

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

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APPLICATION NO.:

PL-2022-253

DATE OF FINDINGS:

January 25, 2023

EXPIRATION OF ZONING PERMIT:

December 9, 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:

Glenn Cunningham for Nick the Greek

Property Address:

Assessor's Parcel No(s).:

Zone:

298 Castro Street

158-13-047

P(19)

Request:

Request for one-year permit extension for a previously approved Provisional Use Permit and Historic Preservation Permit (PL-2020-116) to allow a new restaurant use, Nick the Greek, in an existing 1,560 square foot ground-floor tenant space in a multi-tenant commercial building located on an 0.05-acre project site.

APPROVED

CONDITIONALLY
APPROVED

DISAPPROVED

OTHER

FINDINGS OF APPROVAL:

The request for a one-year Permit Extension for a previously approved Provisional Use and Historic Preservation Permit (Application No. PL-2020-156) to allow a new restaurant use is conditionally approved based upon the conditions of approval contained herein and upon the following findings:

- A. Per Section 36.56.65 of the Mountain View City Code, a permittee can request an extension of a valid permit by filing an application before the expiration date and, subsequently, the Zoning Administrator holding a duly noticed public hearing to determine whether the permittee has made a good-faith effort to comply with the conditions of the permit during the initial two-year period and obtain building permits. The permittee has provided substantial evidence of their efforts by continuously working on to obtain a building permit for which the applicant is close to obtaining permit issuance. The one-year permit extension will allow time to obtain a building permit and commence construction;
- B. At a duly noticed hearing, the Zoning Administrator determined the permittee proceeded in good faith and has exercised due diligence in complying with the conditions in a timely manner;
- C. Any special structure of 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 project includes only minor modifications that address the original permit's design conditions of approval; and
- D. The approval of the Permit Extension of a Provisional Use and Historic Preservation 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 reuse of an existing building with minor exterior alterations, such as new roof screens.

This approval is granted for a one-year Permit Extension for a previously approved Provisional Use and Historic Preservation Permit to allow a new restaurant use located on Assessor's Parcel No. 158-13-047. The conditions of approval from the original permit

Owner

Agent

File

Fire

Public Works

(Application No. PL-2020-016) still apply, with the added or modified conditions as listed below, and the permit expiration date shall be December 9, 2023.

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 one year from the expiration date of the original approval. This permit shall become null and void if building permits have not been issued and construction activity has not commenced within the one-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:** This permit extension incorporates and updates conditions of approval from prior permits, including, but not limited to, Permit No. PL-2020-016. For regulatory purposes, all previous permits and conditions of approval shall remain valid, except as may be modified by conditions of approval contained herein.

PERMIT SUBMITTAL REQUIREMENTS

3. **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

4. **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.

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

RIGHTS-OF-WAY

5. **PLAT AND LEGAL DESCRIPTION (Replaces Original Condition of Approval No. 50):** The legal description and plat is no longer required. Condition of Approval No. 50 no longer applies and can be removed.

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.

LINDSAY HAGAN, ASSISTANT COMMUNITY DEVELOPMENT DIRECTOR

LH/KP/8/FDG
PL-2022-253