

MEMORANDUM

Community Services Department
Urban Forestry Division

DATE: December 10, 2025

TO: Urban Forestry Board

FROM: Russell Hansen, Urban Forest Manager

SUBJECT: Heritage Tree Removal Application Appeal—3440 Truman Avenue

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 3440 Truman Avenue, 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.

HERITAGE TREE REMOVAL APPLICATION

An application to remove two trees, one (1) Giant Sequoia and one (1) *Pinus radiata*, Monterey Pine (hereinafter referred to as "Pine") at 3440 Truman Avenue was submitted by the property owner's representative, Richard Nuti, on April 17, 2025 (Attachment 3). The Giant Sequoia was approved for removal based on its poor health. The subject of this appeal is the Pine only. On the

application, the property owner marked six (6) of the boxes under reasons for removal of the Pine:

- “Tree is in poor health”
- “Tree is in danger of falling”
- “Tree is near end of life span”
- “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 when submitting the application and in email correspondence with staff for consideration:

- “Trying to preserve our cars and family’s life.”
- “Tree's root have damaged the existing Driveway.”
- “Tree's root possess risk of significantly damaging the new driveway and proposed house plan as the new house will be closer to the Tree.”
- “The seep from tree makes the driveway completely unusable any car parked on driveway get the seep from tree which doesn't even get clean by car wash. On the road outside our home parking is not allowed it creating lot of challenges.”
- “Our 2yr old kid has serve skin allergies and one time the seeping liquid fall on her and it led to allergic reaction for two weeks”
- “We have been avoiding going onto the driveway and these reasons makes it unusable.”

For additional context, the home on the property has been remodeled pursuant to a building permit, and an expanded driveway is also proposed, for which a building permit is not required.

The Pine tree was denied a permit for removal by staff, citing that the overall canopy is healthy with no evidence of decline currently, that repair/installation of the new driveway can likely be achieved with minimal impact to the tree, that sap is not valid criteria for removal, that no substantiating information regarding the allergy diagnosis was provided, and that no evidence of utility interference was provided. Notice of the City’s decision was posted on May 22, 2025 (Attachment 4).

An appeal (Attachment 5) was filed on June 2, 2025 by the property owner (Prithvi Raj) declaring that the tree makes the driveway unusable, their child suffers from allergies and that roots from the tree will likely cause damage to replacement drive and renovated home.

Notice of the appeal was posted on June 3, 2025 (Attachment 5).

SPECIES PROFILE

The *Pinus radiata*, commonly called Monterey Pine, is a large, fast-growing evergreen conifer known for its dense, dark green needle clusters and broadly conical to irregular crown that grows to a height of eighty (80) feet, provides as much as fifty (50) feet of canopy spread and has a trunk of forty-eight (48) inches at maturity. It is widely planted as a timber species and windbreak tree, as well as for ornamental use in coastal landscapes. This pine thrives in full sun and well-drained sandy or loamy soils, tolerating salt-laden winds and a range of soil conditions, but performs poorly in heavy clay or poorly drained sites.

Once established, this species is moderately drought tolerant but benefits from occasional deep watering in extended dry periods. It is susceptible to several pests and diseases, particularly pine pitch canker and bark beetles, which may limit its long-term use in some areas. The potential for root damage is moderate. The cones are ovoid, woody, and persistent on the tree for many years, releasing seeds in response to heat or fire. Maintenance requirements are moderate, with periodic pruning needed to manage form and remove dead or diseased branches.

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 City Code.

***Pinus radiata*, Monterey Pine**

This Pine is located in the front yard of the property and provides canopy cover to at least two (2) properties. Staff estimates this Pine to be approximately fifty (50) feet tall with a spread of approximately thirty (30) feet and diameter of twenty (20) inches. Staff estimates the Pine tree to be fifty (50) years old. The 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 Pine showed an overall healthy canopy with fair structure when accounting for the large burl at the base of the trunk and slightly unbalanced canopy caused by the competition between the Pine and Incense Cedar, which is located approximately fifteen (15) feet away and closer to the street. No pest or disease issues such as bark beetle, spider mites or pine pitch canker were identified. As such, staff was unable to make the finding that the tree was nearing the end of its life span.

While staff did note that the Pine is in only sixteen (16) inches from the existing driveway, little to no damage exists currently and the current driveway is constructed of pavers that will allow for lifting and repair of existing areas that may be damaged without significant damage to tree roots and at a lower cost than the repair/replacement of traditional concrete.

When staff investigated the claim that the tree or its root system was causing damage to utilities, they were unable to find any evidence of existing damage and property owner was unable to provide any supporting information or documentation.

While staff understands that Pine trees produce sap that can drip on anything left under the canopy for an extended period, it is staff's experience that this can typically be addressed through prompt and regular washing with soap and water. If left unaddressed, the sap will harden and can be far more difficult to remove.

Finally, staff sought additional information to better understand the appellant's claim that their child has a severe sap allergy. The appellant provided two electronic medical chart summaries, which have not been included in this report due to the personal medical information they contain. The appellant also provided an additional narrative dated October 6, 2025. Staff is empathetic to the challenges described; however, the materials provided did not substantiate a link between pine sap and the child's allergic reactions to warrant removal of the tree.

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 is good and structure is fair, 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 the impacts are expected to be minimal as construction/repair of driveway will be able to utilize existing compacted base material and will not require significant excavation.

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 shape and structure of the canopy is fair and the tree provides value and benefit to the neighborhood, therefore this criteria was not met.

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 trees of concern in lower right



Figure 2:
Streetview which shows the tree of concern from the street



Figure 3:
Photo of the burl on the west side of the tree
pavers

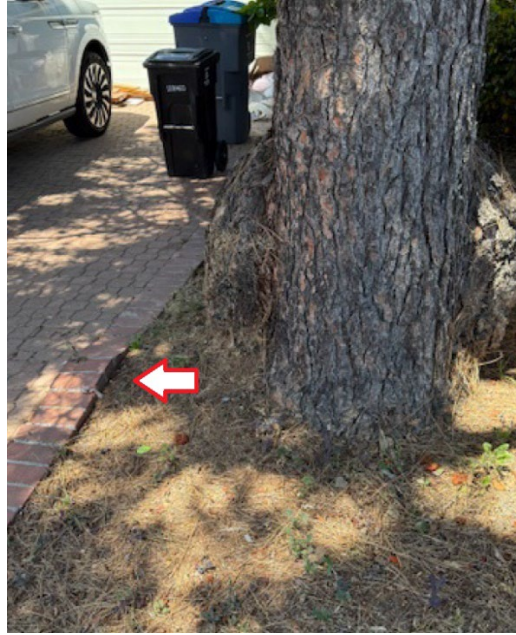


Figure 4:
Photo of the existing root damage to
pavers



Figure 5:
Photo showing distance to existing driveway

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 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 denying the removal of the one (1) Heritage Tree.

- 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