

DATE: June 25, 2025

TO: Urban Forestry Board

FROM: Russell Hansen, Urban Forest Manager

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

RECOMMENDATION

Adopt a Resolution of the Urban Forestry Board of the City of Mountain View to Deny the Appeal, Uphold Staff’s Decision, and Allow the Removal of One Heritage Tree (Liquidambar) 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) *Liquidambar styraciflua*, liquidambar (hereinafter referred to as “liquidambar”), at 1158 Cuesta Drive was submitted by Stefan Bittner on April 2, 2025 (Attachment 3). On the application, the property owner marked four (4) of the boxes under reasons for removal for the consideration of the tree:

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

- “Tree removal is necessary to construct new improvements”; and
- “Tree is growing in close proximity to structures and causing damage (or will in the near future).”

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

“Sidewalk damage. Driveway damage. Trip hazard from surface roots throughout the front yard.”

Subsequent to submitting their original application but prior to any determination, the applicant submitted a copy of their building 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 liquidambar was approved for removal by staff, citing that the tree conflicted with the new driveway location, redesign was not economically feasible given the modular-based design of the home, and the repair of sidewalk and driveway damage would require significant root removal and compromise the structure of the tree. Notice of the City’s decision was posted on May 5, 2025 (Attachment 4).

An appeal (Attachment 5) was filed on May 13, 2025 by Noble Geron citing “a couple of valid reasons which relate to the Heritage Tree involved” as the grounds for appeal.

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

SPECIES PROFILE

Liquidambar styraciflua, American sweet gum, is a tree native to parts of the eastern, southern, and central United States, where they can grow to a height of eighty feet (80’) and have a canopy spread of up to forty feet (40’). While they may be slightly smaller in the urban environment, most achieve full size if left to mature.

It should also be noted that this tree species does not have many pest and disease issues and is fairly tolerant of selective root pruning and limited periods of drought. Further, while limb failures are known to occur when liquidambar are not properly maintained, periodic pruning for end weight reduction significantly reduces that risk.

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.

Liquidambar styracflua

This liquidambar is located in the front yard, is considered a street tree, and provides canopy for the property on which it resides, the public sidewalk, and parking lane for Cuesta Drive. The liquidambar is approximately three feet (3') from the sidewalk, twenty feet (20') from the home, and twenty-five feet (25') from the driveway. Staff estimates this liquidambar to be approximately sixty feet (60') tall with a spread of approximately twenty feet (20') and trunk diameter of forty inches (40"). Overall, the canopy condition is good. Staff estimates the tree to be sixty (60) years old. The liquidambar 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 liquidambar showed an overall healthy tree with good structure and no pest or disease issues currently. The liquidambar does have significant buttress and surface roots that are causing damage to the sidewalk and limiting use of front landscape area due to the uneven surface. Repair of the sidewalk will require significant root removal and could impact both the health and structure of the tree. Staff also reviewed the plans pending with the Building Division and has confirmed the liquidambar is located directly in the path of the new driveway for the home.

In looking at the criteria for removal under MVCC Section 32.35, staff's evaluation did find the application met MVCC Section 32.35(a)(2) as follows:

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 necessary in order to construct improvements because sidewalk repairs cannot be done without significant root removal that could affect the health and structure of the tree, and the tree is located in the direct path of the proposed new driveway.

Representative Photos

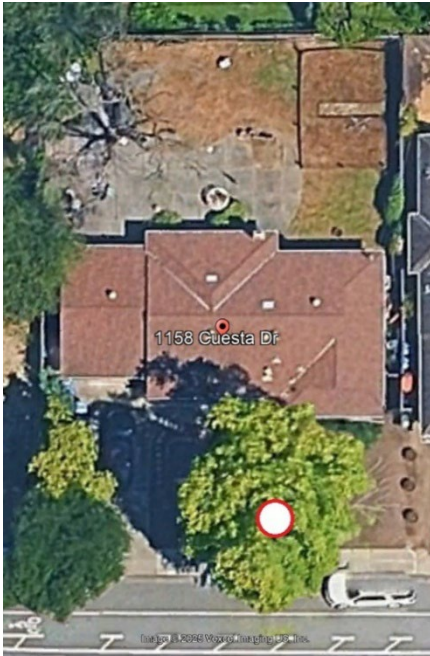


Figure 1: Aerial Image Showing Trees of Concern in Lower Right



Figure 2: Street View which Shows the Tree of Concern from the Street



Figure 3 and Figure 4: Photos Showing the Proximity of Tree to Sewer Cleanout, Sidewalk, and Existing Damage that Will Need to Be Repaired

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 approve the removal of the one (1) Heritage tree. If the Board overrules staff's decision and denies the 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 approving the removal of the one (1) Heritage Tree.

RH/AF/6/CSD

224-06-11-25M-3

- 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