

DATE: April 9, 2025

TO: Urban Forestry Board

FROM: Russell Hansen, Urban Forest Manager

SUBJECT: **Heritage Tree Removal Application Appeal—745 Lola 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 One Heritage Tree at 745 Lola 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 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 one (1) deodar cedar (*Cedrus deodara*) at 745 Lola Lane was submitted by the property owner on October 22, 2024 (Attachment 3). On the application, the property owner marked four (4) of the boxes under the reasons for consideration of removal for the tree:

- Tree is in poor health;
- Tree is in danger of falling;
- Tree has poor structure and/or unbalanced canopy; 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 comment for the reason for the removal:

“We are requesting removal of the cedar tree due to significant safety and property concerns. Over the past three years, major branches have fallen annually despite trimming by professionals, causing damage to the sidewalk, vehicles in the driveway, and surrounding property. Additionally, the tree’s root system has affected the foundation of our house, leading to structure concerns. There is also the potential risk of injury to nearby individuals from falling branches. Given the ongoing issues, we believe removal is necessary to prevent further damage and ensure the safety of our property and the surrounding area.”

On November 4, 2024, the property owner submitted supplemental information, including a letter of support from the neighbor at 739 Lola Lane and information related to the previous pool removal project (Attachment 4).

On November 7, 2024, the property owner submitted a request to reconsider the pending application based on the verbal statement that the tree was likely to be denied and provided supplemental information, including photographs of prior limb failures (Attachment 5).

The deodar cedar was denied a permit for removal by staff, citing the fair branch structure and healthy canopy, since there was no evidence provided documenting the root system was the cause behind the impacts to the home foundation or garage floor and that future corrective pruning with focus on end-weight reduction could reduce likelihood of large limb failure. Notice of the City’s decision was posted on November 8, 2024 (Attachment 6).

An appeal was filed by the property owner on November 15, 2024 by the property owner Danyang Wang (“Appellant”), citing the same reasons indicated in the initial application and the previously submitted supplemental information (Attachment 7).

SPECIE PROFILE

The deodar cedar (*Cedrus deodara*) is a drought-tolerant conifer that is native to southern Asia but has been successfully planted in Europe, Canada, the United States, and South America. Deodar cedars can grow to a height of 80’ and have a canopy spread of 50’. The City specifically designates cedrus trees (including deodar cedars) with a circumference of twelve (12) inches or more when measured at fifty-four (54) inches above natural grade as heritage trees under MVCC Sec. 32.23(c)(3).

While this species has only a limited number of pest and disease issues in our environment, they are not common or typically treatable. There is, however, a propensity for this species to drop

large limbs as it matures given the typical elongated branching structure, but this can typically be mitigated through pruning for end-weight reduction.

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.

This deodar cedar (*Cedrus deodara*) is not a City street tree. This deodar cedar tree is a Heritage tree under MVCC Sec. 32.23(c)(3) as its circumference is greater than 12" in circumference when measured at 54" above natural grade. Staff estimates this deodar cedar to be around 75' tall with a spread of around 45' and is approximately 60 to 70 years old. This tree is located closest to the left side of the driveway when facing the house roadway, is approximately 15' behind the sidewalk, 36" from the original driveway edge, and over 12' from the garage portion of the residence. While there is evidence of cracking to the garage floor, there are no visible roots growing in that direction, and staff was unable to determine the cause of cracking. Therefore, staff was unable to determine if root removal and repair of the garage will have a significant impact on the health or stability of the tree. Overall health and structure of the canopy is good, but the tree has previously been pruned to remove all lower branches up to 20', leaving the tree with less than ideal live crown ratio (i.e., canopy distribution along the stem/trunk). Further, prior limb failures were likely the result of excessive limb weight and can be addressed through pruning for end-weight reduction. It should also be noted that the property owners recently replaced the driveway with permeable pavers. Unfortunately, there was no documentation provided related to root removal or other impacts to the tree that occurred during this driveway replacement.

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 are good, and any other nuisance, 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 the tree 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 the tree found that the tree and structure of the canopy are good; therefore, the 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: Street view showing full canopy of tree and crown raising that provided clearance expansion from structures

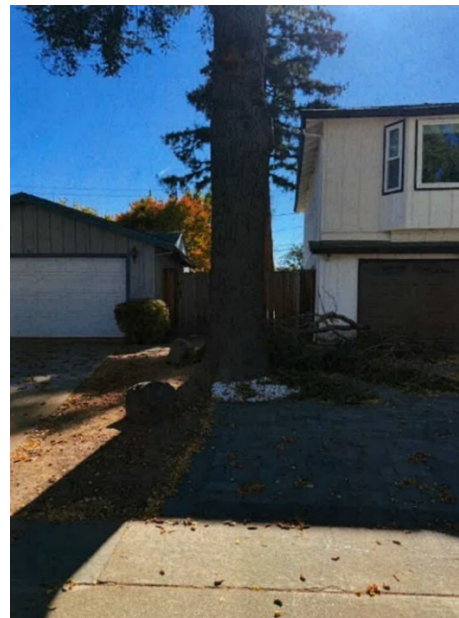


Figure 2: Street view of tree which reflects driveway expansion around tree trunk



Figure 3: Photo which reflects limited overhang of residence



Figure 4: Photo of concrete damage within garage

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 Heritage tree (Attachment 1). If the Board overrules staff's decision and allows for removal of the 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 Heritage tree at 745 Lola Lane.

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

- Attachments:
1. Resolution
 2. Mountain View City Code, Article II, Protection of Urban Forest
 3. Heritage Tree Application for Removal Permit
 4. Property Owner's Email No. 1
 5. Property Owner's Email No. 2
 6. Heritage Tree Posting Notice
 7. Heritage Tree Appeal