

DATE: April 9, 2025

TO: Urban Forestry Board

FROM: Russell Hansen, Urban Forest Manager

SUBJECT: Heritage Tree Removal Application Appeal—1851 Appletree Lane

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 Two (2) Heritage Trees at 1851 Appletree Lane, 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 *Liquidambar styraciflua*, American Sweet Gums (hereinafter referred to as “Liquidambar”) at 1851 Appletree Lane was submitted by the property owner on February 20, 2024 (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 does not have proper grow space”
- “Tree removal is necessary to construct improvements”

- “Tree is interfering with utility services (power, 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 comment for the reason for the removal:

“I don’t think there is a feasible way to preserve the trees and to prevent the roots from growing again and damaging the driveway and sidewalk landscape.”

The property owner has also submitted an Arborist Report (Attachment 4) dated December 17, 2023, which recommended removal of both trees for the following:

- “Tree roots are damaging driveway and sidewalk hardscape. This situation is expected to worsen with time. Tree is in a location which is in conflict with driveway improvement.”

The two Liquidambar trees were denied a permit for removal by staff, citing the ability to construct driveway expansion on the opposite side of the driveway and resiliency of Liquidambar to tolerate selective root pruning and possible root barrier installation. Notice of the City’s decision was posted on August 7, 2024 (Attachment 5).

An appeal (Attachment 6) was filed on August 12, 2024 by the property owner David Chaw (“Appellant”) with the following statement:

“We would like to redo the existing driveway and sidewalk hardscape as part of our house renovation. This is not possible with these two trees in their current location and root pruning is not a feasible solution to solve the issue.”

A neighbor, Patrice Horvath, also submitted an email communication supporting the retention of the trees, included here for reference (Attachment 7).

Notice of the appeal was posted on August 13, 2024 (Attachment 8).

Driveway Expansion

After submitting the Heritage Tree Removal Application, the Appellant reported to City staff that they had received approval from the City’s Building Division to expand the driveway which would impact the trees. Staff reviewed the documents and noted that driveway expansion was not included in the approved construction plans (Attachment 9). Staff addressed the lack of driveway expansion in the construction plans with the property owner and discussed options for a driveway expansion that would allow for retention of the two Heritage trees. Unfortunately, the property owner was not open to the alternatives for a driveway expansion and chose to proceed with a Heritage tree appeal of staff’s denial to allow removal of the two Heritage trees.

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 80' and have canopy spread of up to 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. If the reason(s) meet the criteria set forth in Section 32.25 of the MVCC, staff evaluates whether the issue(s) regarding the tree can be reasonably mitigated.

***Liquidambar styraciflua*, American Sweet Gum ("Tree No. 1")**

This tree is located closest to the roadway, is not a City street tree, is approximately six feet (6') behind the sidewalk, thirty inches (30") from the existing driveway, and is over twenty feet (23') from the garage portion of the residence. Staff estimates Tree No. 1 to be around thirty-five feet (35') tall with a spread of around thirty feet (30') and may be 20 to 30 years old. Tree No. 1 is a Heritage tree under MVCC Section 32.23(c)(1) as its circumference is greater than forty-eight inches (48") in circumference.

While there is evidence of lifting to the adjacent driveway, and there are visible roots growing in that direction, staff was unable to determine the quantity or size of roots, which may be growing under the concrete and causing the lifting. Therefore, staff was unable to determine if root removal and repair of the driveway will have a significant impact on the health or stability of the trees. Overall health and structure of the canopy is fair, but there are high-voltage electrical lines that run directly over the tree. Prior pruning to maintain clearance has left the trees with some reactionary sprout growth that has less than ideal attachment, but there was no documentation provided or physical evidence to support the occurrence of prior large limb failure. This tree is also growing directly adjacent to a streetlight causing obstruction, which was visible at the time of inspection; however, corrective pruning would likely address this issue.

In looking at the criteria for removal under MVCC Section 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 Tree No. 1 did not find that the condition of the tree required its removal as its overall health and structure is fair, and there is no evidence of large limb failure or any other nuisance, damage, or interference issues that cannot be addressed through corrective pruning.

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 Tree No. 1 did not find that removal of the Heritage tree was necessary in order to construct improvements because there are alternative options available for expansion of the driveway that would preserve the tree.

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 Tree No. 1 found that the tree and structure of the canopy is fair, therefore, this criterion 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 Tree No. 1 did not find that the tree should be removed due to good forestry practices as no facts to support this criterion was provided or observed.

***Liquidambar styraciflua*, American Sweet Gum ("Tree No. 2")**

This tree is located closest to the residence, is not a City street tree, is approximately eight feet (8') from the garage, thirty-two inches (32") from the existing driveway and twenty-one feet (21') from the sidewalk. Staff estimates Tree No. 2 to be around thirty-five feet (35') tall with a spread of around thirty feet (30') and may be 20 to 30 years old. Tree No. 2 is a Heritage tree under MVCC Section 32.23(c)(1) as its circumference is greater than forty-eight inches (48") in circumference. While there is evidence of lifting to the adjacent driveway and the paved walkway to the side yard, and there are visible roots growing in both directions, staff was unable to determine the quantity or size of roots, which may be growing under the concrete, causing the

lifting and, therefore, were unable to determine if root removal and repair of the driveway will have significant impact on the health or stability of the trees. Overall health and structure of the canopy is fair, but there are high-voltage electrical lines that run directly over the tree. Prior pruning to maintain clearance has left the trees with some reactionary sprout growth that has less than ideal attachment, but there was no documentation provided or physical evidence to support the occurrence of prior large limb failure.

In looking at the criteria for removal under MVCC Section 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 Tree No. 2 did not find that the condition of the tree required its removal as its overall health and structure is fair, and there is no evidence of large limb failure or any other nuisance, damage, or interference issues that cannot be addressed through corrective pruning.

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 Tree No. 2 did not find that removal of the Heritage tree was necessary in order to construct improvements because there are alternative options available for expansion of the driveway that would preserve the tree.

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 Tree No. 1 found that the tree and structure of the canopy is fair; therefore, this criterion 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 Tree No. 2 did not find that the tree should be removed due to good forestry practices as no facts to support this criterion was provided or observed.

Driveway Expansion

Staff also took into consideration the Appellant’s arborist report and disagreed with the reasons for removal for the aforementioned reasons, namely, that staff did not find evidence that root damage to the driveway and sidewalk hardscape could not be corrected by other means. The arborist report also did not reference or mention any evidence they used in making their conclusions for removal of the trees.

Representative Photos



Photo No. 1—Aerial image showing trees of concern in the lower left



Photo No. 2—Streetview which shows the trees of concern from the street



Photo No. 4 (Tree No. 2)—Photos of root damage to pathway adjacent to Tree No. 2

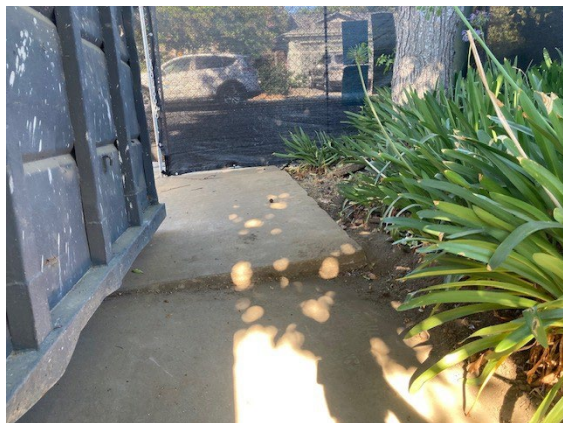


Photo No. 5 (Tree No. 1)—Photo of root damage to driveway adjacent to Tree No. 1

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 two (2) Heritage trees. If the Board overrules staff's decision and allows for removal of the two (2) Heritage trees, 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 two (2) Liquidambar trees.

RH/AF/1/CSD
228-04-09-25M

- Attachments:
1. Resolution
 2. Mountain View City Code, Article II, Protection of Urban Forest
 3. Heritage Tree Application for Removal Permit
 4. ISA Certified Arborist Report
 5. Heritage Tree Posting Notice
 6. Heritage Tree Appeal Letter
 7. Neighbor's Email Notice
 8. Heritage Tree Appeal Posting
 9. Construction Plans