

Appeal for 2420 Villa Nueva WayCity of  
Mountain View

OFFICE OF THE CITY CLERK

Miscellaneous Fee  
Collection ScheduleName: Felipe Landa Date: 2/28/25Address: 240 Chatham Way, MV 94040

## ACCOUNT

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>\$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 (CCATTN)	_____
710100-22171	Security Deposit	_____
020012-43643	Sale of Souvenirs (Clerk Store)	_____
SUBTOTAL		<u>\$50.00</u>
TAX		_____
TOTAL		<u>\$50.00</u>

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: Puja Jani FASD Receipt No: 570528

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

02/28/25 570527 2,889.64

City Of Mountain View

Date: 02/28/25 PJ /PJ28/CD2  
Time: 10:05:44 Receipt No: 570528

Account No: FELIPE LANDA

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

CREDIT CARD Amount 50.00

Payment 50.00  
Change 0.00HERITAGE TREE APPEAL  
240 CHATHAM WY 94040Felipe Landa  
flanda404@gmail.com

February 27, 2025

Attn: Mr. Russell Hansen  
Urban Forest Manager, Urban Forestry Board  
City of Mountain View, CA

RE: Appeal for HTR-9901

Mr. Hansen et al:

This is an appeal to the Urban Forestry Board's denial of permit HTR-9901 to remove a California Coastal Redwood tree affecting my property at 240 Chatham Way.

## Summary

1. The tree, while healthy and beautiful, has caused significant property damage. It has become an obstruction by interfering with the comfortable use and enjoyment of my property. It has become a nuisance per California Civil Code #3479. The tree is still growing and the damage will surely continue unabated at an even greater cost unless it is removed.
2. The roots have caused visible damage to the property line retaining wall, its foundation and the concrete slab sitting on top of it, which now presents a serious crack clearly uplifting of the slab where very expensive pool equipment resides. The slab has been pushed high enough that it precariously threatens to crack the pipes, pumps and all other equipment anchored to the slab itself. Current repairs are estimated at \$15,000.
3. While no visible roots were found during the visit from the Urban Forestry department's arborists, further digging has uncovered a main root as evidenced in this appeal.
4. The fence shared between my property and my neighbor has needed repairs every year because the tree base continues to expand against it and roots push up fence posts and baseboards. This has been property damage that is increasingly more difficult and costly to fix.
5. There are three property lines intersecting in the location. Reconfiguring the fence is not a solution as it would invariably constitute encroachment. It would also negatively affect property values and cause potential litigation issues.
6. Root pruning is not a recommended solution per the opinion of four certified arborists, as it constitutes a temporary fix at best as the tree continues to find ways to seek water and grow, guaranteeing further damage. Furthermore, the tree could become destabilized and pose a threat to life and property should it collapse in a severe windstorm.
7. The tree has also grown directly into PG&E secondary voltage lines presenting a fire hazard.

I am hereby requesting reassessment given:

1. The main root causing the problem is now visible.
2. The property damage to the fence, retaining wall, foundation, and pool equipment slab is evident and very costly.
3. Four certified arborists have provided their recommendation to remove the tree. Official report from one of them is attached.
4. The location of this tree is neither good for the tree nor the property owners and there is no good alternative to mitigate the problem. It has become a *nuisance*.
5. There is future liability from further denial if the tree continues to cause damage and/or falls/dies due to root pruning and the subsequent instability it may cause.

**RECEIVED**

FEB 28 2025

**CITY CLERK**

## Due Diligence

As a 30 year resident of Mountain View I am well aware of and support the spirit of the City of Mountain View's Heritage Tree program to "protect large trees from indiscriminate and unnecessary removal". To grow healthy, the tree needs space and must be planted away from structures such that, per *The Guide to Trees for Mountain View Residents*, residents should "provide space for tree trunks, roots, and branches by placing pathways and structures further away. More space for trees = fewer potential conflicts now and in the future."

I am well aware that California coastal redwood trees can grow up to 20 feet in circumference and 300 feet in height. It belongs in the mountains, in parks and in properties with big lots that accommodate this growth for the benefit of the tree and the enjoyment of the property owner(s).

While beautiful, these trees can also be destructive over time if not planted in the right location. Whoever planted this tree 35-40 years ago clearly did not heed the City of Mountain View's guidelines above and has now become destructive. The future conflict that was hoped to be avoided is here NOW and the Board should not ignore it.

The efforts and due diligence exhibited by myself and Jose Marquez in attempting to remediate the situation by respecting the tree and even obtaining the opinion of four independent certified arborists before the permit application was even submitted to the City should be taken into consideration by the Urban Forestry Board together with all the evidence of damage presented and approve this appeal.

We did the up-front work before the Forestry Board's arborists visit, which included Matthew Feisthamel, confident that they would agree with all other certified arborists and their recommendations for removal. Given the Board's denial response, further evidence is provided to further support the recommendations already obtained by certified tree professionals to have the tree removed .

The property damage has also already been assessed as part of my due diligence, currently at roughly \$15,000 according to an estimate received from a local pool company. In fact, the pool company said they have seen this before and the roots will eventually crack the plumbing pipes. Denying the removal of this tree now will surely guarantee more damage and increase repair costs in the future, also resulting in more permit requests, wasted time, money and in the worst case legal action.

*This is not an indiscriminate or unnecessary removal of a heritage tree. It IS a necessary one. There are no practical mitigation alternatives and the property damage is significant as demonstrated.*

## Response to Denial Letter

To specifically address the statements on the denial letter and posted sign:

1. City statement: "...the cause of the crack is unknown and no significant roots were found."
  - a. While roots had not been uncovered when the Forestry Board's arborists came to my property, there was already plenty of evidence that the tree roots had uplifted the property retaining wall and its footing. The roots underneath, which at the time couldn't be seen clearly, caused a surface elevation change as the roots are making their way to the surface to the other side of the slab. The change in ground elevation is caused by the tree and the crack is caused by the elevation change, whether the roots were readily visible or not. But to demonstrate what four certified arborists already knew but the Board did not accept, I dug further, at my own physical expense, to demonstrate to the Board that this problem exists and is serious. These photos show a four inch root hiding under the footing directly under the concrete slab exhibiting cracks.



**FIG 3:** 4" inch root found 24" directly below the concrete footing of the property line retaining wall (**FIG 4**), which has been uplifted nearly 2' by the roots.



**FIG 5:** Concrete slab where pool equipment is at 240 Chatham Way. The property line retaining wall on the right is the property ground level. Level shows the elevation change caused by the redwood tree roots uplifting the ground underneath the slab.



**FIG 6:** Damage to the property line retaining wall and footing.



**FIG 7:** Proximity to pool equipment with crack extending precariously underneath the plumbing and pumps. Repairs estimated at \$15,000.



**FIG 8:** View of the pool equipment area with the redwood tree on the back. **FIG 9:** This photo shows the elevated property line retaining wall, which should be at ground level and the corner of the slab being pushed up by underground roots.



**FIGS 10,11,12):** Considerable amount of work has been done to expose roots in support of this appeal. Front view of the pool equipment shed area shows how the deep roots have begun to surface making their way underneath the slab to the open area, where water is often available.

- b. As stated previously, any root pruning would only be a temporary fix and would not eliminate the problem. The tree would come back with more roots and will follow the old root as it decays, in addition to making it potentially unstable, as stated in the certified arborist report. Given our changing weather, the more severe windstorms and the history of fallen redwoods all over the City due to violent storms, root pruning would render the tree "structurally unsound", necessitating its removal anyway per Heritage Tree Program guidelines. Furthermore, per the City of Mountain View tree guide, residents are told to "avoid root cutting, material storage, and soil disturbance within a tree's dripline" and "protecting tree root zones helps ensure the tree remains stable and has access to water, air and nutrients in the soil". If the removal permit continues to be denied and the only possible temporary mitigation becomes to cut roots, -possibly indiscriminately, it makes it clear the Urban Forestry Board would neither be helping the tree nor the City's residents.
  - c. The cost of repairs due to property damage already done is significant, and it does not make sense to put in a temporary fix just to incur the same or worse damage in the future. This is a current nuisance and guaranteed future problem that should be remediated now.
2. City statement: "Tree located in back yard against the fence...can be modified to accommodate future trunk expansion"

The Urban Forestry Board is ignoring four important facts.

- a) The tree is right up against the fence already and stands right at the juncture of three property lines. Modifying the fence means encroachment into any or all of the affected property lines and is a non-starter, both legally and economically, affecting property values and surely incurring legal costs and conflict among the neighbors. The redwood tree is neither provided proper space for growth nor planted far away from structures. It is already 123" in circumference and butting up against a fence between neighbors, already causing significant property damage. This tree isn't fully grown and it is not difficult to imagine the property damage it will continue to do as it tries to "fit" and grow in circumference where it was planted.





**FIG 1:** Top view of fence showing proximity to tree. **FIG 2:** Other side showing foundation damage already caused. Pool equipment sits on the concrete slab, and shows the start of a crack on the bottom right. Current estimated cost of repairs is \$15,000.

- b) As you know, the tree is going to continue to grow, potentially doubling its circumference. Not approving its removal only delays the inevitable and it is guaranteed that the City would hear from residents about this same tree in the future. We have already repaired the good neighbor fence twice due to damage from the tree. The tree now sits inches away from the fence.
- c) Not addressing the problem now means the tree will continue to do damage with no mitigation options at an ever increasing cost to repair. The potential impact to the value of the home at 240 Chatham Way could be significant when disclosed to the detriment of my investment in my property. As a home owner and taxpayer in Mountain View my priority is to preserve my investment in my property.
- d) Four certified independent arborists have recommended the removal of this tree due to the property damage, poor tree location and lack of mitigating alternatives. One of these produced a formal report at the significant expense of my neighbor Jose Marquez to show the Forestry Board that we have done our civil due diligence to have this tree evaluated by experts before starting this process. The certified arborist report is attached to this appeal letter.

## Conclusion

The right trees need to be planted in the right location. It must be done properly for the benefit of the tree and to prevent conflicts caused by property damage and or because the tree has become a nuisance to residents. This is a case of both significant property damage and a nuisance because someone 40 years ago planted this tree where they shouldn't have. It was only a matter of time before the tree started causing problems. That time is now.

I urge the Urban Forestry Board of the City of Mountain View to reconsider its decision and approve the permit for removal of this heritage tree. As a long time resident of Mountain View my neighbor Jose Marquez at 2420 Villa Nueva Way and I have done our civil due diligence to explore every possible alternative to removing this California Coastal Redwood tree even at an already significant expense. We believe we have proved that this case for removal is neither indiscriminate nor unnecessary. It is a well studied and thoroughly evaluated case where the only sensible, legal and financially responsible course of action is removal. As a property owner I am entitled to evaluate any benefits a tree like this may bring against the financial burden of repairs, the future damage it is likely to cause, the impact to the value of my home, the impact to the relationships with my neighbors and the personal aggravation and nuisance that comes with having to deal with such a problem on a recurring basis.

Thank you for your attention.



Felipe Landa  
240 Chatham Way  
Mountain View, CA