

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

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APPLICATION NO.:

PL-2024-052

DATE OF FINDINGS:

June 26, 2024

EXPIRATION OF ZONING PERMIT:

June 10, 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:

Joe Kirchofer for Avalon Bay Communities Inc.

Property Address:

Assessor's Parcel No(s).:

Zone:

555 West Middlefield Road

158-49-001

P

Request:

Request for a two-year Permit Extension for a previously approved Planned Community Permit and a Development Review Permit to allow a 323-unit addition to an existing 402-unit residential apartment development with three new subterranean garages, a new amenity building/leasing office, and a future 1.34-acre public park (land dedicated to the City); a Heritage Tree Removal Permit to remove 51 Heritage trees and relocate 39 existing trees on a 14.5-acre project site; and a determination that an Environmental Impact Report (EIR) has been prepared for the project pursuant to CEQA Guidelines.

APPROVED

CONDITIONALLY
APPROVED

DISAPPROVED

OTHER

FINDINGS OF APPROVAL:

The request for a two-year Permit Extension for a previously approved Planned Community permit, Development Review Permit, and a Heritage Tree Removal Permit (Application No. PL-2017-004) to allow a 323-unit addition to an existing 402-unit residential apartment development with three new subterranean garages, a new amenity building/leasing office, and a future 1.34-acre public park (land dedicated to the City) and removal of 51 Heritage trees 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 submitting construction documents to the Building Division;
- 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 Planned Community Permit, Development Review Permit, and a Heritage Tree Removal Permit complies with the California Environmental Quality Act (CEQA) as the project's environmental impacts have been reviewed and disclosed in the 555 West Middlefield Road Residential Project Environmental Impact Report (EIR) prepared, certified, and adopted by the City Council, all in accordance with CEQA. An addendum to the EIR was prepared pursuant to

Owner

Agent

File

Fire

Public Works

CEQA Guidelines, Section 15164 describing the project changes related to tree preservation and parking consistent with Council direction and documenting the analysis underlying the determination that the project changes would not result in new or substantially more severe significant environmental impacts than those disclosed in the previously certified EIR.

This approval is granted for a two-year Permit Extension for a previously approved Planned Community Permit, Development Review Permit, and a Heritage Tree Removal Permit to allow a 323-unit addition to an existing 402-unit residential apartment development with three new subterranean garages, a new amenity building/leasing office, and a future 1.34-acre public park (land dedicated to the City) and removal of 51 Heritage Trees located on Assessor's Parcel No. 158-49-001. The conditions of approval from the original permit (Application No. PL-2017-004) still apply, with the added or modified conditions as listed below, and the permit expiration date shall be June 10, 2026.

THIS REQUEST IS GRANTED SUBJECT TO THE FOLLOWING CONDITIONS:

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

1. **EXPIRATION (Replaces PL-2017-004 Condition No. 1):** 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.
2. **PERMIT EXTENSION (Replaces PL-2017-004 Condition No. 2):** This permit extension incorporates and updates conditions of approval from prior permits, including, but not limited to, Permit No. PL-2017-004. 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.

TREES AND LANDSCAPING

5. **TREE PROTECTION:** The tree protection plan must include:
 - a. Include the locations of tree protection zone fencing for trees to be preserved.
 - b. Include the following tree protection guidelines:
 1. Fence all trees to be retained to completely enclose the tree protection zone prior to demolition, grubbing, or grading. Fences shall be 6' tall chain link. Fences are to remain until all grading and construction is completed. Fences may not be relocated or removed without the permission of the Project Arborist.
 2. No grading, construction, demolition, or other work shall occur within the tree protection zone. Any modifications must be approved and monitored by the Project Arborist.
 3. Construction trailers, traffic, and storage areas must remain outside fenced areas at all times.

4. Prior to grading, pad preparation, excavation for foundations/footings/walls, and trenching, trees may require root pruning outside the tree protection zone. Any root pruning of roots larger than 2" in diameter required for construction purposes shall receive the prior approval of, and be supervised by, the Project Arborist.
5. If injury should occur to any tree during construction, it should be evaluated as soon as possible by the Project Arborist so that appropriate treatments can be applied.
6. Sufficient irrigation to maintain tree health will be provided throughout the duration of the project. **(PROJECT SPECIFIC CONDITION)**

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.

6. **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).
7. **2022 MVGBC CALGREEN:** The project shall comply with the Mountain View CALGreen checklist requirements available online at www.mountainview.gov/greenbuilding.
8. **REACH CODES FOR MULTI-FAMILY RESIDENTIAL (NEW CONSTRUCTION):**
 - a. **EV Parking Requirements:** If there are 20 dwellings or less, parking shall comply with 40% Level 2 EVCS installed and 60% EV1-ready, as amended in MVCC Section 8.20.32 and per Table 101.10. If there are more than 20 dwellings, parking shall comply with MVCC per Table 101.10.
 - b. **Photovoltaic System Requirements:** Photovoltaic (PV) installation on roof area to accommodate an all-electric building to 100% of annual kWh consumption offset, as amended in MVCC Section 8.20.9 and per Table 101.10.
9. **RESPONSIBLE CONSTRUCTION:** This project is subject to the City's Responsible Construction Ordinance. For projects covered by this Ordinance, owners, contractors, and/or qualifying subcontractors are required to acknowledge responsibilities and make specified certifications upon completion of a project. The required certifications include that: (a) employees are provided written wage statements and notice of employers' pay practices as required under State law (or, alternatively, are covered by a valid collective bargaining agreement); and (b) they have no unpaid wage theft judgements. Acknowledgement forms are required to be submitted at building permit application, which is available online at www.mountainview.gov/building. More information is available at www.mountainview.gov/wagetheft.

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/DP/6/FDG/PL-2024-052