

# RECEIVED

Attachment 6

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.

MAR 27 2018

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

## APPLICATION FOR HERITAGE TREE REMOVAL PERMIT

The undersigned owner of the property at 575 Sierra Ave, Mountain View

Phone No. (Home) 4084839293

(Work) \_\_\_\_\_

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

Common Name of Tree Redwood

Number of Trees 6

Circumference of tree 54" above ground: Ranges tree to tree

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

Comments: This is a revised application per city comment. The initial application called for the removal of all trees.

This revised application requests the removal of 6 heritage tree, from 9.

- ☐ 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 Sage Capital Management

OWNER'S SIGNATURE 

MAILING ADDRESS 843 Castro Street

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.

Please see attached documents

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

4/11/18

☒ APPROVED ☒ DENIED

Forestry and Roadway Landscape Manager

Date

#2 Bruce Hallbert #3, #4, #5, #6, #17

4/11/2018

OBSERVATIONS/EVALUATION:

Approved tree #2

Denied trees #3, #4, #5, #6, #17

Replant required <sup>#2</sup> 1 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.

# HERITAGE TREE APPLICATION PROCEDURE/CHECKLIST

Tree Address: 575 SIERRA AVENUE

Applicant Name: Sage CAPITAL MANAGEMENT

Date Received: 3/27/2018

☒ Application Fee

☐ Cash

☐ Check

☒ Visa/Mastercard Craig Farmer

☒ Field Inspection by Arborist

☐ Street Tree

☐ Private Tree

☒ Arborist Report Required

☒ Received

☐ Homeowners Association Letter Required

☐ Received

## ☐ ARBORIST APPROVAL:

1. (Check box for reason to be used in dictating letter & state precisely below)

☐ (1) Dead, dying or declining

☐ (2) Condition of tree, i.e., disease, tree's health, utility service interference

☒ (3) Construction, economic or other enjoyment of property

☐ (4) Good forestry practices, including # of healthy trees on land

2. (State exact words to be placed on posting notice) \_\_\_\_\_

(See backside of notice for each tree)

## ☒ ARBORIST DENIAL:

1. (Reason to be used in dictating letter) \_\_\_\_\_

(See backside of notice for each tree)

2. (State exact words to be placed on posting notice) \_\_\_\_\_

Replant requirement: Yes ☐ # replants \_\_\_\_\_ No ☐

Size: 15 gal. can ☐ 24" box ☐ Other ☐

Owner's discretion as to choice and location ☐

City requirement as to choice and/or location ☐ Specifics \_\_\_\_\_

(Continued on other side)

# TREE

#2 Approved  
Bay Tree

Poor vigor and crown dieback.

#3 Denied  
Redwood

Alternative plan designs that will allow for preservation of the tree, as well as reasonable and conforming use of the property when compared to other similarly situated properties, are possible.

#4 Denied  
Redwood

↖ Same language as above

#5 Denied  
Redwood

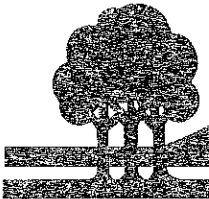
↖ Same language as above

#6 Denied  
Redwood

↖ Same language as above

#7 Denied  
Redwood

↖ Same language as above



# 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

April 17, 2018

Sage Capital Management  
843 Castro St.  
Mountain View, CA 94040

HERITAGE TREE REMOVAL APPLICATION: 575 SIERRA AVE.

Dear Sir / Ma'am:

We have reviewed your request to remove six (6) Heritage Trees on your property for the purpose of constructing a residence. Your request to remove one (1) Heritage Bay tree has been approved after a field inspection and review by the Forestry & Roadway Landscape Division.

Your removal request as defined by the City Ordinance, Article I, in accordance with the Mountain View City Code, Article II, Section 32.35, Paragraph (2), which states:

- (2) The necessity of 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.

However, your request to remove five (5) Heritage Redwood trees is denied after a field inspection and review by the Forestry & Roadway Landscape Division. Staff held meetings on January 18, 2018, February 1, 2018, and February 15, 2018 to determine if a residence could be constructed while still preserving the trees.

Our conclusion is a sufficiently sized residence can be constructed that allows reasonable and conforming use of the property when compared to other similarly situated properties while preserving the existing healthy grove of redwoods.

This decision has been posted on the property. Please refer to the enclosed Heritage Tree Notice for an explanation of the appeal process. If no appeals are received, your permit will be mailed to you.

Sage Capital Management

April 17, 2018

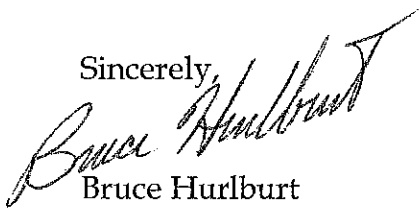
Page 2

In keeping with the City of Mountain View's continued spirit to maintain a sustainable urban forest for present and future residents to enjoy, the Bay tree removal requires a supplemental planting of one (1) 24-inch box tree. The choice and location of the new tree is left up to your discretion.

Additional information can be obtained from local nurseries or public agencies regarding information about soil type, overall tree maintenance, planting techniques, disease and pest control to best ensure that the new tree will significantly contribute to the successful development of Mountain View's urban forest.

If you have any questions, please call this office at (650) 903-6273.

Sincerely,

A handwritten signature in cursive script, appearing to read "Bruce Hurlburt".

Bruce Hurlburt  
Parks Manager

Enclosure

Cc: f/c

## REVISED APPLICATION - 575 SIERRA

\* \* \* \* \*

The home to be built by the Owner conforms to zoning regulations, as well as size and type requirements consistent with new construction currently being conducted in the area. It is certainly not a large structure.

The original application was provided to the City of Mountain View (the "City") on November 15, 2017. It requested the removal of all Heritage Trees on the Site in order to construct the new residence.

By memorandum dated December 18, 2017 (attached), the City disapproved the plan submitted with the Application and requested that the applicant modify the application to preserve Heritage Trees. To that end, this revised application contains the following changes:

- (1) The City requested that Heritage Tree 10 be preserved. This revised application preserves Heritage Tree 10.
- (2) The City asked whether the basement could be resized or moved in order to preserve Heritage Trees 7, 8 and 9. The Owner has modified the basement design, and can preserve Heritage Trees 7 and 8. Heritage Tree 9 could be preserved with a zoning variance, but in meetings with the City it was indicated that they would not support such variance request.
- (3) The City asked whether a detached garage could be designed and located in the southwest corner of the site, allowing for additional Heritage Trees to be preserved. The applicant explored this possibility, but the required driveway could not be fit in the remaining space. Thus, this is not a possibility for this site.

Therefore, this revised application preserves all Heritage Trees that can be preserved given the constraints of the site. In addition, it answers the direct questions raised by the City in the application process.

As can be seen from the site plan included with this Revised Application, due to their location in the middle of the lot, the construction will still require the removal of six (6) Heritage Trees, one of which is not viable in any event. To address this necessity, the Owner is willing to adopt the City's optional mitigation requirements - and much more.

Specifically, as part of the revised application, the Owner will do the following - which may be included as conditions of approval of the application:

- The Owner will not only replace the five (5) viable trees with five (5) new trees on the Building Lot (or adjacent lots, also owned or controlled by principals of Owner), but will provide ten (10) additional new trees for a total commitment of fifteen (15) new trees on the Building Lot or adjacent or nearby parcels.
- The Owner will cause the Heritage Trees being removed to be milled, and the lumber will be used to create benches and/or fencing to be used in the neighborhood - or at other locations deemed suitable by the City.
- The Owner will provide five (5) boxed trees of the size described in the Heritage Tree Ordinance, and pay for their installation on property owned by the City or other public agency within Mountain View.

The twenty (20) new trees proposed by the Owner provide a net benefit to the urban forest of Mountain View of fifteen (15) viable trees. In very short order, the collective canopy of these additions will easily eclipse that which exists today - and doing so while allowing the City to obtain the human and environmental benefits of yet another unit of needed infill housing.





**RECEIVED**

APR 25 2018

**CITY CLERK**

Redwood Trees  
#3, #4, #5, #6, #7

CF

APPEAL - 575 SIERRA

\* \* \* \* \*

This is an appeal to the recent determination by the City denying the Owner's application to remove five (5) Heritage Trees on this site.

The basis for the Appeal is the Owner's disagreement with the determination by the City that the removal of five (5) of the Heritage Trees on the site is not necessary in order to construct improvements and / or allow reasonable conforming use when compared to other similarly situated properties.

The home to be built by the Owner conforms to zoning regulations, as well as size and type requirements consistent with new construction currently being conducted in the area. It is certainly not a large structure.

The original application was provided to the City of Mountain View (the "City") on November 15, 2017. It requested the removal of all Heritage Trees on the Site in order to construct the new residence.

By memorandum dated December 18, 2017 (attached), the City disapproved the plan submitted with the Application and requested that the applicant modify the application to preserve Heritage Trees. To that end, this revised application contains the following changes:

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Therefore, this revised application preserves all Heritage Trees that can be preserved given the constraints of the site. In addition, it answers the direct questions raised by the City in the application process.

As can be seen from the site plan included with this Revised Application, due to their location in the middle of the lot, the construction will still require the removal of six (6) Heritage Trees, one of which is not viable in any event. To address this necessity, the Owner is willing to adopt the City's optional mitigation requirements - and much more.

Specifically, as part of the revised application, the Owner will do the following - which may be included as conditions of approval of the application:

- The Owner will not only replace the five (5) viable trees with five (5) new trees on the Building Lot (or adjacent lots, also owned or controlled by principals of Owner), but will provide ten (10) additional new trees for a total commitment of fifteen (15) new trees on the Building Lot or adjacent or nearby parcels.
- The Owner will cause the Heritage Trees being removed to be milled, and the lumber will be used to create benches and/or fencing to be used in the neighborhood - or at other locations deemed suitable by the City.
- The Owner will provide five (5) boxed trees of the size described in the Heritage Tree Ordinance, and pay for their installation on property owned by the City or other public agency within Mountain View.

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The twenty (20) new trees proposed by the Owner provide a net benefit to the urban forest of Mountain View of fifteen (15) viable trees. In very short order, the collective canopy of these additions will easily eclipse that which exists today - and doing so while allowing the City to obtain the human and environmental benefits of yet another unit of needed infill housing.

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In spite of this revised application, the City denied the application to remove the five (5) viable trees outlined above. This determination is not supported by the Heritage Tree ordinance or the findings made by the City.

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The City, in its letter denying the request, recited a specific finding that is set out in the Heritage Tree Ordinance, as follows:

Your removal request as defined by the City Ordinance, Article I, in accordance with the Mountain View City Code, Article II, Section 32.35, Paragraph (2), which states:

(2) The necessity of 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.

In applying this standard, the City went on to conclude:

Our conclusion is a sufficiently sized residence can be constructed that allows reasonable and conforming use of the property when compared to other similarly situated properties while preserving the existing healthy grove of redwoods.

The Owner respectfully believes that this conclusion is a misapplication of the ordinance when the applicable finding is actually applied to the facts at hand.

This is why the appeal has been filed.

#### THE REMOVAL OF THE FIVE (5) TREES IS NECESSARY IN ORDER TO CONSTRUCT LAWFUL IMPROVEMENTS

First, it is important to note that there are currently no improvements on the site. This is the first instance of the construction of any improvements. The Owner, by revising its application and working through a variety of possible configurations, has come up with the proposal that would cause the least impact to the number of Heritage Trees on the site - while still otherwise complying with all other building and sizing standards. Therefore, the removal of the few remaining Heritage Trees as set out in the revised application is clearly "*necessary in order to construct*" lawful improvements. The use of the term "*and / or*" in the ordinance does not require or allow the City to include a separate finding relating to "*reasonable and conforming use of the property when compared to other similarly situated properties*". That is actually a separate ground for a separate finding. The Owner believes that the use of both standards (employing the word "*and*" from the ordinance) instead of addressing this finding separately (using the word "*or*" in the ordinance) in a case where initial improvements are being constructed is incorrect.

**THE PROPOSED HOME TO BE BUILT IS  
A REASONABLE AND CONFORMING USE OF THE SITE**

Second, even if such standard is used, it should be applied to the application before the City - and not a variety of other hypothetical uses. The application provided by the Owner is a "reasonable and conforming" use of the site. The City does not deny that. The City points out however that there are other "reasonable and conforming uses". The fact that there might be other "reasonable and conforming" uses of the site is not a reason for the City to decline the request. There are lots of other "reasonable and conforming uses", but they are not the subject of this application. The Owner is making the application - not the City. This, the City is charged with determining whether the Owner's application involves a "reasonable and conforming" use of the site - and if so the finding has been met. It certainly is. And, if this finding is made separately, or in conjunction with the first one, it has been met.

**THE OWNER IS SIMPLY REQUESTING THAT  
IT BE ALLOWED TO CONSTRUCT A HOME ON ITS LOT  
UNDER THE SAME RULES THAT GOVERN OTHER HOMEOWNERS**

Third, and most importantly, the proposed application is completely consistent with neighborhood standards and is not an unusual sized structure. The Owner has not applied for a zoning variance - and is simply requesting that it be allowed to build a structure under the same rules that applies to its neighbors. Other houses in the neighborhood may be larger or smaller, but the current rules and standards apply to all neighbors alike. The Owner is simply asking that it not be singled out.

The proposed application preserves as many Heritage Trees on the site as possible, and more. The application provides significant mitigation for the few trees required to be removed, providing an indisputable net benefit to the urban forest.