

MEMORANDUM

Community Services Department
Urban Forestry Division

DATE: May 14, 2025

TO: Urban Forestry Board

FROM: Russell Hansen, Urban Forest Manager

SUBJECT: Heritage Tree Removal Application Appeal—500 West Middlefield Road

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 500 West Middlefield Road, 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 three *Eucalyptus sideroxylon*, Red Iron Bark Eucalyptus (hereinafter referred to as "Eucalyptus"), at 500 West Middlefield Road was submitted by the property owner on February 11, 2025 (Attachment 3). On the application, the property owner marked three (3) of the boxes under reasons for removal for the consideration of the tree:

- "Tree has poor structure and/or unbalanced canopy."

- “Tree is growing in close proximity to structures and causing damage (or will in the near future).”
- “Other.”

The property owner also provided the following comment for the reason for the removal:

Tree No. 1

“Recent large limb failures over street, sidewalk and homes. Tree has been topped in the past creating weak branch unions and increase risk of additional failures. Large limb failure over home and walking path to front doors.”

Tree No. 2

“Recent large limb failures over street, sidewalk and homes. Tree has been topped in the past, creating weak branch unions, increase risk of additional failures. Visible Conk.”

Tree No. 3

“Recent large limb failures over street, sidewalk and homes. Tree has been topped in the past, creating weak branch unions and increase risk of additional failures. Large limb failure over home.”

Tree No. 2 was approved for removal citing limited canopy, overextended branches, the visible decay conk, and competition with Tree No. 1 and Tree No. 3. Tree No. 1 and Tree No. 3 were denied a permit for removal by staff, citing the ability to continue corrective pruning to manage limb weight and branch union issues. Notice of the City’s decision was posted on March 5, 2025 (Attachment 4).

Two appeals (Attachment 5) were filed on March 10, 2025 by Robert Klein and Joe Mulcahy (“Appellants”) expressing concerns consistent with the application that the trees present a hazard to both residents and the general public.

Notice of the appeal was posted on March 11, 2025 (Attachment 6).

SPECIES PROFILE

The *Eucalyptus sideroxylon*, Red Iron Bark Eucalyptus, is a tree native to Eastern Australia, where they can grow to a height of 80’ and provide as much as 60’ of canopy cover. In the urban environment, this species tends to grow to more compact and achieve up to only 80% of expected size.

Once established, this species is drought-tolerant with a limited number of pest and disease issues and is hardy in our microclimate. There is an increased potential for root damage in the urban environment. While limb failures are common to the species, wood strength is considered “medium” and risk of limb failures can be reduced through regular (two to three years maximum) pruning for limb weight management. The flowers of this species are attractive to bees and birds.

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.

***Eucalyptus sideroxylon*, Red Iron Bark Eucalyptus (“Tree No. 1”)**

This tree is located between one of the resident buildings and West Middlefield Road but is approximately 15’ from the roadway and is not a City street tree. The tree is approximately 2’ from a pedestrian walkway and has canopy that overhangs this walkway, the public sidewalk, and the residence. Staff estimates Tree No. 1 to be around 45’ tall with a spread of around 30’ and may be 40 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.

While there is evidence of prior topping and the resulting limb failures, overall structure is fair, and staff feels regular (two-year interval) corrective pruning to manage limb weight and clearance issues would allow for retention with reduced risk of limb failure.

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 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 as no approved improvement plans were submitted.

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 and provide significant screening of the multi-story residents directly adjacent; 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 were provided or observed.

***Eucalyptus sideroxylon*, Red Iron Bark Eucalyptus ("Tree No. 3")**

This tree is located between one of the resident buildings and West Middlefield Road but is approximately 15' from the roadway and is not a City street tree. The tree is approximately 2' from a pedestrian walkway and has canopy that overhangs this walkway, the public sidewalk, and the residence. Staff estimates Tree No. 3 to be around 45' tall with a spread of around 30' and may be 40 years old. Tree No. 3 is a Heritage tree under MVCC Sec. 32.23(c)(1) as its circumference is greater than 48" in circumference.

While there is evidence of prior topping and the resulting limb failures, overall structure is fair, and staff feels regular (two-year interval) corrective pruning to manage limb weight and clearance issues would allow for retention with reduced risk of limb failure.

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. 3 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. 3 did not find that removal of the Heritage tree was necessary in order to construct improvements as no approved improvement plans were submitted.

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.

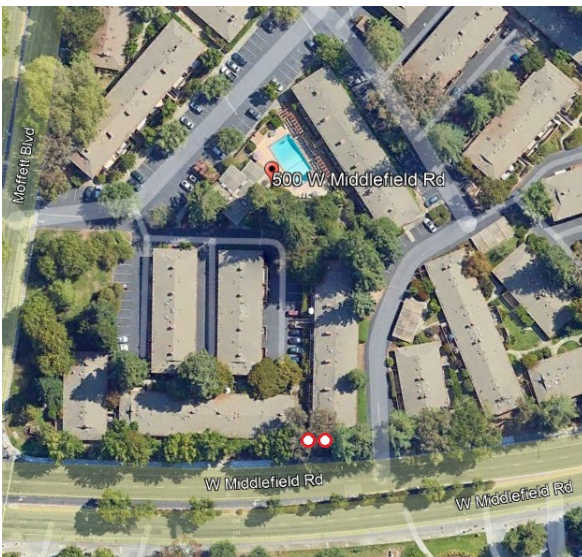
Staff's evaluation of Tree No. 3 found that the tree and structure of the canopy is fair and provide significant screening of the multi-story residents directly adjacent; therefore, this criterion was not met.

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. 3 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.

Representative Photos

Photo No. 1



Aerial image showing trees of concern at the bottom

Photo No. 2



Street view which shows the trees of concern from the street

Photo No. 3



*General structure and location
of recent limb failure on Tree No. 1*

Photo No. 4



*General structure of main stem
and scaffold branches on Tree No. 3*

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 Heritage trees. If the Board overrules staff's decision and allows for removal of the three Heritage eucalyptus 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 Eucalyptus trees.

RH/AF/4/CSD
228-05-14-25M-3

- Attachments:
1. Resolution
 2. Mountain View City Code, Article II, Protection of Urban Forest
 3. Heritage Tree Application for Removal Permit
 4. Heritage Tree Posting Notice
 5. Heritage Tree Appeal Letter
 6. Heritage Tree Appeal Posting Notice