

DATE: April 9, 2025

TO: Urban Forestry Board

FROM: Russell Hansen, Urban Forest Manager

SUBJECT: **Heritage Tree Removal Application Appeal—573 Carla Court**

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 Heritage Trees at 573 Carla Court, 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 City 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 City Code requires a permit be obtained prior to removal of a Heritage tree, and City staff, under the authority granted in the City Code to the Community Services Director, has been designated to review and approve, conditionally approve, or deny removal permit applications. Under the City 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 City 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 ten (10) calendar days after the notice of the decision is posted or mailed.

HERITAGE TREE REMOVAL APPLICATION

An application to remove two (2) American Sweet Gums (*Liquidambar styraciflua*) (hereinafter referred to as “Liquidambar”) at 573 Carla Court was submitted by the property owner on November 6, 2024 (Attachment 3). On the application, the property owner marked five (5) of the boxes under the reasons for consideration of removal for both trees, including:

- Tree is in poor health;
- Tree is in danger of falling;

- Tree has poor structure and/or unbalanced canopy;
- Tree does not have proper growth space; and
- Tree is growing in close proximity to structure(s) and causing damage (or will in the near future).

The property owner also provided the following comments for the reasons for the removal:

Tree No. 1—*The tree is a danger to the house and my neighbor's as it drops its limbs with no prior warning. I had the tree pruned soon after I bought the house (February 2022), but within a year, it dropped a very large and heavy limb that had to be cut up to move it. This past Sunday (November 3), it dropped another large limb. And then Monday (November 4) morning at 2:00 a.m., it dropped at three very large limbs (the quantity and motion triggered my doorbell camera) that were very large and heavy and from tall heights (the highest limb was over 20' from the ground, and the lowest limb was over 10' from the ground. I have photos of the extent of the aftermath that I would like to submit. Luckily, it just missed the roof, and there was no car parked under it on the driveway else it would have severely damaged the car. Now I am very worried about it dropping more limbs and damaging the house or even killing someone since the limbs are heavy and falling from tall heights. Part of the canopy extends into the court where neighbors walk on the sidewalk and park their cars. Moreover, the tree is too close to the house and roots are starting to threaten the foundation.*

Tree No. 2—*This tree is very close to Tree No.1. Removing that tree will certainly damage this one. Plus, the fact that these two tall trees are very close together (20" at grade) mean that the canopy is very unbalanced and makes the tree a danger during high winds. Moreover, this tree is also too close to the house and has roots threatening the foundation. The roots have already significantly uprooted the pavers in the walkway in front of the house.*

On November 18, 2024, the property owner submitted a supplemental email, providing additional concerns related to the tree and limb failures (Attachment 4).

The two Liquidambar trees were denied a permit for removal by staff, citing the ability to take corrective actions, such as structural pruning to reduce limb weights and balance the canopy, and root pruning to prevent damage to structures and maintain pavers. Notice of the City's decision was posted on November 26, 2024 (Attachment 5).

An appeal was filed on November 25, 2024 (Attachment 6) by the property owner Wanda Cheung ("Appellant").

SPECIE PROFILE

The Liquidambar 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.

In general, this tree species does not have many pest and disease issues, is fairly tolerant of selective root pruning and limited periods of drought. It should also be noted that 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.

Tree No. 1—Liquidambar

Staff estimates this Liquidambar to be around 55' tall with a canopy spread of 20' and may be 40 to 50 years old. Tree No. 1 is a Heritage tree under MVCC Sec. 32.23(c)(1) as its circumference is greater than 48" in circumference when measured at 54" above grade. This tree is located closest to the driveway, is not a City street tree, is approximately 16' from the house and driveway and is less than 2' from Tree No. 2. As a result, Tree No. 1 has developed with a slight lean, but overall health and structure of the canopy is good. While there have been large limb failures since pruning was performed in 2022, it was noted at the time of inspection that there remain a few large limbs that have end-weight issues that would benefit from pruning to reduce end weights on the portion of canopy that extends toward the driveway. While there is evidence of lifting to the adjacent pavers, staff believes that the pavers can be lifted, the roots pruned, and the pavers reinstalled with only minor impacts to 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 Tree No. 1 did not find that the condition of the tree required its removal, as its overall health and structure is good, and any nuisance, danger of falling, damage, or interference issues can 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 as the Appellant did not provide any information indicating proposed improvements, nor did the Appellant provide any information for the need to remove the tree to allow reasonable and conforming use of the property when compared to other similarly situated properties.

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 good; 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 Tree No. 1 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.

Tree No. 2—Liquidambar

Staff estimates this Liquidambar to be around 65' tall with a canopy spread of 20' and may be 40 to 50 years old. Tree No. 1 is a Heritage tree under MVCC Sec. 32.23(c)(1) as its circumference is greater than 48" in circumference when measured at 54" above grade. This tree is located furthest from the driveway to the residence, is not a City street tree, and is approximately 2' from Tree No. 1. Similar to Tree No. 1, the tree has developed with a slight lean, but overall health and structure are good. Because of the close proximity to Tree No. 1, this tree has developed the majority of its canopy on the opposite side, and it appears most of the lower canopy that would typically extend toward the neighboring property has been pruned back over time leaving the tree with only the final 20' having typical or expected spread for a tree this size.

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 Tree No. 2 did not find that the condition of the tree required its removal as its overall health and structure is good, and any nuisance, danger of falling, damage, or interference issues can 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 tree was necessary in order to construct improvements as the Appellant did not provide any information indicating proposed improvements, nor did the Appellant provide any information for the need to remove the tree to allow reasonable and conforming use of the property when compared to other similarly situated properties.

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

Representative Photos



Figure 1: Aerial image which shows the relative location of the trees



Figure 2: Street view image which shows the general condition of the trees



Figure 3: Aerial image with approximate distances to structures



Figure 4: Image of tree trunks which shows proximity to one another



Figure 5: Image of prior limb failures that occurred as a result of limb weight issues

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 (Attachment 1). 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) Heritage Liquidambar trees.

RH/AF/1/CSD
228-04-09-25M-2

- Attachments:
1. Resolution
 2. Mountain View City Code, Article II, Protection of Urban Forest
 3. Heritage Tree Removal Application
 4. Property Owner's Supplemental Email
 5. Heritage Tree Posting Notice
 6. Heritage Tree Appeal and Posting Notice