

Parks and Recreation Commission Questions
February 9, 2022 Meeting

Item 5.1 – Heritage Tree Appeal – 501 Moorpark Way, No. 94

1. Where the Mountain View City Code on Protection of the Urban Forest cites “public nuisance”, can that be interpreted as referring to the definition of “public nuisance” listed in California Civil Code Section 3280 as follows:
“A public nuisance is one which affects at the same time an entire community or neighborhood, or any considerable number of persons, although the extent of the annoyance or damage inflicted upon individuals may be unequal”

Mountain View City Code Section 32.35(a)(1) includes “public nuisance” as a criteria for removal of a heritage tree. The City Code does not reference California Civil Code Section 3280, so it cannot be interpreted as referring to Civil Code section 3280. However, since the City Code does not provide a definition for public nuisance, the Civil Code’s definition can be used as guidance by the decisionmaker.

2. In a mobile home park, does the burden of maintenance for large trees belong to individual residents or the owner of the park?

The burden of maintenance for trees inside fenced yards of individual units falls under the responsibility of the individual unit owner.