

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

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APPLICATION NO.:

PL-2024-011

DATE OF FINDINGS:

March 27, 2024

EXPIRATION OF ZONING PERMIT:

March 8, 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:

Kurt Anderson for Anderson Architects

Property Address:

Assessor's Parcel No(s).:

Zone:

601-649 Escuela Avenue and 1873 Latham Street

154-35-013 and 154-35-014

P(38)

Request:

Request for a two-year Permit Extension for previously approved Planned Community Permit, Development Review Permit, and Provisional Use Permit to construct a three-story, mixed-use project consisting of 25 residential apartment units, 2,400 square feet of ground-floor commercial area, and one level of underground parking on a 0.45-acre project site; and a determination that the project has an existing adopted Initial Study Mitigated Negative Declaration prepared pursuant to the CEQA Guidelines.

APPROVED

CONDITIONALLY
APPROVED

DISAPPROVED

OTHER

The request for a two-year Permit Extension for previously approved Planned Community Permit, Development Review Permit, and Provisional Use Permit (PL-2024-11) to allow construction of a three-story, mixed-use project consisting of 25 residential apartment units, 2,400 square feet of ground-floor commercial area, and one level of underground parking on a 0.45-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 permittee has provided substantial evidence of their efforts by submitting construction documents to the Building Division and is actively working with the Public Works Department to finalize the lot line adjustment and merge Parcel Nos. 154-35-013 and 154-35-014;
- 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 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 project includes only minor modifications that address the original permit's design conditions of approval; and
- D. The approval of the Permit Extension of the Planned Community Permit, Development Review Permit, and Provisional Use Permit complies with the California Environmental Quality Act (CEQA) because an Initial Study/Mitigated Negative Declaration (ISMND) was adopted by the City Council in conjunction with the original project approval at the February 28, 2022 public hearing, in compliance with CEQA Guidelines (California Code of Regulations §15000, *et seq.*). Thereby, the Permit Extension does not create, nor does it lead to, additional environmental impacts previously disclosed in the February 28, 2022 City Council-adopted ISMND.

Owner

Agent

File

Fire

Public Works

This approval is granted for a two-year Permit Extension for previously approved Planned Community Permit, Development Review Permit, and Provisional Use Permit to allow construction of a three-story, mixed-use project consisting of 25 residential apartment units, 2,400 square feet of ground-floor commercial area, and one level of underground parking on a 0.45-acre project site located on Assessor's Parcel Nos. 154-35-013 and 154-35-014. The conditions of approval from the original permit (Application No. PL-2019-063) still apply, with the added or modified conditions as listed below, and the permit expiration date shall be March 8, 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. 1):** 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 (Replaces Original Permit Condition No. 2):** This Permit Extension incorporates and updates conditions of approval from prior permits, including, but not limited to, Permit No. PL-2019-063. 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.

Fire and Environmental Protection Division—650-903-6378 or FEPD@mountainview.gov

ENVIRONMENTAL SAFETY

For more information, guidelines, design criteria, or materials about urban runoff conditions, contact the Fire and Environmental Protection Division of the Fire Department at 650-903-6378 or online at www.mountainview.gov/fep. "Stormwater Quality Guidelines for Development Projects" can be accessed on the Fire Department website at www.mountainview.gov/fepforms.

The following conditions are newly added conditions of approval:

5. **FOOD SERVICE CHECKLIST (New Condition):** If the commercial space is used for food service, complete a "Food Service Checklist: Grease Control and Stormwater Pollution Prevention" for building plan review. All applicable items in the checklist should be completed and shown on the building plan submittal.
6. **ENGINEERED DRAWINGS (New Condition):** Treatment systems and/or porous pavement, pavers, and other uncompacted surfaces require engineered drawings.

The following condition of approval is a modification of a previously approved condition:

7. **CONSTRUCTION SEDIMENT AND EROSION CONTROL PLAN (Replaces Original Permit Condition No. 181):** The applicant shall submit a written plan acceptable to the City which shows controls that will be used at the site to minimize sediment runoff and erosion during storm events. The plan should include installation of the following items where appropriate: (a) silt fences around the site perimeter; (b) gravel bags surrounding catch basins; (c) filter fabric over catch basins; (d) covering of exposed stockpiles; (e) concrete wash-out areas; (f) stabilized rock/gravel driveways at points of egress from the site; and (g) vegetation,

hydroseeding, or other soil stabilization methods for high-erosion areas. The plan should also include routine street sweeping and storm drain catch basin cleaning.

The following conditions of approval are removed from the original conditions of approval:

8. **WASTEWATER DISCHARGE PERMIT (Remove Original Permit Condition No. 183):** All treatment systems connected to the sanitary sewer require a Wastewater Discharge Permit.
9. **SWIMMING POOLS, SPAS, AND FOUNTAINS (Remove Original Permit Condition No. 184):** Swimming pools, spas, and fountains shall be installed with a sanitary sewer cleanout in a readily accessible nearby area to allow for draining.
10. **VEHICLE/EQUIPMENT FUELING FACILITIES (Remove Original Permit Condition No. 191):** Vehicle or equipment fueling facilities shall be designed to prevent the runoff of stormwater and runoff of spills by all of the following: (a) paving the area with concrete or other nonpermeable surface; (b) covering the area and extending the cover at least 10' beyond the fuel pumps in the directions of vehicle or equipment access and egress; (c) sloping the area inward (negative slope) or installing a berm or curb around its perimeter; and (d) roof drainage shall be directed outside of the fueling pad area located underneath the canopy. No roof drainage shall flow across the covered fueling pad area. There shall be no storm drains in the fueling area.
11. **OUTDOOR VEHICLE/EQUIPMENT MAINTENANCE (Remove Original Permit Condition No. 192):** Outdoor equipment or vehicle maintenance areas (excluding washing) shall be designed to prevent the runoff of stormwater and runoff of spills by all of the following: (a) paving the area with concrete or other nonpermeable surface; (b) covering the area; and (c) sloping the area inward (negative slope) or installing a berm or curb around its perimeter. There shall be no storm drains in the maintenance area.
12. **OUTDOOR VEHICLE/EQUIPMENT WASHING FACILITIES (Remove Original Permit Condition No. 193):** Outdoor vehicle/equipment washing areas shall be designed to prevent the runoff of stormwater and runoff of spills by all of the following: (a) paving the area with concrete or other nonpermeable surface; (b) sloping the area inward (negative slope) or installing a berm or curb around its perimeter; (c) installing a roof over the wash pad area; and (d) discharging the wash water to an approved wastewater treatment system connected to the sanitary sewer.
13. **HAZARDOUS MATERIALS/WASTE LOADING DOCKS (Remove Original Permit Condition No. 194):** Loading docks used for hazardous materials or hazardous waste shipping/receiving shall be designed to prevent the runoff of stormwater and runoff of spills by all of the following: (a) paving the dock with concrete or other nonpermeable surface; (b) covering the dock or installing a rain sensor which automatically opens the storm drain in the dock; and (c) sloping the dock inward (negative slope) or installing a berm or curb around its perimeter. There shall be no storm drains in the loading docks unless they are normally in the closed position and interlocked to open when triggered by the rain sensor.
14. **HIGH-EROSION STORAGE AREAS (Remove Original Permit Condition No. 196):** High-erosion areas (areas paved with loose sand/gravel, areas used for storage of high-sediment-producing materials, such as rock or sand, or areas designated for high traffic or heavy equipment traffic) shall be designed to prevent the runoff of stormwater and runoff of spills by one of the following: (a) covering the area and either sloping the area inward (negative slope) or providing a berm or curb around its perimeter; or (b) retrofitting the area with a treatment system to intercept and remove sediments from storm drain runoff.
15. **STORMWATER TREATMENT (C.3)—SPECIAL LAND USE CATEGORIES (Remove Original Permit Condition No. 199):** For retail gasoline outlets, auto service facilities, restaurants, and uncovered parking lots that create or replace more than five thousand (5,000) square feet of impervious surface, stormwater runoff shall be directed to approved permanent treatment controls as required in the City's guidance document entitled, "Stormwater Quality Guidelines for Development Projects." The City's guidelines also describe the requirement to select Low-Impact Development (LID) types of stormwater treatment controls; the types of projects that are exempt from this requirement; and the Infeasibility and Special Projects exemptions from the LID requirement.

The "Stormwater Quality Guidelines for Development Projects" document requires applicants to submit a Stormwater Management Plan, including information such as the type, location, and sizing calculations of the treatment controls that will be installed. Include three stamped and signed copies of the Final Stormwater Management Plan with the building plan submittal. The Stormwater Management Plan must include a stamped and signed certification by a qualified Engineer, stating

that the Stormwater Management Plan complies with the City's Guidelines and the State NPDES Permit. Stormwater Treatment controls required under this condition are required to enter into a formal recorded Maintenance Agreement with the City.

16. **STORMWATER TREATMENT (C.3) ABBREVIATED FORM (Remove Original Permit Condition No. 200):** Based on the information provided, the project may be eligible to show compliance with this requirement by completing and submitting the City's "Abbreviated Form for: Permanent Stormwater Treatment (C.3) Requirements at Small Projects." The abbreviated form also describes the types of projects that are exempt from this requirement. Eligibility to use the abbreviated form is dependent on using only landscape treatment controls for stormwater runoff treatment.

Projects that are unable to treat stormwater runoff from the site using only landscape controls must show compliance in accordance with the City's manual entitled, "Stormwater Quality Guidelines for Development Projects." The "Stormwater Quality Guidelines for Development Projects" manual requires applicants to submit a Stormwater Management Plan, including information such as the type, location, and sizing requirements of the treatment controls that will be installed. Include the Stormwater Management Plan with the building plan submittal. The Stormwater Management Plan must include a stamped and signed certification by a qualified Engineer stating that the Stormwater Management Plan complies with the City's guidelines and the State NPDES Permit. Stormwater treatment controls required under this condition may be required to enter into a formal recorded Maintenance Agreement with the City.

17. **HYDROMODIFICATION MANAGEMENT (Remove Original Permit Condition No. 201):** Postconstruction stormwater runoff shall drain to approved permanent Hydromodification Management (HM) controls to mitigate increases in peak runoff flow and increased runoff volume. Projects that will decrease impervious surface area in comparison to the preproject condition are not subject to the HM requirement. Information related to this requirement, including the exemption criteria, is included in the City's document entitled "Hydromodification Management Plan Guidelines for Development Projects" and the Santa Clara Valley Urban Runoff Pollution Prevention Program's manual entitled "C.3 Stormwater Handbook: Guidance for Implementing Stormwater Requirements for New and Redevelopment Projects."

The City's "Hydromodification Management Plan Guidelines for Development Projects" manual requires applicants to submit a Stormwater Management Plan, including information such as the type, location, and sizing requirements of the controls that will be installed. Include the Stormwater Management Plan with the building plan submittal. Property owners of projects that include stormwater controls constructed in accordance with this condition are required to enter into a formal recorded self-inspection and maintenance agreement with the City.

18. **SITE DESIGN MEASURES FOR SMALL PROJECTS AND DETACHED SINGLE-FAMILY HOMES (Remove Original Permit Condition No. 203):** Stormwater site design measures are required for the following project types: (1) residential and nonresidential projects that create or replace greater than 2,500 square feet of impervious surface and less than 10,000 square feet of impervious surface; and (2) detached single-family homes that create or replace greater than 2,500 square feet of impervious surface. Projects that meet either of these criteria are required to install one or more of the stormwater site design measures listed below:

- Direct roof runoff to cisterns or rain barrels for reuse.
- Direct roof runoff onto vegetated areas.
- Direct runoff from sidewalks, walkways, and/or patios onto vegetated areas.
- Construct sidewalks, walkways, and/or patios with permeable paving materials.
- Construct bike lanes, driveways, and/or uncovered parking lots with permeable paving materials.

Indicate the stormwater site design measure that will be installed for the project.