

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

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APPLICATION NO.:

PL-2023-219

DATE OF FINDINGS:

May 22, 2024

EXPIRATION OF ZONING PERMIT:

May 22, 2026

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:

Xin Zhang for Bayside Fencing Club

Property Address:

Assessor's Parcel No(s).:

Zone:

1080 La Avenida, No. B

116-14-109

P(39)

Request:

Request for a Provisional Use Permit to allow an indoor recreational use (indoor fencing studio) in an existing 8,890 square foot building, replacing an existing metal fabrication use on a 0.925-acre site; and a determination that the project is categorically exempt pursuant to Section 15301 ("Existing Facilities") of the CEQA Guidelines.

APPROVED

CONDITIONALLY
APPROVED

DISAPPROVED

OTHER

FINDINGS OF APPROVAL:

The Provisional Use Permit to allow an indoor recreational use (indoor fencing studio) use to occupy an existing 8,890 square-foot commercial building is conditionally approved based upon the conditions contained herein and upon the following findings per Section 36.48.25:

- A. The proposed use is conditionally permitted within the North Bayshore Precise Plan (P(39)) Zoning District and complies with all of the applicable provisions of Chapter 36 (Zoning) of the City Code because the indoor recreation use is a provisionally permitted use and is located entirely within an existing standalone commercial building on a site providing compliant parking, bicycle parking, landscaping, and the project does not include any proposed exterior modifications;
- B. The proposed use is consistent with the North Bayshore Mixed-Use Land Use Designation of the General Plan because the Land Use Designation encourages a variety of uses, including retail and services, and the indoor fencing use will provide a commercial and recreational service to users of nearby businesses and existing/future residents in North Bayshore;
- C. The location, size, design, and operating characteristics of the proposed use are compatible with the site and building character and environmental conditions of existing and future land uses in the vicinity because the proposed use is located within an existing commercial building; the site provides adequate parking, taking vehicle access from La Avenida, with both pedestrian and vehicle connections available from the surrounding area; the operational plan consists mostly of drop-off students, for training during Monday through Friday from 9:00 a.m. to 9:00 p.m. and Saturday through Sunday from 9:00 a.m. to 5:00 p.m.; the proposed use is located in the North Bayshore Precise Plan—Pear Complete Neighborhood Area, and abuts a mix of residential and office buildings; and the location and operation characteristics of the use will be accessible by multi-modal network of transportation, provides adequate on-site resources for client drop-off/pick-up, and operating hours that have limited overlap with adjacent office and medical uses;

Owner

Agent

File

Fire

Public Works

- D. Any special structure or building modifications necessary to contain the proposed use would not impair the architectural integrity and character of the Precise Plan in which it is to be located because the use will be located in an existing building and no exterior building or site modifications are proposed; and
- E. The approval of the Provisional Use Permit complies with the California Environmental Quality Act (CEQA) as it qualifies as a categorically exempt project per Section 15301 ("Existing Facilities") because the project involves occupancy of an existing tenant space/building located in an urbanized area; does not involve the use of hazardous materials; and is not located where the surrounding areas are environmentally sensitive.

THIS REQUEST IS GRANTED SUBJECT TO THE FOLLOWING CONDITIONS:

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

1. **APPLICABILITY OF THIS PERMIT:** This Permit shall apply to any business/owner entity whose use and operational characteristics match those of the approved use. Intensification of the approved use shall require an amendment to this Permit. A change to a different permitted use may require a new Permit. This Permit shall continue to be valid upon a change of ownership/operator of the site, business, service, use(s), or structure that was the subject of this approval provided the new owner/operator agrees in writing to all applicable conditions and operating standards prior to reopening or maintaining the use or structure(s) under the new ownership. Any new owner/operator must submit a wet (original) signed letter to the Planning Division noting agreement with the enclosed conditions which includes notation of this permit number and the new business/operator name. This letter may be requested by the City at any time.
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 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).
4. **ABANDONMENT OF USE:** The approved use shall be considered abandoned if the approved use in this tenant space (or building) ceases for a period of six months or more, at which point this Permit shall have expired and a new Permit shall be required. Determination of the abandonment of the use shall be based on the best available data, which may include business license, tax payment records, utility records, and other government agency permits or licenses.

PERMIT SUBMITTAL REQUIREMENTS

5. **TENANT IMPROVEMENTS:** Details of interior tenant improvements are to be shown on building permit drawings and shall be reviewed for consistency with the operational characteristics of the proposed use by the Zoning Administrator, or designee, prior to permit issuance.
6. **ZONING INFORMATION:** The following information must be listed on the title sheet of the building permit drawings: (a) zoning permit application number; (b) zoning district designation; (c) total floor area ratio and residential density in units per acre, if applicable; (d) lot area (in square feet and acreage); and (e) total number of parking spaces.
7. **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.
8. **SIGNAGE:** No signs are approved as part of this application. Any new signage will require separate planning and/or building permits. Application form and submittal requirements are available online at www.mountainview.gov/planningforms.
9. **EXISTING SIGNAGE:** All existing signs shall be removed, and a new sign application shall be submitted in compliance with Chapter 36, Article XII, of the City Code.

OPERATIONS

10. **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.
11. **DAYS/HOURS OF OPERATION:** The approved days and hours of operation are Monday through Friday from 9:00 a.m. to 9:00 p.m. and Saturday and Sunday from 9:00 a.m. to 5:00 p.m. Any proposed change to the approved days and/or hours of operation shall require review and approval by the Zoning Administrator and may require a modification to this permit.

GREEN BUILDING

12. **GREEN BUILDING—TENANT IMPROVEMENTS:** All nonresidential tenant improvements, including building additions of 1,000 square feet or greater, and/or building alterations with a permit valuation of \$200,000 or above, must meet the mandatory measures of the California Green Building Standards Code and Title 24, Part 6.

NOISE

13. **MECHANICAL EQUIPMENT (NOISE):** The noise emitted by any mechanical equipment shall not exceed a level of 55 dB(A) during the day or 50 dB(A) during the night, 10:00 p.m. to 7:00 a.m., when measured at any location on the adjoining residentially used property.
14. **NOISE GENERATION:** All noise-generating activities (i.e., entertainment or amplified sound) are limited to interior areas only, and the heating, ventilation, and air conditioning system shall be maintained to ensure that all windows and doors remain closed when the business is in operation.

CONSTRUCTION ACTIVITIES

15. **DISTURBANCE COORDINATOR:** The applicant shall designate a “disturbance coordinator” who will be responsible for responding to any local complaints regarding construction noise. The coordinator (who may be an employee of the general contractor) will determine the cause of the complaint and will require that reasonable measures warranted to correct the problem be implemented. A telephone number of the noise disturbance coordinator shall be conspicuously posted at the construction site fence and on the notification sent to neighbors adjacent to the site. The sign must also list an emergency after-hours contact number for emergency personnel.

Building Division—650-903-6313 or building@mountainview.gov

Entitlement review by the Building Division is preliminary. Building and Fire plan check reviews are separate permit processes applied for once the zoning approval has been obtained and appeal period has concluded; a formal permit submittal to the Building Division is required. Plan check review shall determine the specific requirements and construction compliance in accordance with adopted local, state, and federal codes for all building and/or fire permits. For more information on submittal requirements and timelines, contact the Building Division online at www.mountainview.gov/building. It is a violation of the MVCC for any building occupancy or construction to commence without the proper building and/or fire permits and issued Certificate of Occupancy.

16. **BUILDING CODES:** Construction plans will need to meet the current codes adopted by the Building Division upon building permit submittal. Current codes are the 2022 California Codes: Building, Residential, Fire, Electrical, Mechanical, Plumbing, CALGreen, CAEnergy, in conjunction with the City of Mountain View Amendments, and the Mountain View Green Building Code (MVGBC).
17. **USE AND OCCUPANCY CLASSIFICATION:** Provide proposed use(s) and occupancy(ies) for the proposed project per the CBC, Chapter 3.
18. **MEANS OF EGRESS:** The project is required to comply with the requirements per the CBC, Chapter 10, Means of Egress.

19. **ACCESSIBILITY REQUIREMENTS:**

- **Chapter 11B:** The project will be required to comply with the accessibility requirements in the CBC, Chapter 11B.

20. **REACH CODES FOR NONRESIDENTIAL (EXISTING CONSTRUCTION):** When new parking facilities are added, or electrical systems or lighting of existing parking facilities are added or altered, and the work requires a building permit, the project shall comply with MVCC Section 8.20.43.

21. **WORK HOURS/CONSTRUCTION SITE SIGNAGE:** No work shall commence on the job site prior to 7:00 a.m. nor continue later than 6:00 p.m., Monday through Friday, nor shall any work be permitted on Saturday or Sunday or any holiday unless prior approval is granted by the Chief Building Official. The general contractor, applicant, developer, or property owner shall erect a sign at all construction site entrances/exits to advise subcontractors and material suppliers of the working hours (see job card for specifics) and contact information, including an after-hours contact. Violation of this condition of approval may be subject to the penalties outlined in Section 8.70 of the MVCC and/or suspension of building permits.

Fire Department—650-903-6343 or fire@mountainview.gov

FIRE PROTECTION SYSTEMS AND EQUIPMENT

22. **FIRE EXTINGUISHERS:** Install one 2-A:10-B:C fire extinguisher for every 50'/75' of travel or every 3,000 square feet. Fire extinguisher locations shall be indicated on the architectural floor plans. (California Code of Regulations, Title 19, Chapter 3, and California Fire Code, Section 906.)

FIRE DEPARTMENT ACCESS

23. **LOCKBOX:** Install an approved key lockbox per the Fire Protection Engineer's directions. (California Fire Code, Section 506.)

EGRESS AND FIRE SAFETY

24. **EXIT ILLUMINATION:** Exit paths shall be illuminated any time the building is occupied with a light having an intensity of not less than one footcandle at floor level. Power shall normally be by the premises wiring with battery backup. Exit illumination shall be indicated on the electrical plan sheets in the drawing sets. (California Building Code, Section 1008.)

25. **EXIT SIGNS:** Exit signs shall be internally or externally illuminated and provided with battery backup per Uniform Building Code Chapter 10. Exit signs shall be posted above each required exit doorway and wherever otherwise required to clearly indicate the direction of egress. (California Building Code, Section 1013.)

26. **INTERIOR WALL AND CEILING FINISHES:** Interior finishes shall have a flame-spread rating in accordance with the California Building Code, Chapter 8, and California Code of Regulations, Title 19, Section 3.21.

HAZARDOUS CONDITIONS

27. **FLAMMABLE FINISHES:** Application of flammable finishes shall comply with the California Fire Code, Chapter 24.

EXTERIOR IMPROVEMENTS

28. **PREMISES IDENTIFICATION:** Approved numbers or addresses shall be provided for all new and existing buildings in such a position as to be plainly visible and legible from the street or road fronting the property. Address signs shall be a minimum of 6" in height and a minimum of 0.5" in width. (Mountain View City Code, Section 14.10.18.)

Public Works Department—650-903-6311 or public.works@mountainview.gov

RECYCLED WATER

29. **RECYCLED WATER USE REQUIREMENT:** This site is within the City’s current or future recycled water service area. Pulling a permit for site modifications will trigger the conversion of irrigation from potable water to recycled water within the Shoreline Regional Park Community. Please see the below excerpt from the code which can be found in [Sec. 35.100.3.](#):

“All applications for land use permits, building permits and other discretionary actions within the boundaries of the Shoreline Regional Park Community, filed after the adoption of this ordinance, shall include the following:

- a. Incorporation of recycled water usage into the design of landscape and irrigation systems.
- b. Consideration of plants suitable for irrigation with recycled water.
- c. The installation of the infrastructure necessary to connect the irrigation system to the City’s recycled water supply.
- d. The use of recycled water in lieu of potable water during construction activity.

The City maintains the right to require recycled water use for additional purposes as appropriate.”

If applicant would like to file an exemption request for this project, please refer to [Sec.35.100.4.](#) A possible reason for exemption may be the impact of high salinity recycled water on redwood trees.

SOLID WASTE AND RECYCLING

30. **RECOLOGY MOUNTAIN VIEW:** The applicant/contractor must be in compliance and shall include the following as a note on the building permit and improvement plans: “Recology Mountain View is the City’s exclusive hauler for recycling and disposal of construction and demolition debris. For all debris boxes, contact Recology. Using another hauler may violate City Code Sections 16.13 and 16.17 and result in code enforcement action.”
31. **TRASH ROOMS AND/OR ENCLOSURES:** Trash rooms and/or enclosures shall be used only for trash, recycling, and compost containers and shall not be used for storage at any time. Access door to the trash facility shall be clearly labeled “Trash Room.”
32. **TRASH ENCLOSURE DESIGN AND DETAILS:** Trash plan sheet and enclosure details must be included on a separate sheet in the initial building plans and include the trash room layout with container sizes/types labeled, location, and dimensions to scale. In addition:
- a. The property management shall provide adequate trash and recycling service for all tenants.
 - b. To comply with the mandatory composting ordinance, the trash account holder shall apply for a waiver from these requirements if the tenants onsite generate a “de minimis amount” or less than 20 gallons of total compostable material weekly. The waiver form is available online at www.mountainview.gov/our-city/departments/public-works/recycling-zero-waste.
 - c. Overhead clearance for travel way must be no less than 15’ from finished grade to structural appurtenances (e.g., cameras, sprinklers, electrical). Overhead clearance in the collection area must be no less than 22’.

CONSTRUCTION ACTIVITIES, NOTES, AND OTHER APPROVALS

33. **SANTA CLARA VALLEY WATER DISTRICT WELLS:** Santa Clara Valley Water District (Valley Water) requires the following note to be labeled on the building and improvement plans: “While the Santa Clara Valley Water District (Valley Water) has records for most wells located in the County, it is always possible that a well exists that is not in Valley Water’s records. If previously unknown wells are found on the subject property during development, they must be properly destroyed under permit from Valley Water or registered with Valley Water and protected from damage.”
34. **STREET CLEANING:** The owner/developer shall comply with and include the following note on the off-site, or grading/drainage, or utility plans: “The prime contractor or developer is to hire a street cleaning contractor to clean up dirt and debris from City

streets that are attributable to the development's construction activities. The street cleaning contractor is to have the capability of sweeping the streets with both a broom-type sweeper and a regenerative air vacuum sweeper, as directed by the Public Works Director or designated representative."

35. **BUILDING PERMIT FOR TENANT IMPROVEMENTS:** For any future building permits exceeding the threshold of 600 square feet of addition or equivalent cost thereof, the Public Works Department will require utility improvements and may require street improvements. The required improvements may include, but are not limited to, the following:
- a. Conduct a sewer lateral video inspection to determine if the existing sewer lateral is in satisfactory condition for reuse. Otherwise, a new lateral and cleanout will be required;
 - b. Installing backflow prevention (BPF) devices on all exiting water services if it is not already present to protect the City water supply;
 - c. Ensure all potable and recycled water service have appropriate meters and backflow preventers.
 - d. Cathodic protection is required, per Standard Provisions and Details, as this project is north of Central Expressway.

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/4/FDG
PL-2023-219