

**CITY OF MOUNTAIN VIEW
FINDINGS REPORT/ZONING PERMIT**

APPLICATION NO.: PL-2021-163
DATE OF FINDINGS: September 22, 2021
EXPIRATION OF ZONING PERMIT: September 22, 2023

THIS DOCUMENT REPRESENTS THE ZONING PERMIT RECEIVED FOR THE SUBJECT SITE. THIS DOCUMENT DOES NOT WAIVE THE REQUIREMENT FOR SUBSEQUENT CITY APPROVALS AS APPLICABLE, INCLUDING, BUT NOT LIMITED TO, BUILDING PERMITS, EXCAVATION PERMITS, ETC.

Applicant's Name:

Michael Ahi

Property Address:

Assessor's Parcel No.:

Zone:

851-853 Sierra Vista Avenue

153-03-022

R3-2

Request:

Request for a Development Review Permit for landscape modifications to an approved project and a Heritage Tree Removal Permit to remove one Heritage tree (Australian willow) on a 0.56-acre project site; and a determination the project is categorically exempt pursuant to Section 15304 ("Minor Alterations to Land") of the CEQA Guidelines.

APPROVED

CONDITIONALLY
APPROVED

DISAPPROVED

OTHER

FINDINGS OF APPROVAL:

The Development Review Permit for landscape modifications to an approved project (PL-2019-022) is conditionally approved based upon the conditions of approval contained herein and upon the following findings per Section 36.44.70:

- A. The project complies with the general design considerations as described by the purpose and intent of Chapter 36 (Zoning) of the City Code, the General Plan, and any City-adopted design guidelines. The project's site and landscape design remain consistent with rowhouse height, intensity, and design guidelines, as well as with landscaping standards, including those regarding water use, Heritage tree replacement requirements, and the proposed landscape modifications are minor to accommodate ground area needed for installation of required utility services;
- B. The architectural design of structures, including colors, materials, and design elements (i.e., awnings, exterior lighting, screening of equipment, signs, etc.), is compatible with surrounding development because no modifications are proposed to the development's previously approved architectural design, lighting, or equipment screening;
- C. The location and configuration of structures, parking, landscaping, and access are appropriately integrated and compatible with surrounding development, including public streets and sidewalks and other public property. All site layout conditions, including position of buildings, landscaped areas, and auto-oriented spaces remain as approved previously for the development project, with the exception of two trees proposed for removal due to their decline and interference with planned utility service infrastructure;
- D. The general landscape design ensures visual relief, complements structures, provides an attractive environment, and is consistent with any adopted landscape program for the general area. The project features the same landscaping pattern approved for the development with the exception of proposed removal of two additional trees. Of the two

Owner

Agent

File

Fire

Public Works

trees proposed for removal, Tree No. 4 is classified as a Heritage tree, while Tree No. 2 is not, and on-site landscaped areas will continue to feature substantial planting, including 24 new trees, and attractive outdoor amenity spaces and pedestrian pathways. The project's landscape plan remains consistent with the City's Water Conservation in Landscaping Regulations because the proposed planting's water demand is not increased;

- E. The design and layout of the proposed project will result in well-designed vehicular and pedestrian access, circulation, and parking because no modifications are proposed to the site's approved parking and circulation pattern; and
- F. The approval of the Development Review Permit complies with Section 15304 ("Minor Alterations to Land") of the California Environmental Quality Act (CEQA) Guidelines as it qualifies as a categorically exempt project because the landscape modifications and tree removals require only minor trenching and backfilling for installation of utility services where the surface shall be restored.

The Heritage Tree Removal Permit to remove one Heritage tree (Tree No. 4) is conditionally approved based on the conditions contained herein, a site visit conducted on August 12, 2021, and the following findings per Section 32.35:

- A. It is necessary to remove the tree due to 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 because Tree No. 4 is in decline and lies above the proposed Joint Trench Line and adjacent to proposed utility boxes, where alternate locations for said infrastructure on-site are not feasible as substantiated by the project arborist report, dated August 11, 2021, prepared by Kiely Arborist Services, and reviewed by the City arborist; and
- B. The approval of the Heritage Tree Removal Permit complies with Section 15304 ("Minor Alterations to Land") of the CEQA Guidelines as it qualifies as a categorically exempt project because the tree removal requires only minor trenching and backfilling for installation of utility services where the surface shall be restored.

THIS REQUEST IS GRANTED SUBJECT TO THE FOLLOWING CONDITIONS:

Planning Division – 650-903-6306

1. This approval is granted to modify landscaping and remove a Heritage tree located on Assessor's Parcel No. 153-03-022. Development shall be substantially as shown on the project materials listed below, except as may be modified by conditions contained herein, which are kept on file in the Planning Division of the Community Development Department:
 - a. Project plans prepared by MBI Design, date stamped August 11, 2021.
 - b. Arborist report and addendum prepared by Kiely Arborist Services, date stamped August 11, 2021.
2. **EXPIRATION:** This permit is valid for a period of two years from the date of approval. This permit shall become null and void if building permits have not been issued and construction activity has not commenced within the two-year period unless a permit extension has been submitted to and approved by the Zoning Administrator at a duly noticed public hearing prior to the expiration date.
3. **PERMIT EXTENSION:** Zoning permits may be extended for up to an additional two years after public hearing review by the Zoning Administrator in compliance with the procedures described in Chapter 36 of the Mountain View City Code. An application for extension must be filed with the Planning Division of the Community Development Department, including appropriate fees, prior to the expiration date of the original permit.

PERMIT SUBMITTAL REQUIREMENTS

4. **REVISIONS TO THE APPROVED PROJECT:** Minor revisions to the approved plans shall require approval by the Zoning Administrator. Major modifications as determined by the Zoning Administrator shall require a duly noticed public hearing, which can be referred to the City Council.

OPERATIONS

5. **OPERATIONAL CRITERIA:** In the event that problems with the operational criteria of the business arise, including, but not limited to, parking shortages, delivery truck issues, hours of operation, or noise, the Zoning Administrator may hold a public hearing to review the situation and impose new or modified conditions of approval in response to the information received. The public hearing shall be conducted and noticed in accordance with Chapter 36, Article XVI, Division 6, of the City Code.

TREES AND LANDSCAPING

6. **LANDSCAPING:** Detailed landscape plans encompassing on- and off-site plantable areas out to the street curb must be included in building permit drawings. Minimum plant sizes are flats or 1-gallon containers for ground cover, 5-gallon for shrubs, and 24" box for trees. The drawings must be approved by the Zoning Administrator prior to building permit issuance and implemented prior to occupancy. All plans should be prepared by a licensed Landscape Architect and should comply with the City's Landscape Guidelines, including the Water Conservation in Landscaping Regulations (forms are available online at www.mountainview.gov/planningforms). Additional landscaping materials or modifications may be required by the Planning Division at final inspection to ensure adequate planting coverage and/or screening.
7. **TREE REMOVALS:** Permits to remove, relocate, or otherwise alter Heritage trees cannot be implemented until a project building permit for new construction is secured and the project is pursued.
8. **REPLACEMENT TREES:** The applicant shall offset the loss of this Heritage tree with two replacement trees. Permit PL-2019-022 includes the planting of 24 replacement trees to offset the loss of seven Heritage trees. Therefore, the replacement trees provided through Permit PL-2019-022 are adequate to offset the loss of this tree. Each replacement tree shall be no smaller than a 24" box and shall be noted on the landscape plan as either Heritage or street replacement trees.

NOTE: Decisions of the Zoning Administrator may be appealed to the City Council in compliance with Chapter 36 of the City Code. An appeal shall be filed in the City Clerk's Office within 10 calendar days following the date of mailing of the findings. Appeals shall be accompanied by a filing fee. No building permits may be issued or occupancy authorized during this appeal period.

NOTE: Zoning permits may be extended for up to an additional two years after public hearing review by the Zoning Administrator, and subdivision maps may be extended for up to an additional one year after public hearing review by the Subdivision Committee in compliance with the procedures described in Chapter 36 of the City Code. An application for a zoning permit and/or subdivision map extension must be filed with the Planning Division of the Community Development Department, including appropriate fees and submittal requirements, prior to the expiration date of the original permit(s).

NOTE: As required by California Government Code Section 66020, the applicant is hereby notified that the 90-day period has begun as of the date of approval of this application, in which the applicant may protest any fees, dedications, reservations, or other exactions imposed by the City as part of this approval or as a condition of approval. The fees, dedications, reservations, or other exactions are described in the approved plans, conditions of approval, and/or the adopted City fee schedule.

STEPHANIE WILLIAMS, PLANNING MANAGER/ZONING ADMINISTRATOR

SW/SA/1/FDG/PL-2021-163