

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

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APPLICATION NO.:

PL-2023-231

DATE OF FINDINGS:

February 14, 2024

EXPIRATION OF ZONING PERMIT:

February 23, 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:

Mitra Malek for El Monte Senior LLC

Property Address:

Assessor's Parcel No(s).:

Zone:

1057-1061 El Monte Avenue

189-33-027

R3-1

Request:

Request for a two-year Permit Extension for a previously approved Development Review Permit to construct a four-story, 90-room senior care facility with a State Density Bonus replacing three commercial buildings; Conditional Use Permit for a senior care facility use; Heritage Tree Removal Permit to remove six Heritage trees on a 1.24-acre project site; and a determination the project is categorically exempt pursuant to Section 15332 ("In-Fill Development Projects") of the CEQA Guidelines.

APPROVED

CONDITIONALLY
APPROVED

DISAPPROVED

OTHER

FINDINGS OF APPROVAL:

The request for a two-year Permit Extension for a previously approved Development Review Permit (Application No. PL-2021-031) to construct a four-story, 90-room senior-care facility with a State Density Bonus replacing three commercial buildings, Conditional Use Permit for a senior-care facility use, and a Heritage Tree Removal Permit to remove six 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 coordinating with staff and actively working to respond to comments to finalize improvement plans and construction documents for building permit resubmittal. The two-year 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 complies with the California Environmental Quality Act (CEQA) as it qualifies as a categorically exempt project per Section 15332 ("In-Fill Development Projects") because the project is proposing no changes to the previous entitlements and, at the time of approval, is consistent with the applicable General Plan and Zoning Designation in which senior care facilities are a conditionally permitted use; is located on a project site of no more than five acres as the site

Owner

Agent

File

Fire

Public Works

is 1.24 acres; the site is substantially surrounded by urban uses and has no habitat, endangered, rare, or threatened species as the site is surrounded by commercial, institutional, and residential uses; would not result in impacts to traffic, noise, or air quality as conditions of approval have been added to ensure construction-related noise shall not exceed 55 db(A) and that demolition and construction in conformance with Bay Air Quality Management District requirements are met to reduce dust emissions.

This approval is granted for a two-year Permit Extension for a previously approved Development Review Permit to construct a four-story, 90-room senior-care facility with a State Density Bonus replacing three commercial buildings, a Conditional Use Permit for a senior-care facility use, and a Heritage Tree Removal Permit to remove six Heritage trees located on Assessor's Parcel No. 189-33-027. The conditions of approval from the original permit (Application No. PL-2021-031) still apply, with the added or modified conditions as listed below, and the permit expiration date shall be February 23, 2026.

THIS REQUEST IS GRANTED SUBJECT TO THE FOLLOWING CONDITIONS:

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

1. **EXPIRATION (Replaces Original Permit Condition No. 2):** This permit is valid for a period of two years 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 two-year period.
2. **PERMIT EXTENSION:** This permit extension incorporates and updates conditions of approval from prior permits, including, but not limited to, Permit No. PL-2021-031. For regulatory purposes, all previous permits and conditions of approval shall remain valid, except as may be modified by conditions of approval contained herein.

Neighborhoods and Housing Division—650-903-6379 or neighborhoods@mountainview.gov

3. **HOUSING IMPACT FEE (Replaces Original Permit Condition No. 62):** Prior to the issuance of the first grading or building permit for the project, the applicant shall pay a Housing Impact Fee based on the net new floor area and the adopted fees in effect at the time of building permit issuance. For purposes of calculating the fee, the project includes construction of 80,434 square feet of Commercial and demolition of 9,391 square feet of Commercial, resulting in 71,043 net new floor area of Commercial.

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

RIGHTS-OF-WAY

4. **FRONTAGE PUBLIC UTILITY EASEMENT DEDICATION (Replaces Original Permit Condition No. 136):** Dedicate a 10' wide public utility easement (PUE) along project street frontage(s) for such use as sanitary sewer, water, storm drains, and other public utilities, including gas, electric, and telecommunication facilities, as required by the Public Works Director. Utility boxes and vaults are not allowed to encroach into the public sidewalk and must fit either entirely within the landscape strip or within the PUE. The property owner or homeowners association shall maintain the surface improvements over the easement and must not modify or obstruct the easement area in a manner contrary to the intent of the easement. The dedication statement shall specify the PUE shall be kept free and clear of buildings and other permanent structures/facilities, including, but not limited to, the following: garages, sheds, carports, and storage structures; balconies and porches; retaining walls; C.3 bioretention systems; and private utility lines running longitudinally within the PUE.

STREET IMPROVEMENTS

5. **STREETLIGHTS (Replaces Original Permit Condition No. 148):** All existing streetlights shall be replaced, and new City standard streetlights shall be installed along the project street frontage of El Monte Avenue per City standards. Streetlights shall be installed near crosswalks, driveways, intersections, or other locations deemed necessary by the City Traffic Engineer. All conduits, pullboxes, and wiring shall be removed, replaced, and upgraded along project street frontages. Appropriate clearances per PG&E requirements between existing overhead lines shall be provided where applicable.

CURBS, SIDEWALKS, AND DRIVEWAYS

6. **CURB, GUTTER, SIDEWALK IMPROVEMENTS (Replaces Original Permit Condition No. 151):** Construct new curb, gutter, and sidewalk along the project frontages of El Monte Avenue. The sidewalk shall be detached with a landscape strip and designed with a consistent 2% cross-slope from the top of the curb to back of the sidewalk and minimal grade breaks in the longitudinal slope of the curb line. El Monte Avenue shall have a 7' wide sidewalk with a 5.5' wide landscape strip and 0.5' curb. The specific limits of work shall be clearly identified and shown on the plans.

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/JT/6/FDG
PL-2023-231

DRAFT