

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

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APPLICATION NO.:

PL-2024-032

DATE OF FINDINGS:

August 7, 2024

EXPIRATION OF ZONING PERMIT:

February 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:

Huy Do for 756 California LLC

Property Address:

Assessor's Parcel No.:

Zone:

756 California Street

158-23-082

P(19)

Request:

Request for a two-year Permit Extension for a previously approved Planned Community Permit and Development Review Permit to construct a new three-story, 6,997 square foot commercial building with ground-floor retail and office above to replace an existing single-story commercial building on a 0.07-acre project site.

APPROVED

CONDITIONALLY
APPROVED

DISAPPROVED

OTHER

FINDINGS OF APPROVAL:

The request for a two-year Permit Extension for a previously approved Planned Community Permit and Development Permit (Application No. PL-2018-082) to allow a new three-story, 6,997 square-foot commercial building with ground-floor retail and office above to replace an existing single-story commercial building on a 0.07-acre project site 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 extension is requested by the applicant to secure the necessary financing for construction. The primary reason for the request pertains to the current financial climate, which has significantly impacted the feasibility of obtaining necessary financing. The extension will provide the necessary time for economic conditions to potentially improve, thereby enhancing the likelihood of project completion. The two-year extension will allow time to obtain building permits and begin construction;
- B. At a duly noticed hearing, the Zoning Administrator determined that 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 and Development Review Permit complies with the California Environmental Quality Act (CEQA) as it qualifies as a categorically exempt project per Section 15303 ("New Construction or Conversion of Small Structures") because the project does not exceed 10,000 square feet in floor area, is consistent with the

Owner

Agent

File

Fire

Public Works

applicable General Plan Zoning Designation and regulations, does not involve the use of hazardous substances where all necessary public services and facilities are available, and the surrounding area is not environmentally sensitive. None of the exceptions in CEQA Guidelines Section 15300.2 apply.

This approval is granted for a two-year Permit Extension for a previously approved Planned Community Permit and Development Review Permit (Application No. PL-2018-082) to allow a new three-story, 6,997 square foot commercial building with ground-floor retail and office above to replace an existing single-story commercial building on a 0.07-acre project site located on Assessor's Parcel No. 158-23-082. The conditions of approval from the original permit (Application No. PL 2018-082) still apply, with the added or modified conditions as listed below, and the permit expiration date shall be February 22, 2026.

THIS REQUEST IS GRANTED SUBJECT TO THE FOLLOWING CONDITIONS:

General

The conditional approval made by the Zoning Administrator at the conclusion of the June 12, 2024, public hearing is hereby rescinded in its entirety.

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

1. **EXPIRATION (Replaces Original Condition No. 1):** This permit is valid for a period of two years from the date of original 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 Original Condition No. 2):** This permit extension incorporates and updates conditions of approval from prior permits, including, but not limited to, Permit No. PL-2018-082. For regulatory purposes, all previous permits and conditions of approval shall remain valid, except as may be modified by conditions of approval contained herein.

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.

3. **BUILDING HEIGHT AND NUMBER OF STORIES (New Condition):** The project shall comply with the requirements per the CBC, Chapter 5, Section 504.
4. **BUILDING AREA (New Condition):** The project shall comply with the requirements per the CBC, Chapter 5, Section 506.
5. **EXIT DISCHARGE (New Condition):** The project shall comply with the exit discharge requirements per the CBC, Chapter 10, Section 1028.
6. **ACCESSIBILITY REQUIREMENTS (New Condition):**
 - **Chapter 11B:** The project will be required to comply with the accessibility requirements in the CBC, Chapter 11B.
 - **Accessibility within a site/trash enclosure (Chapter 11B):** At least one accessible route shall connect accessible building, accessible facilities (e.g., trash enclosure), accessible elements and accessible spaces that are on the same site in compliance with the CBC, 11B-206.2.2.
 - **Path of travel from public sidewalk/right-of-way (Chapter 11B):** The project is required to provide a continuously accessible path from the public sidewalk/right-of-way to the building entrance(s). Specify path is level or show locations

of, and provide details for, required curb or walkway ramps in compliance with CBC 11B-202.4, 11B-206.2.1, and 11B-402.1.

7. **MVGBCC CALGREEN (New Condition):** The project shall comply with the current Mountain View CALGreen checklist requirements available online at www.mountainview.gov/greenbuilding.
8. **REACH CODES FOR NONRESIDENTIAL (NEW CONSTRUCTION) (New Condition):**
 - a. **If parking provided, EV Parking Requirements:** Parking shall comply with Table 101.10 and Table A5.106.5.3.2, as amended in MVCC Section 8.20.42.
 - 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 8.20.12 and per Table 101.10.
 - c. **Bird-Safe Glass Requirements:** Bird-safe glass shall be installed on the exterior of the structure, as amended in MVCC Section 8.20.12 and per Table 101.10.
9. **UTILITIES (New Condition):** No utilities shall cross property lines.
10. **STRUCTURAL CALCULATIONS (New Condition):** Structural calculations may be required once the application for a building permit is submitted.
11. **COMMERCIAL TENANT IMPROVEMENTS (New Condition):** The tenant improvements for the commercial space(s) will be required to obtain a separate building permit(s).
12. **RESPONSIBLE CONSTRUCTION (New Condition):** 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 judgments. 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.

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

FIRE PROTECTION SYSTEMS AND EQUIPMENT

13. **FIRE SPRINKLER SYSTEM: (Replaces Original Condition No. 77)** Provide an automatic fire sprinkler system to be monitored by a central station monitoring alarm company. This monitoring shall include water flow indicators and tamper switches on all control valves. Shop-quality drawings shall be submitted electronically for review and approval. The underground fire service system shall be approved prior to approval of the automatic fire sprinkler system. All work shall conform to NFPA 13, NFPA 24, NFPA 72, and Mountain View Fire Department specifications. (City Code Sections 14.10.30 and 14.10.31 and California Fire Code Section 903.)
14. **LOCKBOX (Replaces Original Condition No. 81)** Install an approved key lockbox per the Fire Protection Engineer's directions. (California Fire Code, Section 506.)

EGRESS AND FIRE SAFETY

15. **EXIT ILLUMINATION (Replaces Original Condition No. 82):** 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.)

EXTERIOR IMPROVEMENTS

16. **REFUSE AREAS (Replaces Original Condition No. 87):** Refuse areas within 5' of combustible construction or building openings shall be protected with automatic fire sprinklers. A maximum of two sprinkler heads are permitted off a 1" domestic water service. Approved accessible shutoff valves shall be provided. (California Fire Code, Section 304.3.)

STREET IMPROVEMENTS

17. **HARDSCAPE (New Condition):** Along the California Street frontage, Sheet A2.0 shows pavers to be replaced with landscape. Given that VTA bus stop is to remain, existing pavers shall remain.

SOLID WASTE AND RECYCLING

18. **TRASH ENCLOSURE DESIGN AND DETAILS (Replaces Original Condition No. 123):** Trash plan sheet and enclosure details must be included on a separate sheet in the initial building plans and include:
- The property must have trash and recycling service. Display on plans trash room layout, location and dimensions to scale with the following minimum service levels: one 3-cubic-yard trash bin and two 96-gallon recycle carts. The property must also have compost service if a significant quantity of compostable material is generated and one 64-gallon compost cart will fit in the trash room.
 - To comply with the mandatory composting ordinance, the trash account holder (property manager) should apply for a waiver from these requirements if the business tenants on-site 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.
 - The trash room shall have minimum interior measurements of 8' deep by 11' wide and wall protection instead of curbs or footings due to space constraints. Maintain 1' between bins, interior curbs, and walls.
 - The trash room shall have a roll-up door measuring a minimum of 6' wide with keypad access for driver.
 - Install a minimum 6' wide flat and smooth concrete pathway for entire length of bin travel from trash room door to end of the curb adjacent to California Street.
 - Any movement of bins over 30' will be subject to roll-out fees by the hauler. Current roll-out fee is \$0.75 per foot per container per month.
 - Maintain overhead clearances of 15' in the travel way and 22' at the point of collection.

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/MN/4/FDG
PL-2024-032