

1119 SOLANA DRIVE
DEODAR CEDAR

HERITAGE TREE APPEAL NOTICE

The decision to deny the removal of this Heritage Tree 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 will be set before the Urban Forestry Board at a later time. Notice of the date and time will be posted here when known.

This notice shall be posted until a final decision has been rendered. For information regarding the appeal, please contact the Forestry Division Office at 650-903-6273.



Posted By

APRIL 28, 2025

Date

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



COMMUNITY SERVICES DEPARTMENT

URBAN FORESTRY DIVISION

231 North Whisman Road, P.O. Box 7540

Mountain View, CA 94039-7540

650-903-6273 | MountainView.gov

April 28, 2025

Doug Anderson



HERITAGE TREE APPEAL: HTR-9750/1119 SOLANA DRIVE

Dear Doug,

Please be advised that the Forestry Division has received an appeal for the above-mentioned address concerning one (1) Deodar Cedar tree. You will be notified in the future of the time and date of the Urban Forestry Board hearing.

Sincerely,

A handwritten signature in dark ink, appearing to read "RH", with a long horizontal stroke extending to the right.

Russell Hansen
Urban Forest Manager
Parks & Forestry Divisions

cc: f/c



COMMUNITY SERVICES DEPARTMENT
URBAN FORESTRY DIVISION
231 North Whisman Road, P.O. Box 7540
Mountain View, CA 94039-7540
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April 28, 2025

Andrew & Elise Kuo



HERITAGE TREE APPEAL: HTR-9750/1119 SOLANA DRIVE

Dear Andrew & Elise,

Please be advised that the Forestry Division has received your appeal for the above-mentioned address concerning one (1) Deodar Cedar tree. You will be notified in the future of the time and date of the Urban Forestry Board hearing.

Sincerely,

A handwritten signature in dark ink, appearing to read "RH", with a long horizontal stroke extending to the right.

Russell Hansen
Urban Forest Manager
Parks & Forestry Divisions

cc: f/c

RECEIVED

APR 25 2025

To: City of Mountain View

From: Andrew Kuo and Elise Kuo
Owners of [REDACTED] Mountain View

CITY CLERK

Re: Statement of Appeal Regarding the Urban Forest Division's Denial of Mr. Mark Lee and Mrs. [REDACTED] Application to Remove the Deodar Cedar tree at 1119 Solana Drive, Mountain View.

I'm Andrew Kuo, and my wife Elise Law and I write to appeal the Urban Forest Division's denial of the [REDACTED] application (the "Application" of the "Lees") to remove the Deodar Cedar tree at 1119 Solana Drive (the "Cedar Tree"). Our home is adjacent to the Lee residence, and the Tree's branches hang over the entirety of our driveway, as shown in Exhibit A, causing the following serious problems:

- The Cedar Tree's roots ran under – and cracked – our former concrete driveway, requiring us to replace that driveway for over \$12,500, as shown in Exhibit B.
- The Cedar Tree's roots appear to be causing significant damage to the concrete slab of our garage, as shown in Exhibit C.
- The Cedar Tree continuously drops sap over the full length of the *new* driveway, which lands on our cars and corrodes our cars' paint, costing us thousands of dollars in repairs every season and preventing us from ever parking our cars in our driveway, as shown in Exhibit D.
- The Cedar Tree continuously stains and damages substantial portions of the *new* driveway with sap, which lands on our cars and corrodes our cars' paint, costing us thousands of dollars in cleaning and maintenance, as shown in Exhibit E.
- Cedar Tree also continuously litters our driveway and lawn with needles and debris, costing us thousands of dollars in cleaning and maintenance, as shown in Exhibit F.

Accordingly, the Cedar Tree is a nuisance that prevents us from using our driveway, and we respectfully request that Mountain View reverse the Urban Forestry Division's denial, and grant the Lees' application to remove it.

I. The Cedar Tree is clearly a "nuisance" under California State Law that should be removed.

A. California State Courts Have Required the Removal of Trees that Are Nuisances like the Tree Here.

Under the relevant California state caselaw, the Cedar Tree represents a clear "nuisance" that mandates its removal. "A nuisance is anything that 'is injurious to health . . . , or is indecent or offensive to the senses, or an obstruction to the free use of property, so as to interfere with the comfortable enjoyment of life or

property”¹ In particular, trees are nuisances if they unreasonably interfere with the “use and enjoyment of the land” with “such a nature, duration, or amount” from the perspective of a reasonable person.²

Accordingly, courts have found that trees represent nuisances that require removal if, among other things, they continue “littering . . . property with tree debris and branches,” “stain[] hardscape], and create “constant cleanup work.”³ As described in further detail below – and in the referenced exhibits – the Cedar Tree has substantially damaged our driveway (necessitating its removal), appears to be continuously damaging our garage slab, continuously stains our *new* driveway with sap, prevents us from parking our cars there, and generates tree debris and branches that fall on our property and require constant cleanup work.

1. The Cedar Tree’s Roots Destroyed Our Driveway and Forced Us to Replace It at Substantial Cost, and Appears to Be Causing Substantial Ongoing Damage to Our Garage Slab.

The Cedar Tree’s roots cracked our prior concrete driveway. Consequently, as shown in Exhibit B, we had to replace the entire driveway for over \$12,500.

The Cedar Tree’s roots continue to pose a threat to the new driveway, and could very well damage and necessitate further replacement in the future.

Consistent with that threat, the Cedar Tree’s roots appear to be causing substantial ongoing damage to our garage slab, as shown in Exhibit C.

2. The Tree Continuously Drops Sap and Debris that Prevents Us From Parking Our Cars On Our *New* Driveway and Stains that Driveway.

The Cedar Tree continuously drops sap and debris over the entirety of our driveway, as shown in Exhibits D, E, and F, resulting in three serious and continuous problems:

- a. The Cedar Tree sap has repeatedly damaged the paint on our cars, which has cost us substantial amounts in repair costs and has prevented us from parking our cars in our driveway.** It is well-established that Cedar tree sap damages car paint,⁴ and the Cedar Tree

¹ California Civ. Code, § 3479.

² *Way v. Wolff*, No. A125581 (Cal. App. 4th Div., filed March 30, 2010), *available online at* https://scholar.google.com/scholar_case?case=1510238137255496453&hl=en&as_sdt=2006

³ *Id.* (requiring the removal of a tree that was noisy, littered property with tree debris, clogged gutters, killed plants, stained hardscape, and created constant cleanup work and damage).

⁴ See, e.g., G. K. Biedermann, *Environmental Damage to Automotive Paint Films: A Review* (covering mechanisms by which “environmental fallout”, including tree sap) damages lacquer, enamel, and modern urethane-based finishes); L. Devos, *Common Organic Stains and Their Effects on Automotive Clearcoats* (quantifying gloss loss, color shift, and microstructural changes in clearcoat after exposure to different contaminants,

produces and drops a tremendous amount of sap on our driveway and on our cars (as shown in Exhibit D) whenever we've attempted to park there.

To date, this sap has caused multiple thousands of dollars in damages and hundreds of hours of our own time in clean-up time to our cars, and the Cedar Tree has forced both of us (and any of our guests) to continuously park our cars on the street. In fact, due to Cedar Tree's constant emission of sap, we can never park our cars on our own driveway.

- b. **The Cedar Tree sap continuously stains our new driveway, which has cost substantial amounts in driveway maintenance.** It is well-established that Cedar sap etches and damages concrete driveways.⁵ Here, as shown in Exhibit D, the Cedar Tree continuously drops sap on our driveway, which stains and etches that concrete driveway.

To date, we've been forced to continuously clean the sap from the concrete to prevent further damage, which has cost us (and continues to cost us) thousands of dollars in labor and material costs.

- c. **The Deodar Cedar Tree continuously litters our new driveway and lawn with debris, which has cost substantial amounts in driveway and lawn maintenance.** As shown in Exhibit E, the Cedar Tree also continuously litters our driveway and lawn with debris, including carpeting those areas with needles and branches.

To date, it takes \$1,200 in ongoing maintenance to continuously clear the debris from the Cedar Tree from our driveway and lawn.

* * *

In sum:

- The Cedar Tree's roots have already destroyed our prior driveway and cost us over \$12,500 to replace that driveway, and its roots continue to threaten that new driveway. Those roots also appear to be causing substantial ongoing damage to our garage slab.
- The Cedar Tree's distribution of sap and debris over the entirety of our driveway continuously prevents us (and any of our guests) from using our driveway to park our cars there, effectively rendering our driveway useless for its intended purpose.
- That sap also stains and damages substantial portions of our concrete driveway, and the Cedar Tree's needles and branches continuously litter the entirety of our driveway and portions of our

including pine sap); *Consumer Reports* article, "Yes, You Should Remove Tree Sap From Your Car ASAP" (published online August 1, 2018); "Environmental Damage to Automotive Paint Films: A Review"

⁵ See, e.g., *ACI Education Bulletin E3 – Concrete Staining: Causes, Effects, and Mitigation*. (discussing how organic material, including sap, can stain and etch concrete).

lawn, requiring substantial amounts of ongoing cleanup.

As set forth above, this represents exactly the type of substantial and unreasonable interference with our "use and enjoyment"⁶ of our land that California state courts have held to mandate the removal of trees, and we respectfully appeal and request the reversal of the Urban Forestry Division's decision to deny the Application to remove the Cedar Tree.

* * *

We greatly appreciate Mountain Views' consideration of this letter in the above-captioned matter, and believe that the Cedar Tree is a nuisance that requires removal on grounds independent from the information contained within the Lee's Application and appeal of the denial of that Application.

Please do not hesitate to contact me if you have any comments or questions.

* * *

Regards,

/s/ Andrew Kuo



/s/ Elise Law



Andrew Kuo and Elise Law



⁶ *Way v. Wolff*, No. A125581 (Cal. App. 4th Div., filed March 30, 2010).

Exhibit A



Exhibit B



Exhibit C



Exhibit D

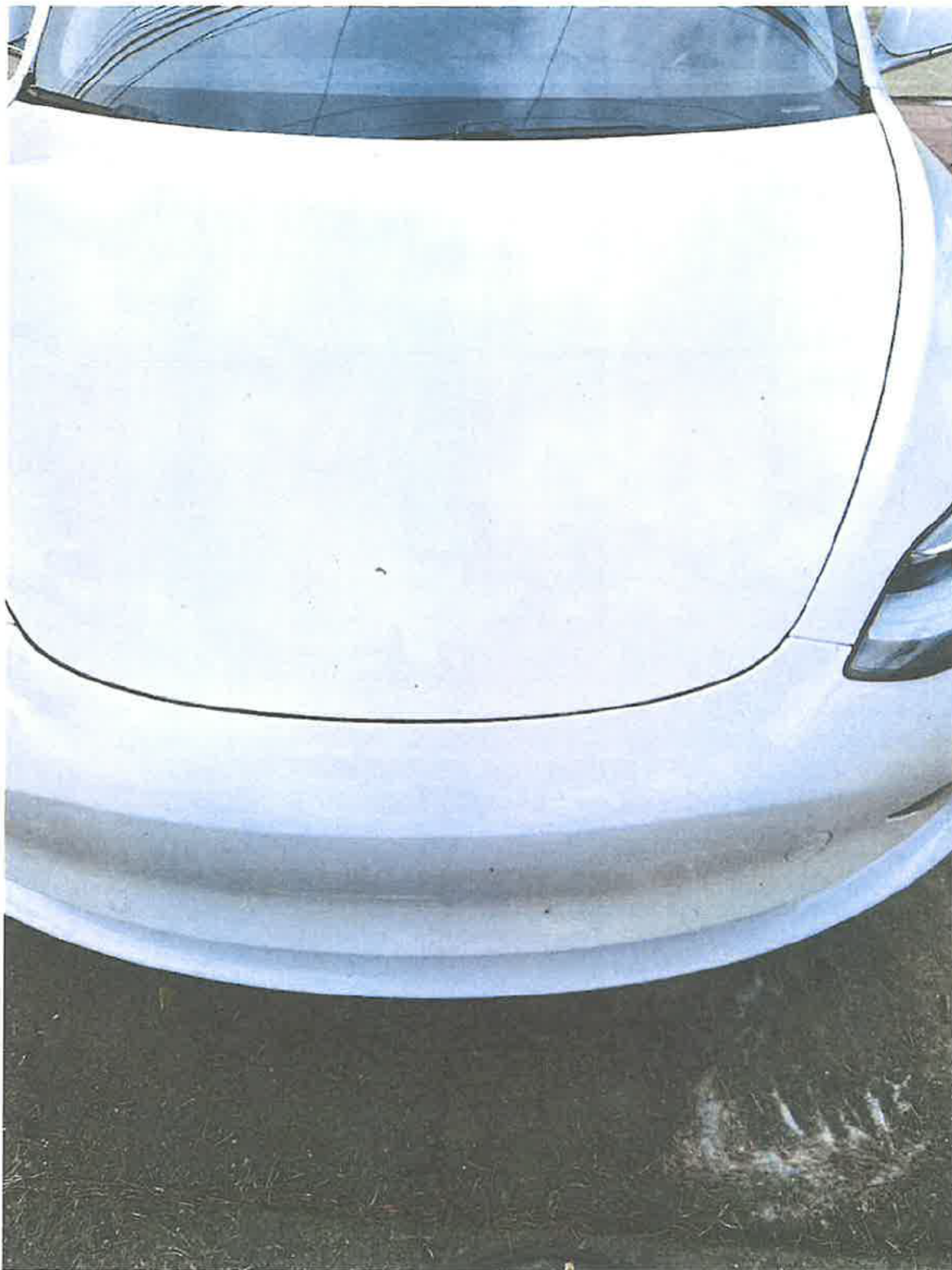


Exhibit E



Exhibit F





City of
Mountain View

COMMUNITY SERVICES DEPARTMENT
URBAN FORESTRY DIVISION
231 NORTH WHISMAN ROAD, P.O. BOX 7540
MOUNTAIN VIEW, CA 94039-7540
650-903-6273 | MOUNTAINVIEW.GOV

HERITAGE TREE **REMOVAL** **ACTION PENDING**

Location: 1119 SOLANA DRIVE

Type of Tree: DEODAR CEDAR

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

 APPROVED **X** **DENIED**

CONDITION OF TREE / CONDITIONS AFFECTING THE TREE: Tree with healthy canopy and without signs of decline. Located 24 inches away from the corner of garage. ¼" uplift of section of driveway near garage slab can be repaired. Root removal of 7" root growing towards neighbor's driveway is unlikely less than 15 percent of total roots and has had minimal impacts to date. Does not meet ordinance criteria for removal.

Any person wishing to appeal this action must file an appeal (Fee \$50) with the City Clerk's Office, 500 Castro Street, Mountain View, CA. The office is open for drop-ins Monday to Friday, 8:00 a.m. to 12:00 p.m. and 1:00 p.m. to 5:00 p.m. Appeals must be submitted by **5:00 p.m., April 25, 2025.**

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

Date Posted: April 16, 2025

Distribution: Post, Forestry, City Clerk

Russell Hansen, Urban Forest Manager



City of
Mountain View

OFFICE OF THE CITY CLERK

Miscellaneous Fee
Collection Schedule

City Of Mountain View

Name: Andrew Kuo

Date: 4/25/25

Address:

check
ACCOUNT

Date: 04/25/25

DCO /DC25/CD1

Time: 14:11:32

Receipt No: [REDACTED]

Account No: ANDREW KUO

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) <u>1119 Solana Dr.</u>	<u>50.00</u>
020012-42715	Sales of City Code and Code Supplements Subscription (CTYSUB)	_____
710100-22150	Elections—Deposit for Printing of Candidate's Statement (CANDST)	_____
020038-42715	Elections—Precinct Maps (ELCMAP)	_____
020012-43643	Sales of City Souvenirs (SOUVEN)	_____
211215-42799	Zoning Appeal to Council—CDD (ZONEPP)	_____
020012-42799	Other Appeal to Council (_____)	_____
020012-43623	Building Attendant and Rental Fee (CCAATTN)	_____
710100-22171	Security Deposit	_____
020012-43643	Sale of Souvenirs (Clerk Store)	_____

Beginning Balance	0.00
HERITAGE TREE APPEAL	-50.00
Ending Balance	-50.00

CHECK Amount	50.00
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Payment	50.00
Change	0.00

Thank You And Have A Nice Day

SUBTOTAL

50.00

TAX

PAID

50.00

NOTE: After payment of the above charges at the Finance and Administrative Services Department, please return this form and validated receipt to the City Clerk's Office.

Issued by:

Dolores Colin

APR 25 2025

Receipt No:

572475

CC-02(A)(Rev-08-10-22)

CITY OF MOUNTAIN VIEW

FINANCE & ADMIN SERVICES DEPT