

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

APPLICATION NO.:
DATE OF FINDINGS:
EXPIRATION OF ZONING PERMIT:

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PL-8009

April 23, 2025

April 23, 2027

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:

Carol Chen for 262 Phoenix Massage SPA, Inc.

Property Address:

Assessor's Parcel No(s).:

Zone:

262 Castro Street

158-13-042

P(19)

Request:

Request for a Provisional Use Permit to allow a medical services use, consisting of massage therapy and acupuncture, replacing a retail use in an existing multi-tenant commercial tenant space on a 0.24-acre site.

APPROVED ☐

CONDITIONALLY ☒
APPROVED

DISAPPROVED ☐

OTHER ☐

FINDINGS OF APPROVAL:

The Provisional Use Permit for a medical services use, consisting of massage therapy and acupuncture, 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 subject zoning district and complies with all of the applicable provisions of Chapter 36 (Zoning) of the City Code.** The proposed use is conditionally permitted within Area H of the Downtown Precise Plan and complies with the requirements of the Downtown Precise Plan that ground-floor uses located along Castro Street demonstrate that they will generate pedestrian activity and streetside interest compatible with the desired Castro Street environment in alignment with the Precise Plan goals. The applicant proposes to integrate accessory retail space, merchant displays, and a window-front seating area to enhance visual interest and pedestrian interaction along Castro Street;
- B. **The proposed use is consistent with the General Plan.** The proposed use is consistent with the Downtown Mixed-Use Land Use Designation of the General Plan because the proposed medical service use is a provisionally permitted use and is consistent with the Downtown Mixed-Use Land Use Designation's intent of including an active mix of uses and public spaces in a main-street setting, including restaurants, offices, government services, housing, entertainment, and neighborhood-serving commercial uses;
- C. **The location, size, design, and operating characteristics of the proposed use are compatible with the site and building character and environmental conditions of existing and future land uses in the vicinity.** The location, size, design, and operating characteristics of the proposed use are compatible with the site and building character as the medical services use is a provisionally permitted use proposed within an existing tenant space, and the proposed layout with private massage rooms arranged along a shared hallway is a well-suited use of the deep and narrow tenant space. The applicant also incorporated accessory retail space, merchant display, and window-front seating area, facing Castro Street to enhance compatibility with the pedestrian-oriented character of Castro Street;
- D. **Any special structure or building modifications necessary to contain the proposed use would not impair the architectural integrity and character of the Precise Plan in which it is to be located.** The proposed medical services use is located in an

☐ Owner

☐ Agent

☐ File

☐ Fire

☐ Public Works

existing commercial tenant space where no exterior modifications to the building are necessary to accommodate the proposed medical services use; and

- E. **The approval of the Provisional Use Permit complies with the California Environmental Quality Act (CEQA).** The approval of the Provisional 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 only proposes interior modifications to accommodate a medical services use in an existing commercial tenant space, and no exterior modifications to the building or site are proposed.

This approval is granted to allow a medical services use, consisting of massage therapy and acupuncture, replacing a retail use in an existing multi-tenant commercial tenant space on a 0.24-acre site located on Assessor's Parcel No. 158-13-042. 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 Vincent Tran, dated March 17, 2025.
- b. Business Description Letter prepared by Huibo Carol Chen and Orson Jiang, dated March 19, 2025.

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. **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).
4. **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

5. **MASSAGE LICENSE:** A massage license is required to be reviewed and approved by the Police Department prior to building permit issuance, business operation, and approval of a business license.
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, 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 to Sunday from 10:00 a.m. to 10:00 p.m. 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.

SITE DEVELOPMENT AND BUILDING DESIGN

13. **GROUND-FLOOR TRANSPARENCY:** Storefronts and windows must maintain a minimum 75% transparency along the ground floor of the building(s) at all times. No window tinting/treatment, permanent/affixed furniture, or sunshades which permanently block the windows/storefronts are permitted. Sunshades which maximize transparency while providing UV light screening for building occupants may be permitted, subject to review and approval by the Zoning Administrator.
14. **OUTDOOR STORAGE:** There is to be no outdoor storage without specific Development Review approval by the Planning Division.
15. **ACTIVATION OF CASTRO STREET:** This permit is approved with the condition that the portion of the tenant space visible from Castro Street shall contain the accessory retail space, merchant displays, and a window-front seating area per the approved floor plan. Any changes to the approved tenant space that removes these activating components of the business requires a modification to this Provisional Use Permit, subject to review and approval by the Zoning Administrator. **(PROJECT-SPECIFIC CONDITION)**

NOISE

16. **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.
17. **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

18. **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).
19. **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.

20. **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.
21. **NOTICE OF CONSTRUCTION:** The applicant shall notify neighbors within 750' of the project site of the construction schedule in writing, prior to construction. For multi-phased construction, separate notices may be required for each phase of construction. A copy of the notice and the mailing list shall be submitted for review prior to issuance of building permits.
22. **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 Mountain View City Code (MVCC) for any building occupancy or construction to commence without the proper building and/or fire permits and issued Certificate of Occupancy.

23. **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, CAEnergy, in conjunction with the City of Mountain View Amendments, and the Mountain View Green Building Code (MVGBC).
24. **USE AND OCCUPANCY CLASSIFICATION:** Provide proposed use(s) and occupancy(ies) for the proposed project per the CBC, Chapter 3.
25. **MEANS OF EGRESS:** The project is required to comply with the requirements per the CBC, Chapter 10, Means of Egress.
26. **OCCUPANT LOAD:** The project shall comply with Table 1004.5, Maximum Floor Area Allowance per Occupant, per the CBC, Chapter 10, Section 1004.
27. **ACCESSIBILITY REQUIREMENTS:**
 - **Chapter 11B:** The project will be required to comply with the accessibility requirements in the CBC, Chapter 11B.
28. **MVGBC CALGREEN:** The project shall comply with the Mountain View CALGreen checklist requirements available online at www.mountainview.gov/greenbuilding.

29. **REACH CODES FOR NONRESIDENTIAL (EXISTING CONSTRUCTION):** When new parking facilities are added, or electrical systems or lighting of existing parking facilities are added or altered, and the work requires a building permit, the project shall comply with MVCC Section 8.20.43.
30. **PLUMBING FIXTURES:** The project shall comply with Table 422.1 of the California Plumbing Code (CPC), Section 4.
31. **ADDRESSES:** All street names, street numbers, residential apartment numbers, ADU numbers, and suite numbers will be processed by the Building Division prior to permit issuance.
32. **SIGNS:** Proposed signs are to be a deferred submittal under a separate building permit application.
33. **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

34. **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.)

FIRE DEPARTMENT ACCESS

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

EGRESS AND FIRE SAFETY

36. **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.)
37. **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.)
38. **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.

EXTERIOR IMPROVEMENTS

39. **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

STREET IMPROVEMENTS

40. **EXCAVATION PERMIT:** For projects with any work within the public right-of-way, upon first submittal of the building permit, submit a complete Excavation Permit Application for all applicable work within the public right-of-way to the Public Works

Department. Permit applications are available online from the Development Permits website at: <https://developmentpermits.mountainview.gov/about-permits/applications>. All work within the City right-of-way must be consolidated on the site, off-site, and/or utility plans. Plans of the work, traffic control plans for work within the public roadway and/or easement, insurance certificate and endorsements, and permit fees are required with the Excavation Permit Application.

41. **CASTRO PEDESTRIAN MALL:** Construction vehicles are not allowed in the Castro Pedestrian Mall, which is designated for emergency vehicle access only. Contractors shall use a private parking lot to stage equipment and materials and to park vehicles. They shall not stage equipment and materials or park vehicles in the public right-of-way or City parking lots.

Construction shall not encroach into the Castro Pedestrian Mall, and best-faith efforts shall be made to minimize impacts on businesses and patrons during construction. During construction, an accessible path for pedestrians shall continuously be maintained. All striping and pavement markings damaged and/or removed as part of construction shall be replaced in-kind with thermoplastic to the satisfaction of the Public Works Director.

UTILITIES

42. **WATER AND SEWER SERVICE:** Each dwelling, townhouse, apartment house, restaurant, or place of business shall have its own water meter and sanitary sewer lateral in accordance with City Code Section 35.38.
43. **UTILITY SERVICES:** The size and location of all existing and new water meters, backflow preventers, potable water services, recycled water services, fire services, sewer laterals, sewer cleanouts, storm drain laterals, storm cleanouts/inlets, gate valves, manholes, and utility mains shall be shown on the plans. Sewer laterals, potable water services, and fire services shall have a minimum 5' horizontal separation from each other. Recycled water and potable water shall have a minimum 10' horizontal separation from each other. New potable water and recycled water services shall have a minimum 5' clearance from trees, and new sewer laterals shall have a minimum 10' clearance from trees. Angled connections within service lines shall not be allowed.
- Existing water services shall be shown to be disconnected and abandoned at the main in accordance with City standards, unless they are satisfactory for reuse, as determined by the Public Services Division. Water services 4" or larger that are not reused shall be abandoned at the main by removing the gate valve and installing a blind flange and thrust block at the tee. Existing sanitary sewer laterals and storm connections that are not reused shall be abandoned, and existing face-of-curb drains that are not reused shall be removed.
44. **BACKFLOW PREVENTER:** Aboveground reduced-pressure backflow preventers are required for all new and existing City potable water and recycled water services. Backflow preventers shall be located directly behind the water meter or as reasonably close as possible at a location preapproved by the Public Services Division. Backflow prevention assemblies shall be conveniently located as close to the meter as feasible outside of buildings and are not allowed within buildings' utility closets or basements. A minimum 3' clearance shall be provided around each assembly for accessibility and maintenance. A minimum 1' clearance shall be provided between the assembly and building face, as applicable. Protective covers and/or enclosures must be preapproved by the Cross-Connection Control Specialist prior to installation.
45. **REUSE OF EXISTING SEWER LATERAL:** City records show the existing sewer lateral was constructed as part of the original development and may have outlived its useful life. Unless the applicant conducts a video inspection of the lateral and it is determined by the City to be in satisfactory condition for reuse, the construction of a new sewer lateral from the property line to the City main will be required, including the installation of a new property line sewer cleanout.

Prior to the issuance of any building permits, the applicant shall conduct a video inspection of the lateral. A representative from the Public Services Division must be present to observe the video inspection. Please contact the Public Services Division's Wastewater Supervisor at 650-903-6329 to schedule a City maintenance person to be present at time of video inspection. After reviewing the recording, the City will determine if the lateral and/or cleanout requires replacement. If an existing cleanout is not present, a new cleanout shall be installed. If a new sewer lateral is required, it shall be installed with 10' minimum horizontal clearance from any existing trees to protect against root intrusion and 5' minimum horizontal clearance from the existing water service to protect against cross-contamination. The applicant shall submit an Excavation Permit Application for replacement/installation and pay any applicable fees prior to the issuance of any building permits.

46. **SANITARY SEWER CLEANOUT:** A one-way sanitary sewer cleanout shall be installed in accordance with City standards.
47. **WATER AND SEWER APPLICATIONS:** Upon first submittal of the building permit and improvement plans, the applicant shall submit complete applications for water and sewer service to the Public Works Department if new water services, water meters, fire services, or sewer laterals are required. Any unpaid water and sanitary sewer fees must also be paid prior to the issuance of any permits.

GRADING AND DRAINAGE IMPROVEMENTS (ON-SITE)

48. **ON-SITE DRAINAGE REQUIREMENTS:** On-site grading shall not impact Wild Cherry Lane.

SOLID WASTE AND RECYCLING

49. **RECOLOGY MOUNTAIN VIEW:** The applicant/contractor must be in compliance and shall include the following as a note on the building permit and improvement plans: "Recology Mountain View is the City's exclusive hauler for recycling and disposal of construction and demolition debris. For all debris boxes, contact Recology. Using another hauler may violate City Code Sections 16.13 and 16.17 and result in code enforcement action."
50. **MOUNTAIN VIEW GREEN BUILDING CODE/CONSTRUCTION AND DEMOLITION ORDINANCE:** If this project is subject to the requirements of the Mountain View Green Building Code, a Construction and Demolition Waste Management Plan shall be submitted with the building permit application and approved by the Public Works Solid Waste and Recycling Division prior to the issuance of a building permit. A Final Construction and Demolition Waste Management Plan shall be submitted and approved prior to final inspection.
51. **TRASH ROOMS AND/OR ENCLOSURES:** Trash rooms and/or enclosures shall be used only for trash, recycling, and compost containers and shall not be used for storage at any time. Access door to the trash facility shall be clearly labeled "Trash Room."
52. **TRASH ENCLOSURE DESIGN AND DETAILS:** Specify the plans sheets in the building permit plans addressing the following conditions:
- The property shall have trash, recycling, and compost service. All trash services for this applicant shall be shared under the property management account 252 Castro Investment LLC instead of the business having its own individual services. The business must use the existing trash enclosure for trash, recycling, and compost services. The current service levels for this property management account are below:
 - One 2-yard trash twice per week;
 - One 4-yard cardboard only twice per week;
 - One 64-gallon compost twice per week; and
 - One 96-gallon mixed recycling once per week.
 - Upon occupancy, and as needed, the applicant shall receive approval by property management to adjust service levels of trash, recycling, and compost to accommodate waste generated by the massage therapy.
 - Maintain overhead clearances of 15' in the travelway and 22' at the collection point.

CONSTRUCTION ACTIVITIES, NOTES, AND OTHER APPROVALS

53. **SANTA CLARA VALLEY WATER DISTRICT WELLS:** Santa Clara Valley Water District (Valley Water) requires the following note to be labeled on the building and improvement plans: "While the Santa Clara Valley Water District (Valley Water) has records for most wells located in the County, it is always possible that a well exists that is not in Valley Water's records. If previously unknown wells are found on the subject property during development, they must be properly destroyed under permit from Valley Water or registered with Valley Water and protected from damage."
54. **STREET CLEANING:** The owner/developer shall comply with and include the following note on the off-site, or grading/drainage, or utility plans: "The prime contractor or developer is to hire a street cleaning contractor to clean up dirt and debris from City

streets that are attributable to the development's construction activities. The street cleaning contractor is to have the capability of sweeping the streets with both a broom-type sweeper and a regenerative air vacuum sweeper as directed by the Public Works Director or designated representative."

55. **OCCUPANCY RELEASE (COMMERCIAL):** The owner/developer shall comply with and include the following note on the off-site or grading/drainage or utility plans: "For commercial and office developments, no buildings will be released for occupancy until the off-site improvements to be constructed to City Public Works standards and/or accepted for maintenance by the City are complete and ready for acceptance."

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/HZ/6/FDG
PL-8009

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