following heritage tree removal requests. Included in Attachment 4 are several cases where that has not happened. We and our neighborhood have been adversely affected.

The City has stated clearly in Ordinance 01 03 a number of pertinent points which this appeal cites in Attachment #3, and which we ask be brought to bear in review of our appeal

Sec. 32.25 Heritage Tree Preservation requires that property owners maintain and preserve all heritage trees on their property in a state of good health.

After 43 yr. of living here, I did not know that before reading on the City's website this week, so this responsibility of homeowners in Mountain View doesn't seem to be well communicated to homeowners. I had supposed that it was just a matter of choice, not knowing that the City requires and could enforce the requirement for such care. I have lost nearby trees at 451 and 452 because neighbors did not bother to care in any way for their Heritage Trees. When I pointed out the browning of a small branch on Monterey Pines at both these addresses, explained that that was sign of beetle infestation, that the limb should be removed in cold weather if possible, to prevent the beetle from killing the tree, explaining also that beetle infestation in their trees put my own at risk, and offering referral to a certified arborist I trusted, neither neighbor chose to do anything. One tree quickly died completely, the City permitted the owner of the other to remove it because of the one brown branch. Where there had been 4 mature trees of the same species, providing visual continuity at this corner

of Carmelita, there remained only the one I have nursed along for 43 yr. to date plus the redwood I had planted when I lost the other Monterey Pine, after nursing it along for 18 yr. Those adjacent losses changed the appearance of my immediate neighborhood markedly for the worse. Had I been aware that care of their Heritage Trees was required by City Ordinance, I would have sought help from the city in explaining to the homeowners what was required of them and how to accomplish it, so that those two trees could have been saved.

The property in question now, at 467 had been a rental with a series of tenants over quite a few recent years until the current resident opened a day care center there roughly 3 yr. ago. It is possible that the various renters or the actual property owners were not aware of the requirement to maintain and preserve their Heritage Trees. We do not know whether the operator of the day care center at 467 is a tenant or is the property owner who would bear actual responsibility for maintaining Heritage Trees on the property in good health and, if one were to end up being removed, would be responsible for planting, establishing, and carrying out an ongoing plan of care for a large mature replacement tree.

If the current homeowner is concerned that the dual trunks of one tree put it at risk of damage, perhaps a City arborist could provide helpful guidance utilizing the possibilities suggested by Mr. Moreau (outlined in Attachment #1) or based on an assessment the City could retain a certified arborist the to perform. Remedies for any perceived risk, some of what might be possible at modest cost, such as what I did with my own pepper tree where there was an apparent risk to it (as described in Attachment #6) could eliminate the owner's current thought that the tree needs to be removed because it is in danger of incurring damage.

It was also noted this week that, as cited in **Attachment 3**, the City's Heritage Tree Website encourages homeowners to water drought-stressed mature trees with a soaker hose monthly through the hot weather. The current resident who operates the day care center at #467, whether a renter or owner, having moved in during the drought years, may not have been aware of their requirement to preserve and maintain the health of Heritage Trees on their property at all. With rainfall inadequate for several years in a row, the owner may not have known of the need to use a soaker hose to supplement the scanty rain, as I have done every summer, especially needing to do during the drought, to preserve my own heritage trees.

We suggest that the city would do all parties a service if an arborist would inform a homeowner, concerned about Heritage Trees on a property they newly acquire, of steps they can take to fulfill their commitment to maintain the health of those trees for which they have become responsible, as owners, and help educate them about how they can do so. That might just be all that is needed with respect to the fir trees at #467 Carmelita.

Value of Trees

Environmental value of mature trees

City arborists well know the value of mature trees in combatting climate change by absorbing carbon dioxide and releasing oxygen, and know their value in absorbing storm runoff, reducing air and sound pollution, and in providing wind buffering. Alexander von Humboldt warned us back in the 1700's, that deforestation puts the planet's climate at risk.

At the same time the City has stated its commitment to increasing canopy, approved development projects are leading to exactly the opposite, often with significant numbers of large trees involved, such as the project currently underway at the end of Martens in which the developer was permitted to cut down something like 36 heritage trees to build 11 large

houses. That is in our immediate neighborhood, and we decry these additional losses of urban forest in addition to those on Carmelita itself.

Psychological/emotional value of trees

Such value is appreciated by the City as evidenced by the creation of parks where city dwellers can enjoy being among large trees. In Japan, "forest bathing", getting city dwellers out to where they are in the presence of trees, even for a few minutes a few times a week is claimed to improve not just emotional but also physical health. Recently, this has gotten supportive press coverage in the U.S.

Financial value of mature trees to a residential property, a neighborhood, and city property

Not only does the value of a mature tree increase the value of an individual property, but it enhances the value of the properties of nearby neighbors and the desirability of the neighborhood. Conversely, there is negative impact on the value of our properties when neighbors, or developers, remove mature trees. Please see pertinent quotes substantiating this statement in **Attachment 5.**

In this appeal, we would especially like to draw attention to that portion of the Ordinance that states that: "The effect of the requested removal on the remaining number, species, size and location of existing trees on the site and in the area" be taken into consideration. This is a part of what our appeal asks the Urban Forestry Board to do. We believe that the "effect" referred to encompasses environmental, esthetic and financial impacts, and ask that all of those be taken into consideration.

It was also noted, in reviewing Sect. 32.35 of this Ordinance (Conditions for removal), that conditions of approval for a homeowner to cut down a tree include: "Requiring the replacement or placement of an additional tree or trees.... to offset the loss..."'Requiring the posting of a security bond to ensure that replacement trees are planted and become established (one yr. after planting)" and "Requiring a maintenance and care program be initiated to ensure the continuing health and care of heritage trees on the property".

For us, those portions of the Ordinance raise questions as to the extent to which such procedures were followed with all past approvals of requests by homeowners to cut down Heritage Trees on our street, and whether those conditions of approval have been clearly stated to the owner of the property at 467 Carmelita who wishes to remove one of the pair of mature, long-established fir trees. We request confirmation that if the City denies our appeal and permits that tree to be killed, the City will assure that a suitable ("large mature") new tree is planted to replace it and is maintained to assure it becomes established so that in a few decades there would eventually be a nice large tree to replace the one removed.

We neighbors who are appealing its removal would appreciate clarification of how that kind of situation is currently being handled by the Urban Forestry Board as a matter of general practice, and specifically how it would be handled in this particular situation, should our appeal be denied.

We join in paying the $50 appeal fee, together with submitting this letter of appeal. Thank you for giving it your consideration. We will participate in whatever dialogue may prove useful at the hearing.

Regards,

Norma Jean Gahley

Attachment 1: Guidance obtained from Mr. Ray Morneau, Consulting Arborist, concerning mitigation measures that could be considered in order to preserve the Heritage Tree at 467 Carmelita (one of a long-established pair of Douglas Fir) that the property owner has applied to remove, the apparent justification being "Condition: co-dominant stems with embedded bark"

On 12/14/17, Norma Jean Galiher, homeowner residing at 434 Carmelita Dr., consulted Mr. Morneau as to potential steps that, if taken, could protect and permit the preservation of both mature fir trees on that property, avoiding the loss to our neighborhood of another of the mature trees that we value, at the same time sparing the property owner the cost and effort of replacing, assuring the establishment, and providing ongoing care and maintenance of a suitable replacement for the one they currently seek to remove, stated requirements under the City's Ordinance 01 03.

Mr. Morneau's Consultant Qualifications, with his contact information, is attached.

Observing the pair of fir trees at 467 Carmelita in person, Mr. Morneau noted that since all trees/species are innately forest trees, they do better in a community environment. Douglas firs and most all trees are found naturally in tree-communities, a particular consideration in the instant case where this pair of Douglas firs has been growing as a community for considerably more than 40 years. Taking the partner tree away would inevitably have some degree of a negative effect on the remaining companion.

Noting that both trees have accumulating end-weights, he commented that end-weight reduction would help the rest of the structure for both these trees.

Neighbors who would like to see these mature trees preserved could suggest that the Urban Forestry Board have an independent certified arborist assess the status of the one posted for removal (or the interdependent pair of fir trees), and suggest potential mitigation actions to preserve the one currently posted for removal.

The Urban Forestry Board could then inform the property owner of various options for actions that could be taken to preserve and maintain the tree in question, as a member of the inter-related pair, and explain and discuss these options. Such action could be taken as a first step, rather than proceeding immediately to approving removal and replacement by a large mature tree.

Mr. Morneau could not personally perform such an assessment for the City, since he has consulted to one of the neighbors appealing removal of the tree, but would be willing to answer questions from the Urban Forestry Board regarding the range of potential mitigation actions that might preserve the health of these trees as an alternative to approving the request to removal one of them.

Mr. Morneau mentioned several options as possible approaches to reducing concern regarding the co-dominant stems with embedded bark of the one tree that could permit the property owner to maintain it in good health. Some could be accomplished at modest cost. But he emphasized that, in order to achieve the desired result, the work should be done only by an experienced certified arborist, and in accordance with ANSI standards.

At the end of this Attachment is a list of certified arborists he feels confident could do whatever work the homeowner might select to optimize the health and condition of the fir tree(s) at 467 Carmelita.

The range of potential mitigation steps that could be taken, if there is felt to be a need, to mitigate the dual stem structure of the posted tree include:

1. Reduction of foliage on the less dominant (subordinate) stem by extra pruning would increase the likelihood of the survival of two stems
2. Removal of one stem
3. Prune to reduce end weights in the branches
4. Reduce end weights and install cable following ANSI 300 standards, cabling within the upper third of the canopy to help the tops move together, congruently, resulting in a less-stressed crotch
5. Drill through the crotch and install threaded rods with nuts on either end (3 rods about 8 in. apart, not all installed straight across), referring to ANSI standards

Mr. Morneau provided a list of Tree Care Contractors he is highly confident could perform the type of mitigation work he described, many of whom can be found on Canopy's website at http://canopy.org/tree-info/hire-an-arborist/arborist-list/]:

1. Doug Anderson – Anderson Tree Care Specialties – 408.378.2261 doug@andersontreecare.com
2. Paul Maguire – Maguire Tree Care – 650.574.0215 paul@maguiretreecare.com
3. Rob Weatherill – Advanced Tree Care – 650.839.9539 rweather@pacbell.net
4. Chad Brey - A Plus Tree Inc. – 707.644.1672 – chad@aplustree.com
5. Heather & Robert Booty – Arborist OnSite – 408-226-3427– heather@arboristonsite.com
6. Ian Geddes (trees@aol.com) 408.374.8233
7. Michael P. Young, Urban Tree Management, 650.321.0202 michael@urbantreemanagement.com
8. Mark Barton, Pruning Specialties, Inc. – arborman@sbcglobal.net (408)406-9876
9. Brendan Nelson – BiotaTech – 408.248.3266 – Brendan@treecarepro.com
10. Chris Hall – West Coast Tree Care – 408-260-2007 chall@westcoasttreecare.com
11. Delfino Vian – Vian Tree Service – 650.322.7414 – delfinovian@comcast.net
12. Ron Walker – Area Custom Tree Care – 650.969.7076 – areatree@pacbell.net
13. Mimi Scoppettone – 831.462.8233 – Nature First Certified Arborists - mimi@naturefirst.net
14. Henry Kramer – Econo Tree – 650.367.4900 – webmail@econotree.com
15. Kenny & Chris Klingele – Arbor Health & Safety – 650.888.5849 – kenny@bigtreemanagement.com

Attachment 2: Mountain View Voice article of Aug. 3 2007 re a Carmelita Dr. heritage tree removal application that neighbors successfully appealed at that time, from which we are citing excerpts pertinent to the current appeal

Disputes common over urban forest
By Daniel DeBolt

"The issue popped up again last month on Carmelita Drive, when a homeowner tried to cut down a 35-foot-tall deodar cedar, but was thwarted by neighbors and a forestry board that ruled against removal — despite a city staff report saying the tree could be prone to failure if a large, problematic branch was removed. Now the tree must stay, even though the owner doesn't want it."

"Neighbors Christine Crimaldi, Robin Iwai and Pat Scandalis filed the winning appeal, which read in part, "The tree is in excellent shape with no sign of disease."

"There has been extensive recent development on Carmelita Drive. Developers have not been meeting the city's provisions for street tree planting. Subsequently, **the neighborhood is experiencing a net loss of trees.**"

"**Many (heritage trees] are saved every year when the city initially denies the removal application or owners decide their needs can be met by pruning the tree instead of pursuing removal**, according to Bruce Hurlburt, parks section manager."

"Hurlburt said the city often receives a heritage tree removal request when a property changes hands. **City staffers review heritage tree removal requests to make sure it isn't just an owner annoyed with a messy tree. The tree must be in poor health, pose a threat to safety or stand in the way of reasonable construction plans on the property.**"

"**Every time a heritage tree is cut down, Hurlburt said, owners are on the "honor system" when it comes to planting the required replacement box trees. The city often can't police whether new trees go in because "we don't have a large staff,"** Hurlburt said, **so the city relies on neighbors to keep an eye out.**"

[Note added in Dec. 2017: that particular tree at #139 remains in good health after the neighbors' appeal saved it from attempted removal by an out-of-town developer who had purchased the property. It has continued, for the past decade, to contribute significantly to the esthetics at that end of Carmelita Dr.]

Attachment 3: City of Mtn. View policies regarding Heritage Trees that we are specifically citing in this appeal

City Ordinance 01 03 Section II Protection of the Urban Forest starts by pointing out that "the beauty and health of this area has been enhanced by the presence of large numbers of majestic trees". It then states that many have been lost to development, and that **the City seeks to limit additional losses.**

Under Ordinance 01 03, the City requires the preservation of healthy heritage trees, noting that preservation contributes to the welfare and esthetics of the community.

Sec. 32.25 Heritage Tree Preservation **specifically requires that property owners maintain and preserve all heritage trees on their property in a state of good health.**

And –

RE Heritage Trees, the City's Q&A on the website includes the following:
What responsibility do I have if there is a Heritage tree on my property?
Mountain View's ordinance states that if you own or control real property in the City, you are responsible for maintaining and preserving all Heritage trees in a state of good health.

Additionally, from the City's Heritage Tree Website:

BE KIND TO YOUR TREES

Our mature trees were stressed by five years of drought. You can help them out by watering them with a soaker hose once a month through the hot summer.

Your trees will love you for it.

Sect. 32.35 of this Ordinance (Conditions for removal):

Under Balancing criteria: **"The effect of the requested removal on the remaining number, species, size and location of existing trees on the site and in the area" be taken into consideration."**
We would like to draw attention to this portion of the Ordinance as part of what our appeal asks the Urban Forestry Board to do.

Conditions of approval for a homeowner to cut down a tree include: **"Requiring the replacement or placement of an additional tree or trees.... to offset the loss."** And also **"Requiring a maintenance and care program be initiated to ensure the continuing health and care of heritage trees on the property".**
We would like confirmation that the Board has informed or will inform the homeowner of this requirement as part of their responsibilities under the Code.

Attachment 4: Prior losses of Heritage Trees, as well as several especially beautiful ornamentals on our street, each loss serving to adversely affect the desirability of the neighborhood and thus increasing the value we attach to preserving those few that remain.

Heritage Trees previously lost on Carmelita:

~~#172 One of a pair of large majestic incense cedars was cut down (reason unknown)~~

#254 The log cabin house had a pair of nice, well-established deciduous trees in front. Some owner cut down both (reason unknown), replacing one of them with a Chinese pistache.

Mid-block along the outside curve of the street, the City permitted another developer to demolish a nicely, landscaped house set well back on the lot behind a pair of mature trees and to build a larger, 2-story house, situated much farther forward on the lot, cutting down the two heritage trees, having agreed to the condition required by the City that two new trees be planted. The new house ended up with half its small front yard paved over, and no trees except for a pair of potted palms on the front porch. Neighbors closest to that house were distressed that the City permitted this.

#251 A large, healthy, long established heritage tree was just cut down earlier this mo. (reason unknown)

#260 A large tree was removed, replaced by an olive tree that is still very small by comparison.

4

#276 Two magnificently tall, healthy Monterey pines were removed and replaced with two much smaller trees.

#278 One large tree was removed prior to remodeling and replaced with a much smaller tree.

$295 One neighbor indicates that she believes a large tree was removed and was replaced.

#390 A magnificent stone pine, probably the most stunning tree on the block was lost (despite the owner having called in experts to try to maintain it). Also at #390 a pepper tree in back was lost in the 3rd or 4th yr. of the drought despite the owner's efforts to save it.

#409 A very large Monterey pine was allowed to die. The homeowner was told that the browning of part of a small branch indicated beetle It was suggested that she called an arborist right away to have it removed to protect the rest of the tree, as well as 3 nearby Monterey pines). She did nothing. The tree eventually died and had to be removed.

#409 A well established apricot tree directly across from my house was allowed to die a year or so ago. In the past few mo., small branches were removed leaving the trunk and several of the largest branches, amputated, standing.

#412 All trees in front were removed when the current 2-story house was built years ago, replacing the original that had been set farther back. Over ~30 years, those owners planted a large number of fruit bearing and deciduous trees in the large back yard and took excellent care of them, creating a wonderful urban forest. The new owner had a crew with chain saws come in and remove almost all of the large number of magnificent trees in the back yard (to

be replaced, years into the drought, by grass) approximately 3 yr. ago, resulting in a very marked reduction in canopy.

#434 One of two mature Monterey pines present when the current homeowner purchased the property, although checked by arborists frequently and advice obtained on checking the trunks for beetle, painting trunks with lime, deep feeding, removal of deadwood during dormancy, was lost after being nursed along for 18 yr. A large boxed redwood was planted to replace it. One of three heritage pepper trees that the owner has had pruned, and eventually cabled, was lost in the 3rd or 4th yr. of the drought

#452 The property on one side of my home at 434 Carmelita had a magnificent large, healthy symmetrical, "Filoli quality" magnolia in the front yard and a Monterey pine that nicely blocked neighbors' view of a telephone pole on one side of the frontage. The City allowed a series of short term owners to cut down both those trees, to satisfy the owners' desire to enlarge the house and then sell it and move away, leaving remaining neighbors looking out at a veritable cobweb of overhead wires and no trees other than my own, except for the pair of fir trees in question at 467 across the street.

Heritage tree permanently damaged before neighbors were able to get the maiming stopped:

#148 A developer had unlicensed workers busy amputating multiple large limbs of the majestic deodar on that property when one upset neighbor spotted the maiming of the tree and called the city to belatedly have it stopped, but only after considerable damage had been done. The tree survives, but has suffered considerable damage on one side.

Losses of especially lovely ornamental trees not large enough to qualify as Heritage Trees, but the loss of which has diminished the esthetic appeal of the neighborhood:

Between house numbers #467 and 481, at the current demolition site, the centerpiece of the front yard was an especially large, mounded, red Japanese maple. It was the only thing of beauty in a stretch of several properties. We are saddened that the builder was allowed to demolish it as well as the original home. A large citrus tree on that property, bordering #467 was also removed from the front yard.

#148 A weeping cherry of striking beauty, set in a showcase garden, had long caused neighbors to drive "the long way around the block" to enjoy it. The developer and/or current owner of what has become a rental property was not prevented from just letting it die, a notable loss to the esthetics of that part of Carmelita as well as additional loss of canopy.

Attachment 5: Financial value a mature tree adds to a property, to neighbors' properties, and to the desirability of a neighborhood

As regards the monetary value of mature trees, at the time neighbors appealed the application to remove one mature heritage tree on Carmelita in 2007, a local realtor indicated that, at that time (a decade ago) each mature tree adds at least $10 k to the value of the property where it grows, and at very least $1k to the value of nearby homes.

Calls were placed to randomly selected realtors for whom messages were left following the posting of the application to remove one of the pair of firs at #467. Respondents underlined the fact that the presence of mature trees markedly affects the desirability of a neighborhood. All three realtors who responded to the inquiry said that **a mature tree** adds $10-30k to the value of any property, **adds several thousand to the value of nearby properties, and affects desirability of a neighborhood** to current residents and house hunters. One said the prime example is a street that she once considered the most desirable in Mtn. View, Velarde, which has dropped markedly in desirability due to recent loss of mature trees.

A brief Internet search provided these pertinent statements:

8 Neighborhood Features That Increase Your Home Value

By Laura Agadoni | Apr 12, 2017 12:29PM

· **2. Mature trees**

"....a survey from the University of Washington found that, on average, **"trees in one's front yard add 3% to 5% to the home value, and in high-income areas, neighborhood trees can increase the area's value by up to 15%,"**

and...

The Pacific Northwest Research Station recently conducted a study of just how much trees raise property values in the city of Portland, Oregon... In fact, this **study found that the presence of trees along the street increased the sale prices of houses in east Portland neighborhoods by an average of $8,870** and reduced time on the market by an average of 1.7 days. Trees in front of the house also increased the home's sale price by an average of $7,130. "Citywide, street trees add $1.1 billion to Portland's property value, or $45 million a year.

Attachment 6: What makes one of us, Norma Jean Galiher, a stakeholder or affected/aggrieved person per City Ordinance

In my own case, my trees are my No. 1 priority. My first action as a homeowner, 43 yr. ago, was to have a USDA arborist come advise me on how to care for all of my own trees, with emphasis on the pair of Monterey Pines on the street. He told me I'd be lucky to keep one of them alive for 18 mo., since their feeder roots were partially paved over, there is inadequate moisture for them in this region, so they were stressed, and one of the two did not look good. I also took a short course in Tree Care for The Homeowner. Having been taught that I needed to help them overcome those stressors, for years I had the lower trunks inspected annually for beetle, painted with lime in the summer to deter beetle, and all deadwood removed during the coldest month, had deep root or even direct trunk-injection feeding done on one of them, had soil analysis done and prescription feeding done as recommended. As a result, I kept one of them alive for 18 yr., the other for 43, during which time they provided me with beauty, privacy, lovely cool shade, and harborage for birds and squirrels that delighted me, besides doing what all trees do in absorbing CO2 and releasing oxygen.

I have arborists about once a year to protect my considerable investment in maintaining the beautiful mature trees on my property, and have planted several additional trees over the years. When an arborist looked at a lovely pepper tree of mine with two co-dominant trunks spread at quite an angle, with what he termed a "bad crotch", telling me that water pooling in the wide area between the trunks could potentially lead to fungal infection and eventual rot, putting the tree at risk of splitting, he suggested drilling diagonally downward at an angle from the crotch and installing a copper drain tube. I had a handyman do that, at very modest expense, and it successfully preserved that tree for over 30 yr. I later had it cabled to further protect it, which action bought me another 3 or 4 yr. before I lost it in the final year of the drought. So I have experience with modestly priced methods successfully preserving the health of a tree with imperfect structure.

Although I would not expect everyone to consider trees as their No. 1 priority as I do, we would appreciate having neighbors recognize that for some of us, the former greenbelt along this street was a major reason we purchased homes and have enjoyed long term residency here. Each loss of a mature tree heightens our desire to preserve the few that remain.

When I saw one of the pair of fir trees at #467 being posted for removal recently I was not only distressed at the potential loss of yet another heritage tree, but particularly shocked because another neighbor and I had successfully appealed to prevent removal of the same pair of fir trees by a prior owner somewhere between 20 and 30 yr. ago. When refused legal permission to cut them down, the elderly man who then lived there discovered that although he had gotten too tired to feel like raking, he could still climb a ladder with a chain saw and did so, telling one neighbor that he was going to cut off all the limbs, from the lowest until he got to the top, in order to kill the trees. He indeed started doing so. That neighbor reported this to the City and he was stopped, since there was nothing wrong with those trees. It has been a pleasant surprise that over the succeeding decades, with the lowest limbs dropping gracefully downward as is typical of that species, it is no longer obvious that a one-time owner had sawed off some of the lower limbs. If the City could find nothing that justified cutting down hose same trees decades ago, and the trees don't look different now I question whether there is justification to kill one of them at this time.

(Mr. Moreau stated this week that the one time owner's "step up" had not damaged the health of the trees.

CITY OF MOUNTAIN VIEW

COMMUNITY SERVICES DEPARTMENT • FORESTRY AND ROADWAY LANDSCAPE DIVISION
231 North Whisman Road • Post Office Box 7540 • Mountain View, CA 94039-7540 • 650-903-6273 • FAX 650-961-6290

HERITAGE TREE REMOVAL ACTION PENDING

RECEIVED
DEC 11 2017
CITY CLERK

appeal on 12/19/2017

Location: 467 CARMELITA DR.

Property Owner: MS. JUDY JEN

Type of Tree: FIR (Tree #1)

Upon the completion of a field inspection, Forestry Division staff has determined that the request to have the tree/trees removed be:

X APPROVED _ DENIED

The following reason(s) are cited in rendering this decision:

CONDITION OF TREE: Co-dominant stems; included bark

Any person wishing to appeal this action must file an appeal (Fee $50) with the City Clerk's Office, 500 Castro Street, Mountain View, by 5:00 p.m., December 20, 2017 as outlined in Section 32.31 of the City of Mountain View City Code.

For further information regarding this Heritage Tree Removal Notice, contact the Forestry Division Office at (650) 903-6273

Date Posted: December 8, 2017

Jakob Ticonic, Parks Section Manager

CITY OF MOUNTAIN VIEW, FORESTRY DIVISION
231 NORTH WHISMAN ROAD
POST OFFICE BOX 7540
MOUNTAIN VIEW, CA 94039-7540
650-903-6273 M-F 8:00 A.M. – 4:00 P.M.

(Fee $116; each additional tree at the same site $58)

APPLICATION FOR HERITAGE TREE REMOVAL PERMIT

The undersigned owner of the property at 467 CARMELITA DRIVE Tree # 1

Phone No. (Home) NONE (Work) 650.906.6889

hereby applies for permission to remove Heritage tree(s) as follows:

Common Name of Tree FIR Number of Trees 2

Circumference of tree 54" above ground: _____

RECEIVED
NOV 15 2017

REASON FOR REMOVAL: Check applicable box(es) below. There may be more than one reason.

Comments: Co-Dominant Stems - Hazardous for tree #1 Approved; Tree #2 Denied

- [x] The condition of 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 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.
- [x] 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.
- [x] Good forestry practices such as, but not limited to, the number of healthy trees a given parcel of land will support and 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.
- [ ] **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:
  - [ ] The topography of land and effect of the requested removal on erosion, soil retention, water retention, and diversion or increased flow of surface waters.
  - [ ] The effect of the requested removal on the remaining number, species, size, and location of existing trees on the site and in the area.
  - [ ] 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 and scenic beauty and the health, safety, prosperity, and general welfare of the area and the City as a whole.

OWNER'S PRINTED NAME JUDY JEN

OWNER'S SIGNATURE Judy Jen

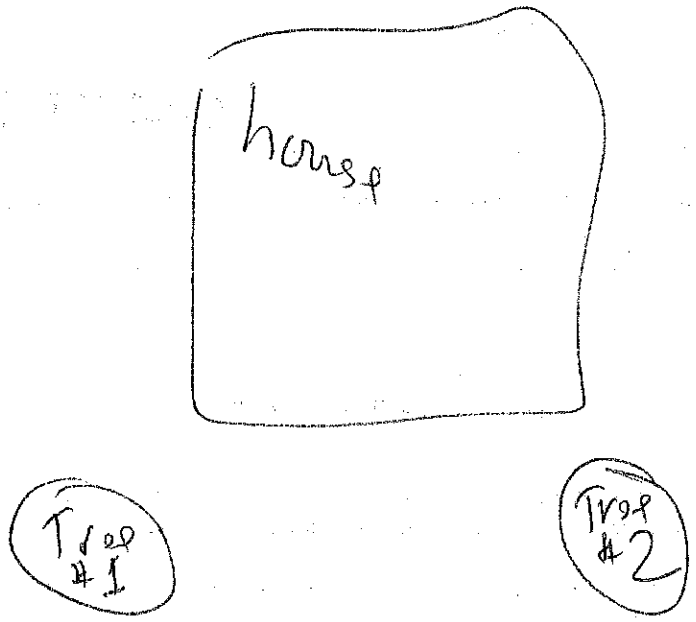
MAILING ADDRESS P O BOX 4856

CITY MOUNTAIN VIEW STATE CA ZIP 94040

NOTE: This form must be returned to the Forestry and Roadway Landscape Division in its entirety upon completion by the applicant. The applicant has read and is familiar with Article II, Chapter 32 of the Mountain View City Code (copy attached). In providing the information on this form, please be aware that this information is public record subject to disclosure upon request.

LOCATION: Please include sketch or attach a separate piece of paper.

Mountain View City Arborist has inspected both trees during second week of August, 2017.



FOR OFFICE USE ONLY

This permit must be available at the work site at all times when the work is being done.

☒ RECOMMEND APPROVAL ☐ RECOMMEND DENIAL

Arborist — Date 12/6/17

☒ APPROVED ☐ DENIED

Forestry and Roadway Landscape Manager — Date 12/6/17

for Tree #1

OBSERVATIONS/EVALUATION: _____

Replant required _____ 15- or 24-gallon tree by owner or in-lieu fee/by Forestry Division.

EFFECTIVE DATE: _____ (Permit expires two years from effective date.)

	ACTION	DATE	CLERK
1.	Applicant notified of decision by mail.		
2.	Notice posted on tree.		
3.	If no appeals, approved/denied application mailed.		

CITY OF MOUNTAIN VIEW, FORESTRY DIVISION
231 NORTH WHISMAN ROAD
POST OFFICE BOX 7540
MOUNTAIN VIEW, CA 94039-7540
650-903-6273 M-F 8:00 A.M. - 4:00 P.M.

(Fee $116; each additional tree at the same site $58)

APPLICATION FOR HERITAGE TREE REMOVAL PERMIT

The undersigned owner of the property at 467 Carmelita Dr. Tree #2

Phone No. (Home) _____ (Work) _____

hereby applies for permission to remove Heritage tree(s) as follows:

Common Name of Tree _____ Number of Trees _____

Circumference of tree 54" above ground: _____

REASON FOR REMOVAL: Check applicable box(es) below. There may be more than one reason.

Comments: _____

☐ The condition of 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 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.

☐ 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.

☐ Good forestry practices such as, but not limited to, the number of healthy trees a given parcel of land will support and 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.

☐ **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:

- ☐ The topography of land and effect of the requested removal on erosion, soil retention, water retention, and diversion or increased flow of surface waters.
- ☐ The effect of the requested removal on the remaining number, species, size, and location of existing trees on the site and in the area.
- ☐ 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 and scenic beauty and the health, safety, prosperity, and general welfare of the area and the City as a whole.

OWNER'S PRINTED NAME _____

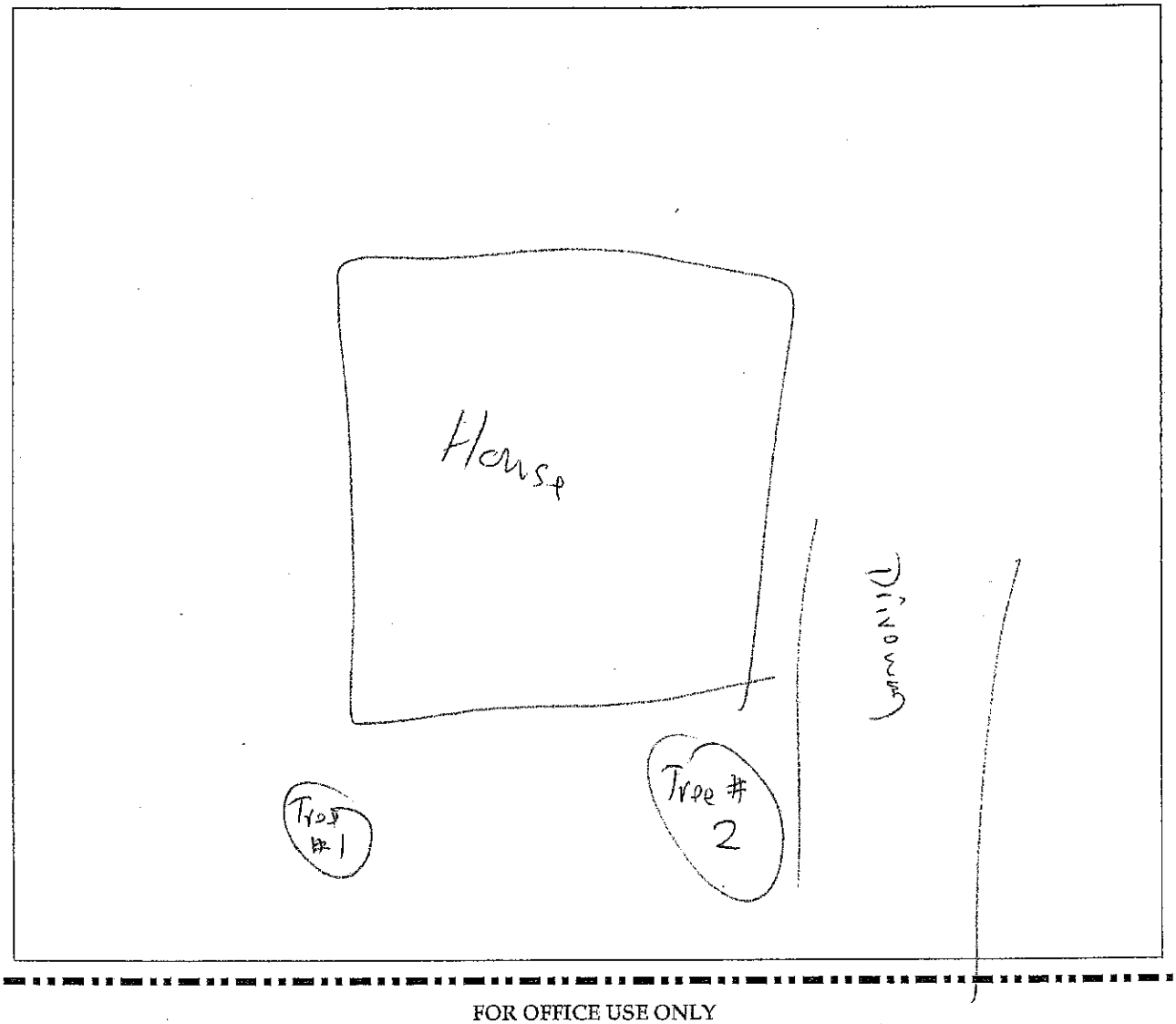
OWNER'S SIGNATURE _____

MAILING ADDRESS _____

CITY _____ STATE _____ ZIP _____

NOTE: This form must be returned to the Forestry and Roadway Landscape Division in its entirety upon completion by the applicant. The applicant has read and is familiar with Article II, Chapter 32 of the Mountain View City Code (copy attached). In providing the information on this form, please be aware that this information is public record subject to disclosure upon request.

LOCATION: Please include sketch or attach a separate piece of paper.



FOR OFFICE USE ONLY

This permit must be available at the work site at all times when the work is being done.

☐ RECOMMEND APPROVAL ☒ RECOMMEND DENIAL

Arborist — Date 12/8/17

☐ APPROVED ☐ DENIED

Forestry and Roadway Landscape Manager — Date

OBSERVATIONS/EVALUATION: _____

Replant required _____ 15- or 24-gallon tree by owner or in-lieu fee/by Forestry Division.

EFFECTIVE DATE: _____ (Permit expires two years from effective date.)

	ACTION	DATE	CLERK
1.	Applicant notified of decision by mail.		
2.	Notice posted on tree.		
3.	If no appeals, approved/denied application mailed.		