



DATE: February 11, 2026

TO: Urban Forestry Board

FROM: Russell Hansen, Urban Forest Manager

SUBJECT: **Heritage Tree Removal Application Appeal — 2415 Benjamin Drive**

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 (1) Heritage Tree at 2415 Benjamin 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 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.

On December 10, 2025, the Urban Forestry Board held a public hearing and rendered a decision upholding staff's decision and denying the appeal. 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 under the City Code. As such, the results of that hearing are considered void, and any action taken during that hearing, including the adoption of a resolution reflecting the Board's decision, has no legal force and effect. Accordingly, a rehearing was scheduled for February 11, 2026.

Staff notified the parties of its failure to provide notice, and subsequently sent all the parties notice of the February 11, 2026 in accordance with the requirements of Section 32.31(d) of the City Code (Attachments 6 and 7).

HERITAGE TREE REMOVAL APPLICATION

An application to remove one (1) *Podocarpus gracilior*, Fern Pine (hereinafter referred to as "Fern Pine") at 2415 Benjamin Drive was submitted by the property owner, Linda Jahnke, on July 18, 2025 (Attachment 3). For clarification, the application incorrectly identified the tree species as a yew. On the application,

the property owner marked six (6) of the boxes under reasons for removal for the consideration of the tree:

- “Tree is in good or fair health.”
- “Tree does not have proper growth space.”
- “Tree is interfering with utility service (e.g., electricity, gas, sewer, and/or water lines).”
- “Tree is growing in close proximity to structures and causing damage (or will in the near future).”

The property owner also provided the following comments for consideration:

“Overgrown site close to my neighbor's house. Neighbors' gas line affected. Neighbor requests removal of the tree.”

The Fern Pine tree was denied a permit for removal by staff, citing that the overall canopy is healthy and green with no evidence of decline, that it has sufficient growing space, and that prior sewer disruption had been addressed, and no evidence of gas line disruption was provided or identified. Notice of the City's decision was posted on July 30, 2025 (Attachment 4).

An appeal (Attachment 5) was filed on August 6, 2025 by Jill Gordon (2411 Benjamin Dr) disputing staff's findings and declaring the tree had caused \$58,789 in damage to the sewer line, that the tree is in close proximity to gas line, and that the tree has raised the floor and driveway on the right side of the garage.

Notice of the appeal was posted on August 11, 2025 (Attachment 5).

SPECIE PROFILE

The *Podocarpus gracilior* is commonly called Fern Pine, is a large, fast-growing evergreen tree known for its graceful, fine-textured foliage and upright pyramidal shape that grows to a height of sixty (60) feet, provides as much as fifty (50) feet of canopy spread and has a trunk of thirty-six (36) inches at maturity. It's a popular choice for privacy hedges, windbreaks, and as an accent tree in landscapes. This tree thrives in full sun or part shade and well-drained soil, tolerating a range of soil types.

Once established, this species is moderately drought tolerant with very few pests beyond spider mites. It has a low potential for root damage when provided with at least thirty-six (36) square feet of open soil surrounding the stem and root flare. The female variety does produce a small cone that is similar to a cherry both in size and texture. Maintenance requirements are fairly low with pruning every 5 years typically being sufficient.

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 is met, with an emphasis on the intent to preserve Heritage Trees, as required by the Code.

This Fern Pine is located in the front yard of the property and provides canopy cover to at least two (2) properties. Staff estimates this Fern Pine to be approximately sixty (60) feet tall with a canopy spread of approximately fifteen (15) feet and a diameter of twenty-two (22) inches. Staff estimates the tree to be

forty (40) years old. The Fern Pine is a Heritage Tree under MVCC Sec. 32.23(c)(1) as its circumference is greater than forty-eight (48) inches in circumference when measured at fifty-four (54) inches above natural grade.

Staff's initial inspection of the Fern Pine showed an overall healthy canopy with fair structure but limited spread due to prior pruning to maintain clearance from the buildings. No pest or disease issues were identified.

Staff's initial inspection of the utilities found that there was a prior repair of the sewer lateral due to root intrusion. However, that issue was corrected through pipe bursting and replacement with an High Density Polyethylene (HDPE) pipe that should prevent future intrusion. Further, while PG&E did mark the location of the gas service line as under/adjacent to the tree, there was no evidence of service disruption or limitations, and it is very uncommon for trees to cause disruption of these lines given their low pressure requirements (less than 2 psi) and their construction with flexible polyethylene lines.

Staff's initial inspection of the growing space found that the Fern Pine is within forty-three (43) inches of the neighbor's garage and other structures, such as the fence, but no evidence of damage caused by the tree's roots was provided or identified at the time of inspection.

In looking at the criteria for removal under MVCC Sec. 32.35, staff's evaluation did not find any of the criteria met, 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 corrective pruning or other means.

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 not find that removal of the Heritage Tree was necessary in order to construct improvements because there are no improvements proposed.

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 did not meet this criteria as the health and structure of the canopy are good and the tree provides value and benefit to the neighborhood.

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 this criteria were provided or observed.

Representative Photos

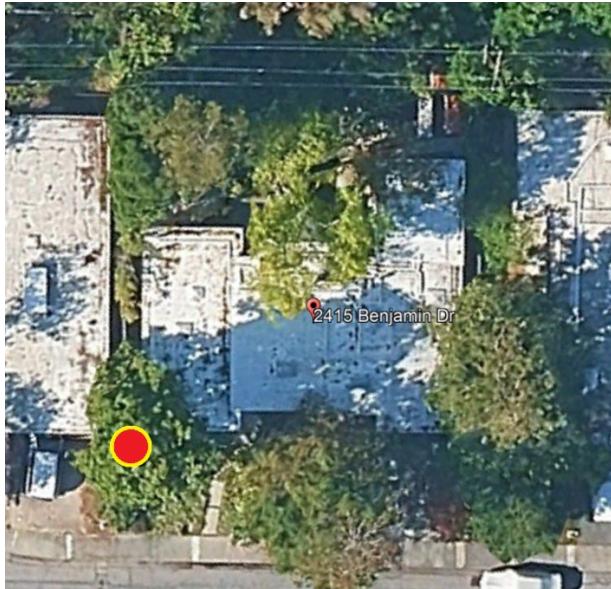


Figure 1:
Aerial image showing tree of concern in lower left



Figure 2:
Street view, which shows the Heritage Tree from the street



Figure 3:
Photo of the tree looking Northeast



Figure 4:
Photo of prior root intrusion of sewer lateral



Figure 5:
Photo which shows the distance to the property owner's home



Figure 6:
Photo which shows the distance to the neighbor's home and the location of the natural gas lateral line marked by a red dot

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 the removal of the one (1) Heritage Tree, staff recommends that 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/4/CSD
~~228-10-09-24M~~

Attachments:

- 1. Resolution
- 2. Mountain View City Code, Article II, Protection of Urban Forest
- 3. Heritage Tree Application for Removal Permit
- 4. Heritage Tree Notice of Decision
- 5. Heritage Tree Appeal and Notice
- 6. Failure to Notify Letters
- 7. February Appeal Notice