

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

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APPLICATION NO.:

HTR-5938

DATE OF FINDINGS:

February 26, 2025

EXPIRATION OF ZONING PERMIT:

February 26, 2027

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:

Alan Tan of GLZ 08 LLC

Property Address:

769 Cuesta Drive

Assessor's Parcel No(s).:

193-22-089

Zone:

R1

Request:

Request for a Heritage Tree Removal Permit to remove a total of seven (7) Heritage trees, including two (2) Heritage trees removed during construction without City authorization, three (3) Heritage trees which have been significantly damaged due to construction activity, and two (2) Heritage trees which are in poor health and show signs of health decline and fungus growth, on a 0.72-acre site.

APPROVED

CONDITIONALLY
APPROVED

DISAPPROVED

OTHER

FINDINGS OF APPROVAL:

The Zoning Administrator hereby makes the following findings to support a Heritage Tree Removal Permit pursuant to City Code Section 32.35 to remove/relocate seven (7) Heritage trees (Tree Nos. 21, 26, 27, 30, 39, 148, and 150). Site visits were conducted on February 16, 2024, April 4, 2024, September 25, 2024, and November 21, 2024.

- 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.** It is necessary to remove the trees due to the condition of the trees with respect to the age of the trees relative to the life span of that particular species, disease, infestation, general health, damage, danger of falling, and proximity to existing or proposed structures and interference with utility services, per the arborist report dated September 27, 2024, prepared by San Jose Tree Service and independently assessed by the City arborist, and several site visits conducted by Planning Division and Forestry Division staff. The subject trees are located throughout the site with most located toward the south (rear) of the property. The seven Heritage trees proposed for removal meet findings for removal based on the following reasons: Tree Nos. 21, 26 and 150 (Coast live oaks) are all in poor health. Tree No. 21 had previously been observed to be in poor health in 2021 at the time of the previous entitlement (Application No. PL-2020-184). The tree has made little to no improvements since and is showing signs of further health decline and fungus growth with severe cankers and pest infestations. Tree No. 26 is in poor health due to aggressive pruning and has significant lean towards the structure on Lot No. 4, with immediate danger of falling. Tree No. 150 shows signs of health decline with notable decay in the trunk and also significant lean towards the structure, posing a danger of falling. Tree Nos. 27 and 148 (Coast live oaks) both are located immediately adjacent to structures, with significant lean toward the building(s) and have been pruned aggressively to accommodate the construction of the structures. Both trees pose a danger of falling onto the structures on-site due to the significant lean of the trees. Tree Nos. 30 and 39 were both trees which were required to be relocated as part of the previous entitlement (Application No. PL-2020-184) for construction of the on-site structures. Upon inspection of the site in February 2024, both trees had been removed without City authorization and were not relocated as required per Condition No. 34 of Application No. PL-2020-184. City staff has assessed the remaining trees on-site and determined the trees

Owner

Agent

File

Fire

Public Works

would not survive further construction activity and/or should be removed given the proximity to structures onsite with danger of falling;

- B. **It is necessary to remove the trees in order to construct the improvements and/or allow reasonable and conforming use of the property when compared to other similarly situated properties.** It is necessary to remove the five (5) remaining Heritage trees (Trees No. 21, 26, 27, 148, and 150) in order to safely construct the houses and/or allow reasonable and conforming use of the property when compared to similarly situated properties because the trees are showing signs of health decline due to fungal growth, trunk decay, or aggressive pruning and/or located immediately adjacent to two (2) of the units and posing an immediate danger of falling as noted in the arborist report dated September 27, 2024, prepared by San Jose Tree Service, and independent assessment by the City arborist, including several site visits conducted by the Planning Division and Forestry Division. Tree Nos. 21, 26, and 150 are also showing signs of health decline, with no signs of improvement and poor structure which make them poor candidates for transplanting. Furthermore, Tree Nos. 26, 27, and 148 have both been pruned aggressively due to the location immediately adjacent to the houses and are not candidates for relocation. These trees also have significant lean towards the houses on Lot Nos. 3 and 4 and would restrict further construction and reasonable use of the property. Both Tree Nos. 30 and 39 were required to be relocated in the previous entitlement (Application No. PL-2020-184) but were instead removed (and not replanted on-site) without City authorization;
- C. **It is appropriate to remove the trees based on the nature and qualities of the trees as Heritage trees, including maturity, aesthetic qualities such as its canopy, shape and structure, majestic stature, and visual impact on the neighborhood.** It is appropriate to remove the trees based on the nature and qualities of the trees as Heritage trees, including maturity, aesthetic qualities such as its canopy, shape and structure, majestic stature, and visual impact on the neighborhood, since the existing trees have minimal canopy contribution to the neighborhood and subject to some mix of aggressive pruning, trunk decay and/or fungal growth. Tree Nos. 30 and 39 were approved to be relocated in the previous entitlement (Application No. PL-2020-184) but have been removed (and not transplanted) without City authorization and no longer contribute to the overall canopy of the site. Tree Nos. 26 and 148 have both been pruned aggressively and have little to no canopy left and do not contribute to the site's overall canopy coverage. Tree No. 21 shows signs of health decline and fungus growth which has impacted the overall tree canopy and crown, further reducing the overall canopy on-site. Tree Nos. 27 and 150 both have been observed to have poor structure and significant lean toward the houses and is necessary to remove since both pose the danger of falling. Tree Nos. 21, 26, 27, 148, and 150 are proposed to be replaced at a two-to-one ratio with 24" box trees. Tree Nos. 30 and 39 would be replaced with a 48" box Coast live oak tree and 48" Valley oak tree, respectively, per Condition No. 34 from the previous entitlement (Application No. PL-2020-184). The replacement trees will provide additional visual relief to the site and neighborhood and contribute to the neighborhood's overall canopy coverage and tree stature;
- D. **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.** 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 trees are showing signs of health decline and no signs of improvement. The additional construction activity progress and proximity to such activity will result in further decline in the health of the tree, additional root loss, and instability for all trees. The proposed tree removals are recommended by the project arborist and City staff given the existing conditions and anticipated construction activity in such close proximity which will further exacerbate declining conditions. The project applicant will plant replacement trees in excess of the number of trees to be removed, adding young trees (including some California native species) to the site to enhance the overall health of the urban forest. Additionally, per Condition No. 33 in the previously approved development permits (Application No. PL-2020-184) and according to provisions in City Code Section 32.38, the applicant must pay penalties for damage and/or removal of Heritage trees without City authorization that were to be retained or relocated under the previously approved permits. Along with the required replacement tree plantings, the penalty fee will be used for the purpose of enhancing the urban forest, per City Code Section 32.38;
- E. **Removal of the trees will not adversely affect the remaining number, species, size, and/or location of existing trees on the site or in the general vicinity.** The removal of the trees will not adversely affect the remaining number, species, size, and/or location of existing trees on the site or in the general vicinity since the removal of the trees is necessitated by tree health and the proximity to the houses and the trees will be replaced at a greater than one-to-one ratio with a mix of replacement tree

plantings, including 12 California native trees. The remaining trees have adequate distance from the houses and do not have poor structure, significant lean, or show signs of health decline; and

- F. **The approval of the Heritage Tree Removal Permit complies with the California Environmental Quality Act (CEQA).** The approval of the Heritage Tree Removal Permit complies with CEQA as it qualifies as a categorically exempt project per Section 15304 (“Minor Alterations to Land”) because the project involves minor site landscaping improvements involving the removal of damaged and diseased trees. None of the exceptions in CEQA Guidelines Section 15300.2 apply to the project.

This approval is granted to modify landscaping to remove seven (7) Heritage trees located on Assessor’s Parcel No. 193-22-089. 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 Kevin Levesque, date stamped September 26, 2024.
- b. Arborist report prepared by San Jose Tree Service, date stamped September 27, 2024.
- c. Tree valuation report prepared by San Jose Tree Service, date stamped October 21, 2024.

THIS REQUEST IS GRANTED SUBJECT TO THE FOLLOWING CONDITIONS:

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

1. **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.
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. **PREVIOUS APPROVALS:** Approval of this permit modification incorporates and updates conditions of approval from prior permits, including, but not limited to, Permit No. PL-2020-184, as applicable to the proposed modification(s) to the approved use and/or development. For regulatory purposes, all previous permits and conditions of approval shall remain valid.

TREES AND LANDSCAPING

4. **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 one-gallon containers for ground cover, five-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.
5. **LANDSCAPE CERTIFICATION:** Prior to occupancy, the Landscape Architect shall certify in writing the landscaping has been installed in accordance with all aspects of the approved landscape plans and final inspection(s), subject to final approval by the Zoning Administrator.
6. **REPLACEMENT TREES:** The applicant shall offset the loss of Heritage Tree Nos. 21, 26, 27, 148, and 150 with two (2) replacement trees each, for a total of ten (10) replacement trees. Each replacement tree shall be no smaller than a 24” box and shall be noted on the landscape plan as Heritage replacement trees. Tree No. 30 shall be replaced with a 48” box Valley oak tree and Tree No. 39 shall be replaced with a 48” box Coast live oak. A total of twelve (12) replacement trees shall be planted on-site.

7. **TREE PROTECTION MEASURES:** The tree protection measures listed in the arborist's report prepared by San Jose Tree Service and dated September 27, 2024 shall be included as notes on the title sheet of all grading and landscape plans. These measures shall include, but may not be limited to, 6' chain-link fencing at the drip line, a continuous maintenance and care program, and protective grading techniques. Also, no materials may be stored within the drip line of any tree on the project site.
8. **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.
9. **TREE REMEDIATION FEE:** Per Condition No. 33 in the previously approved Planned Unit Development, Development Review Permit, and Heritage Tree Removal Permit (Application No. PL-2020-184), the applicant shall pay a penalty fee twice the Heritage tree(s) valuation prior to damage to offset the loss of the seven (7) Heritage trees. This penalty fee shall be in the amount of Thirty-Eight Thousand Three Hundred Forty Dollars (\$38,340) made payable to the City of Mountain View, based on the Tree Valuation Report prepared by San Jose Tree Service and dated October 21, 2024. The applicant shall pay the required penalty fee within 90 days of this approval or prior to issuance of the first Certificate of Occupancy for the previously approved development, whichever is sooner. **(PROJECT-SPECIFIC CONDITION)**

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/VK/6/FDG
HTR-5938