

DATE: June 25, 2025

TO: Urban Forestry Board

FROM: Russell Hansen, Urban Forest Manager

SUBJECT: Heritage Tree Removal Application Appeal—1158 Cuesta Drive (Modesto Ash)

RECOMMENDATION

Adopt a Resolution of the Urban Forestry Board of the City of Mountain View to Deny the Appeal, Uphold Staff's Decision, and Deny the Removal of One Heritage Tree (Modesto Ash) at 1158 Cuesta Drive, to be read in title only, further reading waived (Attachment 1 to the memorandum).

BACKGROUND

Article II, Protection of the Urban Forest, Sections 32.22 through 32.39 of the Mountain View City Code (MVCC or Code), was established to preserve certain trees designated as 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 Code requires a permit to be obtained prior to removal of a Heritage tree, and City staff, under the authority granted in the Code to the Community Services Director, has been designated to review and approve, conditionally approve, or deny removal permit applications. Under the Code, there are specific criteria for granting a permit to remove a Heritage tree. The determination on each application is based upon a minimum of one of the conditions set forth in the Code (Attachment 2).

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 APPLICATION

An application to remove one (1) *Fraxinus v. 'Modesto,'* Modesto ash (hereinafter referred to as "Modesto ash"), at 1158 Cuesta Drive was submitted by Stefan Bittner on April 2, 2025 (Attachment 3). On the application, the applicant marked four (4) of the boxes under reasons for removal for the consideration of the tree:

- "Tree is in poor health";
- "Tree is near end of the life span";

- “Tree has poor structure and/or unbalanced canopy”; and
- “Tree does not have proper grow space.”

They also provided the following comment for the reason for the removal:

“Large limb failure on house side with minimal response growth and open wound. Ganodermas conk at approximately eight feet. Several large branches with defects. Open seam on side of trunk opposite house.”

Subsequent to submitting their original application but prior to any determination, Stefan Bittner submitted a copy of their building’s plans for proposed demolition of the old home and construction of a new home. These plans included the building’s foundation area, renderings of the facades, and a design stud for consideration.

The Modesto ash was denied for removal by staff, citing that the tree was producing new growth, there was minimal decline in the existing canopy, there was minimal impact expected from construction location, and the existing concrete could be removed to improve access to water. Notice of the City’s decision was posted on May 5, 2025 (Attachment 4).

An appeal (Attachment 5) was filed on May 14, 2025 by Oscar Hernandez, along with an arborist report by Heartwood Consulting Arborists, citing a “high” risk rating and that potential failure presented a risk of damage to the new structure or injury to future occupants as the grounds for appeal.

Notice of the appeal was posted on May 16, 2025 (Attachment 5).

SPECIES PROFILE

The *Fraxinus v. Modesto*, Modesto ash, is a unique cultivar of the *Fraxinus velutina*, velvet ash tree, which is native to the southwestern parts of North America extending from northern Mexico through parts of Texas, New Mexico, Colorado, Arizona, and California. The Modesto ash can reach heights of fifty feet (50’) and provide as much as forty feet (40’) of canopy cover.

Once established, this species is moderately drought-tolerant with a fair number of pest and disease issues, including anthracnose, mistletoe, oak root fungus, and invasive shot hole borer. Further, the Modesto ash has developed a reputation for being prone to limb failures and will frequently cause damage to surrounding hardscape when planted in a limited area, such as a landscape strip or tree well in the right-of-way.

STAFF'S EVALUATION

When evaluating Heritage tree removal applications, staff considers if the reason(s) for removal on the application matches what is observed in the field and whether any of the criteria under Section 32.35 of the MVCC are met, with an emphasis on the intent to preserve Heritage trees, as required by the City Code.

Fraxinus v. 'Modesto'

This Modesto ash is located in the rear yard, is not considered a street tree, and provides canopy for both the property on which it resides and a portion of the adjacent property at 1166 Cuesta Drive. The Modesto ash is approximately twenty feet (20') from the existing home and is projected to be at least five feet (5') from the new home and three feet to five feet (3' to 5') from a proposed deck. Staff estimates this Modesto ash to be approximately forty feet (40') tall with a spread of approximately thirty feet (30') and trunk diameter of forty inches (40"). Overall, the canopy condition is good. Staff estimates the tree to be fifty (50) years old. The Modesto ash is a Heritage tree under MVCC Section 32.23(c)(3) as its circumference is greater than twelve inches (12") when measured at fifty-four inches (54") above natural grade.

Initial inspection of the Modesto ash showed an overall healthy tree with fair structure and no pest or disease issues currently. The upper canopy of the Modesto ash appears well-balanced with most branches having previously been reduced to limit the risk of future limb failures. Staff did note a large wound on the stem at approximately five feet (5') above grade where it appears a ten-inch (10") limb previously failed. Staff disagrees with the arborist report that indicates the large wound is consistent with poor tree vigor and is more likely related to the inherent structure of this species and potential included bark.

Staff also examined the large seam along the trunk that extended from grade level to the main crotch of the tree but noted that it did not extend into the tree beyond approximately three inches (3"), which indicates the structural weakness does not extend into the heartwood of the tree. Lastly, while construction of a new home and foundation is expected to occur within five feet (5') of the tree, staff estimates that excavations are likely to impact less than thirty percent (30%) of the existing root system and can be mitigated with careful excavation and proper tree protection. Further, it is staff's opinion that the risk related to future limb failures can be managed with ongoing corrective pruning.

In looking at the criteria for removal under MVCC Section 32.35, staff's evaluation found the application did not meet any of the criteria as follows:

- 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

Staff's evaluation of the tree did not find that the condition of the tree required its removal as its overall health and structure is good, and there is no evidence of any nuisance, damage, or interference issues that cannot be addressed through proactive maintenance.

- 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.**

Staff's evaluation of the tree did find that removal of the Heritage tree was not necessary in order to construct improvements because the Modesto ash is located within five feet (5') of construction activity, but it is staff's opinion that impacts to the tree and roots can be mitigated and limited, allowing for preservation of the tree if adequate tree protection is provided.

- 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.**

Staff's evaluation of the tree found that the tree and structure of the canopy is at least fair; therefore, this criterion was not met.

- 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.**

Staff's evaluation of the tree did not find that the tree should be removed due to good forestry practices as no facts to support these criteria were provided or observed.

Representative Photos

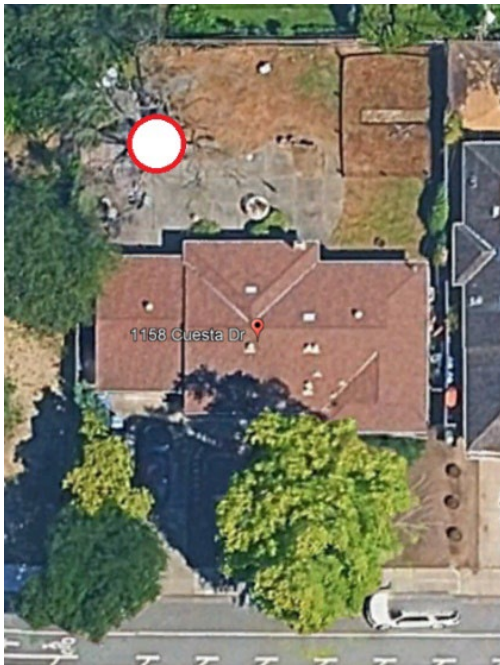


Figure 1: Aerial Image Showing Tree of Concern in Upper Left

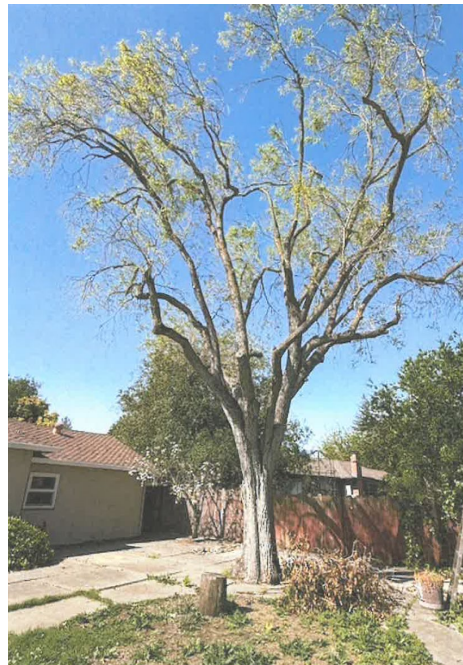


Figure 2: Photo of Tree Canopy and Structure



Figure 3: Photo of the Vertical Seam that Runs from Grade Level to the Main Crotch of the Tree



Figure 4: Photo of Large Wound on Stem from Prior Limb Failure

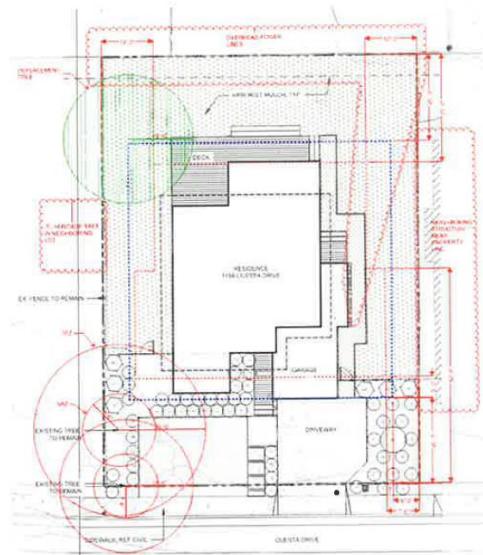


Figure 5: Green Circle Shows Tree Location in Relation to New Building Footprint

URBAN FORESTRY BOARD

The Parks and Recreation Commission serves as the Urban Forestry Board (Board) for Heritage tree appeals under MVCC Section 32.26. The Board must consider whether to uphold staff's decision and deny the appeal or overturn that decision using the criteria set forth in MVCC Section 32.35. The 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 removal of the one (1) Heritage tree. If the Board overrules staff's decision and allows for removal of the one (1) 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 denying the appeal and denying the removal of the one (1) Heritage tree.

RH/AF/6/CSD

224-06-11-25M-2

- Attachments:
1. Resolution
 2. Mountain View City Code, Article II, Protection of Urban Forest
 3. Heritage Tree Application for Removal Permit
 4. Heritage Tree Posting Notice
 5. Heritage Tree Appeal Letter and Posting