

**CITY OF MOUNTAIN VIEW URBAN FORESTRY BOARD
RESOLUTION NO.
SERIES 2026**

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 AT 2415 BENJAMIN DRIVE

WHEREAS, an application was received for the removal of One Heritage Tree at 2415 Benjamin Drive on July 18, 2025; and

WHEREAS, on July 30, 2025, the Forestry Division issued a decision on the application denying the removal of One Heritage Tree; and

WHEREAS, the decision denying the removal of the Heritage Tree was timely appealed; and

WHEREAS, at its public hearing on December 10, 2025, the Urban Forestry Board considered the appeal of the application for removal of the Heritage Tree and independently reviewed and considered the application, staff report, public testimony, Heritage Tree Ordinance, and other information in the record;

WHEREAS, subsequent to the December 10, 2025 hearing, it was determined that staff failed to properly notify all parties entitled to notice of the hearing, as required by applicable notice provisions in Section 32.31(d) of the City Code; and

WHEREAS, due to the failure to provide proper notice, the Urban Forestry Board has determined that the December 10, 2025 hearing was procedurally deficient and, accordingly, any action taken during the December 10, 2025 hearing, including the resolution adopted by the Urban Forestry Board, has no legal force and effect ; and

WHEREAS, staff subsequently notified the parties to this appeal of the failure to provide proper notice, and subsequently complied with the notice provisions of Section 32.31(d) of the City Code for February 11, 2026; and

WHEREAS, at its duly noticed public hearing on February 11, 2026, the Urban Forestry Board considered the appeal of the application for removal of the Heritage Tree anew and independently reviewed and considered the application, staff report, public testimony, Heritage Tree, and other information in the record; now, therefore, be it

RESOLVED by the Urban Forestry Board of the City of Mountain View that the Heritage Tree Removal Permit appeal is hereby denied, and the Heritage Tree shall be preserved, based on the required findings pursuant to Mountain View City Code Section 32.35 set forth below:

1. The City Code requires the preservation of all healthy Heritage trees unless specific criteria are met pursuant to Mountain View City Code Section 32.35.
2. The City Code places emphasis on the preservation of trees and when mitigation is possible, efforts should be made to preserve trees as opposed to removal.
3. The Urban Forestry Board determines that the removal of the Heritage tree does not meet any of the criteria set forth in City Code Section 32.35 as follows:
 - a. 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. (Section 32.35(a)(1))

The Urban Forestry Board agrees with staff's evaluation of the tree which 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 corrective pruning or other means.

- b. 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. (Section 32.35(a)(2))

The Urban Forestry Board agrees with staff's evaluation of the tree that did not find that removal of the heritage tree was necessary in order to construct improvements, because there are no improvements proposed.

- c. 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. (Section 32.35(a)(3))

The Urban Forestry Board agrees with staff's evaluation of the tree that the health and structure of the canopy is good, the tree provides significant value and benefit to the neighborhood, and does not meet the criteria for removal.

- d. 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. (Section 32.35(a)(4))

The Urban Forestry Board agrees with staff's evaluation of the tree that did not find that the tree should be removed due to good forestry practices as no facts to support this criteria were provided or observed.

This decision of the Urban Forestry Board is final. The time within which judicial review of this decision must be filed is governed by Code of Civil Procedure Section 1094.6. Notice of this decision shall be posted at the site, City Hall and at the Forestry Division Office.