

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

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APPLICATION NO.:

PL-2024-024

DATE OF FINDINGS:

July 24, 2024

EXPIRATION OF ZONING PERMIT:

July 24, 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:

Elizabeth Smith

Property Address:

880 Tulane Court

Assessor's Parcel No(s).:

189-05-120

Zone:

R1

Request:

Request for a Development Review Permit to construct a 21 square foot addition to a single-family residence and a Conditional Use Permit to allow the property to continue to provide no covered parking on a 0.18-acre site.

APPROVED

CONDITIONALLY
APPROVED

DISAPPROVED

OTHER

FINDINGS OF APPROVAL:

The Conditional Use Permit to allow the property to continue to provide a reduction of required off-street parking 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 R1 Zoning District and complies with all of the applicable provisions of Chapter 36 (Zoning) of the City Code, including R1 development standards, and the minimum overall number of off-street parking spaces, although they will continue to be uncovered;
- B. The proposed use is consistent with the Low-Density Residential Land Use Designation of the General Plan because the existing use of a single-family house will not change;
- 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 property will continue to be developed with a single-family house in a neighborhood developed with similar single-family houses with no changes to the existing amount of parking spaces;
- 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 21 square foot addition to the existing single-family house proposed with the associated Development Review Permit is small in scale and does not affect the architecture of the single-family home or the single-family character of the applicable R1 Zoning District; and
- 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 proposed minor addition to the existing single-family residence will not result in an increase of more than 50% of the floor area of the structure, does not involve the use of hazardous materials, and is not located where the surrounding areas are environmentally sensitive.

Owner

Agent

File

Fire

Public Works

The Development Review Permit to allow a 21 square foot addition to an existing nonconforming single-family residence is conditionally approved based upon the conditions of approval contained herein and upon the following findings per Section 36.44.70:

- A. The project complies with the general design considerations as described by the purpose and intent of Chapter 36 (Zoning) of the City Code, the General Plan, and any City-adopted design guidelines since the addition is in conformance with floor area ratio (FAR), setback, and building height standards and will not be adjusting the available off-street parking;
- B. The architectural design of structures, including colors, materials, and design elements (i.e., awnings, exterior lighting, screening of equipment, signs, etc.), is compatible with surrounding development because the additional material will match existing materials;
- C. The location and configuration of structures, parking, landscaping, and access are appropriately integrated and compatible with surrounding development, including public streets and sidewalks and other public property, as the front setback will maintain the 50% required landscaping, and no off-street parking will be altered;
- D. The general landscape design ensures visual relief, complements structures, provides an attractive environment, and is consistent with any adopted landscape program for the general area by ensuring that over 50% of the front 20' setback is landscaped;
- E. The design and layout of the proposed project will result in well-designed vehicular and pedestrian access, circulation, and parking by not impacting the current public right-of-way and not altering the existing off-street parking available; and
- F. The approval of the Development Review Permit complies with the California Environmental Quality Act (CEQA) as it qualifies as a categorically exempt project per Section 15301 ("Existing Facilities") because the proposed minor additions to the existing single-family residence will not result in an increase of more than 50% of the floor area, does not involve the use of hazardous materials, and is not located where the surrounding areas are environmentally sensitive.

This approval is granted to construct a 21 square foot residential addition on a nonconforming single-family house with no covered parking located on Assessor's Parcel No. 189-05-120. 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 Lei Zheng, date stamped April 29, 2024.

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).

PERMIT SUBMITTAL REQUIREMENTS

4. **CERTIFICATION OF BUILDING PERMIT PLANS:** In a letter, the project architect shall certify the architectural design shown in the building permit plans match the approved plans. Any changes or modifications must be clearly noted in writing and shown on redlined plan sheets. The project architect shall also certify the structural plans are consistent with the architectural plans. In the event of a discrepancy between the structural plans and the architectural plans, the architectural plans shall take precedence, and revised structural drawings shall be submitted to the Building Inspection Division.
5. **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.
6. **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.
7. **FLOOR AREA RATIO (FAR) DIAGRAM:** Building permit drawings must include a floor area ratio (FAR) diagram for each structure on-site, clearly identifying each level of the structure(s) and the gross area(s) which count toward floor area per required zoning calculations. The diagram must also clearly identify all areas which are exempt from FAR.

OPERATIONS

8. **NONCONFORMING USE:** No existing building, structure, or land devoted to a nonconforming use shall be enlarged, extended, reconstituted, substituted, or substantially altered, unless the use thereof is changed to a permitted use in the zoning district in which the building, structure, or land is located unless authorized per City Code Section 36.06.08.

SITE DEVELOPMENT AND BUILDING DESIGN

9. **NONCONFORMING STRUCTURE(S):** Any future addition to the nonconforming structure(s) will need to comply with the latest applicable development standards of the zoning district in which it is located and cannot increase the degree of nonconformity which exists on the property. No structural changes to the nonconforming portion of the building are permitted nor any structural change to the conforming portion of the building, which may result in structural changes to the nonconforming portion of the building, are permitted. Repairs and maintenance may be considered to a legal nonconforming structure on a case-by-case basis as required to keep it in safe condition provided no structural alteration or replacement shall be made, except as required by law, ordinance, or for seismic retrofits.
10. **COLOR AND MATERIALS:** Colors and materials of the proposed addition are to be shown and noted on permit drawings to match the existing structure.

TREES AND LANDSCAPING

11. **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.

CONSTRUCTION ACTIVITIES

12. **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).
13. **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 and contact information, including an after-hours contact. Violation of this condition of approval may be subject to the penalties outlined in Section 8.6 of the City Code and/or suspension of building permits.

14. **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.

15. **BUILDING PERMITS:** Building permits are required for this project. Building plan check review will be part of a separate permit application process that can be applied for once the Planning approvals have been obtained. Please refer to the Building Division’s current “Submittal Requirements” for document submittal requirements, or contact the Building Division at 650-903-6313. Attach a copy of this Findings Report to each set of plans submitted for building permits, noting next to each condition how that condition has been satisfied. This approval expires on the date noted above unless building permits have been issued. No construction work can commence without an appropriate building permit.

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/SF/6/FDG
PL-2024-024