

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

Page 1 of 3

APPLICATION NO.:

PL-2023-029

DATE OF FINDINGS:

June 14, 2023

EXPIRATION OF ZONING PERMIT:

June 14, 2025

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:

Veena Thammavongsa for Woodview Homeowners Association

Property Address:

Assessor's Parcel No.:

Zone:

2211 Latham Street

148-40-036

P(38) El Camino Real

Request:

Request for a Planned Community Permit, Development Review Permit, and Heritage Tree Removal Permit for minor site modifications to remove seven trees, including three Heritage trees, at an existing residential condominium complex on a 2.5-acre project site; and a determination that 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 Planned Community Permit to allow for landscaping modifications to remove seven trees, including three Heritage trees, at an existing residential complex is conditionally approved based upon the conditions contained herein and upon the following findings per Section 36.50.55:

- A. The proposed use or development is consistent with the provisions of the P(38) El Camino Real Precise Plan, or, if no Precise Plan exists for the subject area, the proposal clearly demonstrates superior site and building design and compatibility with surrounding uses and developments; or if variations from requirements in the applicable Precise Plan are granted, the proposal clearly demonstrates superior site and building design and is in substantial compliance with the intent of the requirements in the applicable Precise Plan since the proposed changes are minor landscape modifications to remove and replace trees in poor health, which supports the Precise Plan's landscaping design guidelines, and incorporates plant materials that are compatible with the site and building design;
- B. The proposed use or development is consistent with the Mixed-Use Corridor Land Use Designation of the General Plan as the site will remain as a residential complex and the proposed landscape modifications support this existing use. Additionally, the project supports General Plan Policy *LUD 10.7* (Beneficial landscaping options) by promoting landscape options to support the natural environment and providing screening and shade to the surface parking lot;
- C. The proposed uses and development will not be detrimental to the public interest, health, safety, convenience, or welfare because the landscape modifications for the tree removal and subsequent tree replacements will enhance landscaping within the residential complex;
- D. The proposed project promotes a well-designed development that is harmonious with existing and planned development in the surrounding area because the tree removals are needed in order to allow space for the remaining trees to grow, and the

Owner

Agent

File

Fire

Public Works

proposed tree replacements will further enhance the appearance of the site landscaping and improve safety with a replacement tree species that does not drop large limbs; and

- E. The approval of the Planned Community Permit complies with the California Environmental Quality Act (CEQA) as it qualifies as a categorically exempt project per Section 15304 (“Minor Alterations to Land”) because the project involves only minor improvements to the site landscaping, and it does not involve the removal of healthy, mature, or scenic tree.

The Development Review Permit to allow minor site modifications to landscaping to remove seven trees, including three Heritage trees, at an existing residential complex 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, the El Camino Real Precise Plan, and any City-adopted design guidelines since the proposed landscape modifications will enhance the open space appearance on-site with the proposed replacement trees and allow appropriate spacing for the remaining trees to grow;
- 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 the tree removals and replacements will enhance the site landscaping and will not otherwise alter the architectural design of the existing buildings;
- 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, as the replacement trees will be integrated within the existing landscaped areas with no changes to structures, parking, or access on-site;
- 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 by maintaining the larger trees and removing the smaller trees in poor health while replanting new tree species to maintain the screening between the neighboring property and the surface parking lot of appropriate size and scale so as not to inhibit canopy growth;
- 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 parking and circulation pattern; and
- F. The approval of the Development Review Permit complies with the California Environmental Quality Act (CEQA) as it qualifies as a categorically exempt project per Section 15304 (“Minor Alterations to Land”) because the project involves only minor improvements to the site landscaping, and it does not involve the removal of healthy, mature, or scenic tree.

The Heritage Tree Removal Permit to remove three Heritage trees (Tree Nos. 1, 2, and 3) is conditionally approved based on the conditions contained herein, a site visit conducted on May 3, 2023, and the following findings per Section 32.35:

- A. It is necessary to remove the trees due to the condition of the trees with respect to age of the trees 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 the existing row of trees along the west property line are densely planted considering the size of the existing trees. The arborist report, which was reviewed by the City arborist, concludes the Heritage trees are in fair or poor condition with no obvious pests or decay, but have poor structure due to past pruning or crowding by larger trees in the same area;
- B. It is appropriate to remove the trees to implement good forestry practices, such as, but not limited to, the number of healthy trees a given parcel of land will support, the planned removal of any tree nearing the end of its life cycle, and replacement with young trees to enhance the overall health of the urban forest because the existing row of trees is densely planted and there is not enough space for them to grow healthy;
- C. The approval of the Heritage Tree Removal Permit complies with the California Environmental Quality Act (CEQA) as it qualifies as a categorically exempt project per Section 15304 (“Minor Alterations to Land”) because the project involves only minor improvements to the site landscaping, and it does not involve the removal of healthy, mature, or scenic tree.

This approval is granted to modify landscaping to remove seven trees, including three Heritage trees, located on Assessor's Parcel No. 148-40-036. 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. Arborist Report prepared by A PLUS, Evan Fuller, date stamped February 6, 2023.

THIS REQUEST IS GRANTED SUBJECT TO THE FOLLOWING CONDITIONS:

Planning Division—650-903-6306 or planning.division@mountainview.gov

1. **EXPIRATION:** If the tree removal and new landscaping do not occur within two years of this approval, subject to all applicable conditions and permits from applicable government agencies (inclusive of City permits), this approval shall be null and void.
2. **PERMIT EXTENSION:** Zoning permits may be extended for up to two years after an Administrative Zoning public hearing, in compliance with procedures described in Chapter 36 of the City Code. An application for extension must be filed with the Planning Division, including appropriate fees, prior to the original expiration date of the permit(s).
3. **LANDSCAPING ENHANCEMENTS:** Within the landscaped area along the western property line and a portion along the front property line where the tree removals and replacements are occurring, the applicant is required to provide new ground cover and refreshed landscaping to support the trees' retention of water and improve appearance.

TREES AND LANDSCAPING

4. **REPLACEMENT TREES:** The applicant shall offset the loss of each Heritage/street tree with two replacement trees and each non-Heritage tree with one replacement tree, for a total of 10 replacement trees. Each replacement tree shall be no smaller than a 24" box.
5. **IRREVOCABLE DAMAGE TO HERITAGE TREES:** In the event one or more of the preserved Heritage tree(s) are not maintained and irrevocable damage or death of the tree(s) has occurred due to construction activity, a stop work order will be issued on the subject property and no construction activity shall occur for two (2) working days per damaged tree. The applicant will also be subject to a penalty fee at twice the tree valuation prior to damage; this fee applies to each Heritage tree damaged. No construction activity can resume until the penalty fee(s) have been paid to the City.

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: 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.

AMBER BLIZINSKI, ASSISTANT COMMUNITY DEVELOPMENT DIRECTOR

AB/EK/1/FDG
PL-2023-029