

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

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APPLICATION NO.:

PL-2023-041

DATE OF FINDINGS:

September 27, 2023

EXPIRATION OF ZONING PERMIT:

September 27, 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:

Vadim Osipov

Property Address:

Assessor's Parcel No.:

Zone:

2224 Old Middlefield Way Suite A, B, I, and J

147-07-079

CS

Request:

Request for a Conditional Use Permit to allow a dance studio to occupy four tenant spaces totaling in 5,955 square feet of an existing multi-tenant commercial building, and a determination that the project is categorically exempt pursuant to Section 15301 of the CEQA Guidelines ("Existing Facilities").

APPROVED

CONDITIONALLY
APPROVED

DISAPPROVED

OTHER

FINDINGS OF APPROVAL:

The Conditional Use Permit for a dance studio to occupy four tenant spaces totaling 5,955 square feet in an existing multi-tenant 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 Commercial Services (CS) Zoning District and complies with all of the applicable provisions of Chapter 36 (Zoning) of the City Code because the dance studio use is a conditionally permitted use and is located within an existing multi-tenant commercial building with compliant parking and does not propose any exterior modifications;
- B. The proposed use is consistent with the General Commercial Land Use Designation of the General Plan because the Land Use Designation encourages a broad range of commercial uses, and the dance studio use will provide a commercial and recreational service to nearby businesses and residents;
- C. The location, size, design, and operating characteristics of the proposed use are compatible with the site, building character, and environmental conditions of existing and future land uses in the vicinity because the proposed use is located in an existing multi-tenant commercial building among other commercial businesses, including other studio-type uses; provides adequate parking; is not anticipated to create adverse noise impacts to nearby residential uses; and is along the Old Middlefield Way commercial corridor, which abuts nearby multi-family zoned properties, providing recreational opportunities within walking distance;
- D. Any special structure or building modifications necessary to contain the proposed use would not impair the architectural integrity and character of the zoning district in which it is to be located because the use will be located in an existing tenant space and no exterior building or site modifications are proposed; and

Owner

Agent

File

Fire

Public Works

- E. The approval of the Conditional 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 is located in an urbanized area and involves occupancy of an existing tenant space; does not involve the use of hazardous materials; is not located where the surrounding areas are environmentally sensitive; and the scope of work is limited to minor accessibility improvements.

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:** If the approved use does not commence 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.
3. **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.
4. **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).
5. **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

6. **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.
7. **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.
8. **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.
9. **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.
10. **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

11. **OPERATIONAL CRITERIA:** In the event that problems with the operational criteria of the business arise, including, but not limited to, parking shortages, loading and offloading students, 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.
12. **DAYS/HOURS OF OPERATION:** The approved days and hours of operation are Monday through Friday from 2:00 p.m. to 8:30 p.m., and Saturday 9:00 a.m. to 5:30 p.m., and Sunday by appointment only. Seasonal summer camps may adjust typical hours of operations; in no case shall the number of students exceed the maximum allowed students during normal operation hours. Any proposed change to the approved days and/or hours of operation will require review and approval by the Zoning Administrator and may require a modification to this permit.

GREEN BUILDING

13. **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

14. **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.
15. **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

16. **SINGLE-PHASE DEVELOPMENT:** Construction of the project shall be done in a single phase unless a phased construction project schedule is approved by the Zoning Administrator (or City Council).
17. **CONSTRUCTION PARKING:** The applicant shall prepare a construction parking management plan to address parking demands and impacts during the construction phase of the project by contractors or other continued operations on-site. The plan shall also include a monitoring and enforcement measure which specifies on-street parking is prohibited and will be monitored by the owner/operator of the property (or primary contractor), and penalties will be enforced by the owner/operator of the property (or primary contractor) for violations of on-street parking restrictions. Violations of this provision may result in a stop-work notice being issued by the City for development project. The construction parking management plan shall be subject to review and approval by the Zoning Administrator prior to the issuance of building permits.
18. **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.

19. **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, CALEnergy, in conjunction with the City of Mountain View Amendments, and the Mountain View Green Building Code (MVGBC).
20. **USE AND OCCUPANCY CLASSIFICATION:** Provide proposed use(s) and occupancy(ies) for the proposed project per the CBC, Chapter 3.
21. **OCCUPANCY SEPARATION:** Proper separation is required to be provided between occupancies per the CBC, Table 508.4.
22. **TYPE OF CONSTRUCTION:** Provide the type of proposed construction per Chapter 6 of the CBC.
23. **FIRE WALLS:** Provide the required Fire Wall Resistance Ratings per CBC, Chapter 7, Table 706.4(c), as amended in MVCC Section 8.10.24.
24. **MEANS OF EGRESS:** The project is required to comply with the requirements per the CBC, Chapter 10, Means of Egress.
25. **OCCUPANT LOAD:** The project shall comply with Table 1004.5, Maximum Floor Area Allowance per Occupant, per the CBC, Chapter 10, Section 1004.
26. **ACCESSIBLE MEANS OF EGRESS:** The site must meet accessible means of egress per the CBC, Chapter 10, Section 1009.
27. **EXIT DISCHARGE:** The project shall comply with the exit discharge requirements per the CBC, Chapter 10, Section 1028.
28. **ACCESSIBILITY REQUIREMENTS:**
 - **Chapter 11B:** The project will be required to comply with the accessibility requirements in the CBC, Chapter 11B.
29. **IF MVGBC CALGREEN REQUIRED:** The project shall comply with the Mountain View CALGreen checklist requirements available online at www.mountainview.gov/greenbuilding.
30. **PLUMBING FIXTURES:** The project shall comply with Table 422.1 of the California Plumbing Code (CPC), Section 4.
31. **FIRE ACCESS LANE(S):** The site must always meet/maintain the existing fire access lane(s).
32. **STRUCTURAL CALCULATIONS:** Structural calculations may be required once the application for a building permit is submitted.
33. **COMMERCIAL TENANT IMPROVEMENTS:** The tenant improvements for the commercial space(s) will be required to obtain a separate building permit(s).
34. **DEMOLITION PERMIT(S):** Demolition permit(s) are issued under a separate permit application. Visit the City of Mountain View Building Division online at www.mountainview.gov/building or contact by phone at 650-903-6313 to obtain information and submittal requirements.
35. **SIGNS:** Proposed signs are to be a deferred submittal under a separate building permit application.
36. **PEDESTRIAN PROTECTION:** Pedestrians shall be protected during construction, remodeling, and demolition; additionally, if required, signs shall be provided to direct pedestrian traffic. Provide sufficient information at the time of building plan submittal of how pedestrians will be protected from construction activity per the CBC, Section 3306.
37. **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

38. **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.)
39. **LOCKBOX:** Install an approved key lockbox per the Fire Protection Engineer's directions. (California Fire Code, Section 506.)

EGRESS AND FIRE SAFETY

40. **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.)
41. **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.)
42. **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

43. **FLAMMABLE FINISHES:** Application of flammable finishes shall comply with the California Fire Code, Chapter 24.
44. **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

CONSTRUCTION ACTIVITIES, NOTES, AND OTHER APPROVALS

45. **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. Installation of a separate irrigation service, water meter, and BFP;
 - d. Red curbs adjacent to the driveway entrance shall be painted a minimum of 10' in each direction, or as determined and approved by the City Traffic Engineer; and

- e. All egress points to public streets or public easements shall be STOP-controlled with proper signage and markings in order to control conflict points with pedestrians, bicyclists, and vehicles as they enter a public roadway and, therefore, improve safety.

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/1/FDG
PL-2023-041

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