

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

APPLICATION NO.:

Page 1 of 7

DATE OF FINDINGS:

PL-2021-048

EXPIRATION OF ZONING PERMIT:

April 28, 2021

April 28, 2023

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:

Marvin Sabado for the Community Services Agency of Mountain View and Los Altos

Property Address:

Assessor's Parcel No.:

Zone:

1012 Linda Vista Avenue

153-15-011

MM

Request:

Request for a Conditional Use Permit to allow an office use in an existing 5,640 square-foot commercial building on a 0.62-acre project site; and a determination that the project is categorically exempt pursuant to Section 15303 ("New Construction or Conversion of Small Structures") of the CEQA Guidelines.

APPROVED ☐

CONDITIONALLY ☒

DISAPPROVED ☐

OTHER ☐

APPROVED

FINDINGS OF APPROVAL:

The Conditional Use Permit to allow an office use in an existing 5,640 square foot commercial building 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 MM (General Industrial) Zoning District and complies with all of the applicable provisions of Chapter 36 (Zoning) of the City Code, including front yard and total site landscaping requirements and parking requirements;
- B. The proposed use is consistent with the General Industrial Land Use Designation of the General Plan because the proposed use is an administrative office, which is a land use supported in the General Industrial Land Use Designation;
- 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 proposed office use is compatible with the surrounding commercial and industrial land uses in the vicinity;
- 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 proposed use will not require any structural or building modifications; 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 15303 ("New Construction or Conversion of Small Structures") because the project consists of the conversion of an existing small structure from one use to another with no exterior modifications.

☐ Owner

☐ Agent

☐ File

☐ Fire

☐ Public Works

This approval is granted to allow an office use in an existing 5,640 square foot commercial building located on Assessor's Parcel No. 153-15-011. 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, date stamped March 9, 2011.
- b. Business Description Letter prepared by Community Services Agency, date stamped March 11, 2021.

THIS REQUEST IS GRANTED SUBJECT TO THE FOLLOWING CONDITIONS:

Planning Division – 650-903-6306

1. **APPLICABILITY OF THIS PERMIT:** This Permit shall continue to be valid upon a change of ownership of the site, business, service, use, 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 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 name/operator name. This letter may be requested at time of business license application.
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. **ABANDONMENT OF USE:** The approved use shall be considered abandoned if the approved use in this 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.
4. **PERMIT EXTENSION:** Zoning permits may be extended for up to an additional two years after public hearing review by the Zoning Administrator in compliance with the procedures described in Chapter 36 of the Mountain View City Code. An application for extension must be filed with the Planning Division of the Community Development Department, including appropriate fees, prior to the expiration date of the original permit.

PERMIT SUBMITTAL REQUIREMENTS

5. **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.
6. **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.
7. **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.
8. **SIGNAGE:** No signs are approved as part of this application. Any new signage will require a separate Planning and/or building permit. Application form and submittal requirements are available online at www.mountainview.gov/planningforms.

OPERATIONS

9. **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.
10. **DAYS/HOURS OF OPERATION:** The approved days and hours of operation are Monday through Friday from 8:00 a.m. to 6:00 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

11. **OUTDOOR STORAGE:** There is to be no outdoor storage without specific Development Review approval by the Planning Division.

GREEN BUILDING

12. **GREEN BUILDING – TENANT IMPROVEMENTS:** All nonresidential tenant improvements, including building additions of 1,000 square feet or greater, and/or building alterations with a permit valuation of \$200,000 or above, must meet the mandatory measures of the California Green Building Standards Code and Title 24, Part 6.

NOISE

13. **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.

CONSTRUCTION ACTIVITIES

14. **WORK HOURS:** 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. At the discretion of the Chief Building Official, the general contractor or the developer may be required to erect a sign at a prominent location on the construction site to advise subcontractor and material suppliers of the working hours. 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.

Building Inspection Division – 650-903-6313

Entitlement review by the Building Inspection 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 Inspection 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 Inspection 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 CODES:** Construction plans will need to meet the current codes adopted by the Building Inspection Division upon submittal. Current codes are the 2019 California Codes: Building, Residential, Fire, Electrical, Mechanical, Plumbing, CalGreen, CalEnergy (in conjunction with the City of Mountain View Amendments), and the Mountain View Green Building Code (MVGBC).

16. **ACCESSIBILITY REQUIREMENTS:**

- CHAPTER 11A: Project will be required to comply with the accessibility requirements in the CBC, Chapter 11A.
- CHAPTER 11B: Project will be required to comply with the accessibility requirements in the CBC, Chapter 11B.
- CHAPTER 11B-202.4: Project will provide equivalent facilitations on the first floor per the CBC, Chapter 11B-202.3.2.
- PARKING (CHAPTER 11A): Project will be required to comply with the accessible parking requirements in the CBC, Chapter 11A.
- PARKING (CHAPTER 11B): Project will be required to comply with the accessible parking requirements in the CBC, Chapter 11B.

17. **COMMERCIAL TENANT IMPROVEMENTS:** The tenant improvements for the commercial spaces will be required to obtain a separate building permit.

18. **TYPE OF CONSTRUCTION:** Provide type of proposed construction per Chapter 6 of the CBC.

19. **ACCESSIBLE MEANS OF EGRESS:** Site must meet accessible means of egress per the CBC, Section 1009.

20. **USE AND OCCUPANCY CLASSIFICATION:** Provide proposed use(s) and occupancy(ies) for proposed project per Chapter 3 of the CBC.

21. **OCCUPANT LOAD/EXIT DISCHARGE:** Provide detailed occupant load and exit discharge plans for each occupied area per requirements of the CBC, Sections 1004 and 1028.

22. **PEDESTRIAN PROTECTION:** Public sidewalks are required to remain open during the course of construction. Provide sufficient information at the time of building plan submittal to show how pedestrians will be protected per the CBC, Section 3306.

23. **MEANS OF EGRESS:** Project will be required to comply with Chapter 10 means of egress requirements per CBC Chapter 10.

24. **IF MVGBC CALGREEN REQUIRED:** Project shall comply with the CalGreen checklist requirements by the City of Mountain View.

25. **PLUMBING FIXTURES:** Project shall comply with Table 422.1 of the California Plumbing Code (CPC), Section 4.

26. **FIRE ACCESS LANE(S):** Site must meet/maintain the existing fire access lane(s) at all times.

27. **SIGNS:** Proposed signs are to be a deferred submittal under separate building permit application.

28. **SIGNAGE REQUIRED ON THE CONSTRUCTION SITE:** The general contractor, applicant, developer, or owner shall erect a sign at a prominent location on the construction site to educate subcontractors and material suppliers of the working hours (see job card for specifics).

29. This is not an all-inclusive list of requirements. The “conditions of approval” shall not be held to permit any violation required by State law or any City ordinance. In order to meet the minimum code requirements, additional comments may be provided once a complete building permit application is submitted.

Fire Department – 650-903-6343

FIRE PROTECTION SYSTEMS AND EQUIPMENT

30. **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.)

EGRESS AND FIRE SAFETY

31. **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 Plans. (California Building Code, Section 1008.)
32. **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.)

Public Works Department – 650-903-6311

STREET IMPROVEMENTS

33. **EXCAVATION PERMIT:** Upon submittal of the initial building permit and improvement plans, submit to the Public Works Department a complete Excavation Permit Application for all applicable work within the public right-of-way. Permit applications are available on the Internet from the Public Works Department website. All work within 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.

UTILITIES

34. **WATER AND SEWER SERVICE:** Each place of business shall have its own water meter and sanitary sewer lateral in accordance with City Code Section 35.38.
35. **WATER AND SEWER APPLICATIONS:** Upon submittal of the initial building permit and improvement plans, the applicant shall submit to the Public Works Department complete applications for water and sewer service 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 issuance of any permits.
36. **UTILITY SERVICES:** The size and location of all existing and new water meters, backflow preventers, 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, water services, and fire services shall have a minimum 5' horizontal separation from each other. Existing water services shall be shown to be disconnected and plugged at the main, unless they are satisfactory for reuse, as determined by the Public Services Division. Water services 4" or larger that are not reused shall be plugged 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.
37. **BACKFLOW PREVENTER:** Aboveground reduced-pressure backflow preventers are required for all new and existing City 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 and screened from view with landscaping. 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. Protective covers and/or enclosures must be preapproved by the Cross-Connection Control Specialist prior to installation.

38. **REUSE OF EXISTING SEWER LATERAL:** Our records show the existing sewer lateral 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 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 issuance of any building permits.

RECYCLING

39. **RECOLOGY MOUNTAIN VIEW:** 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.
40. **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 Solid Waste and Recycling Section prior to issuance of a building permit. A Final Construction and Demolition Waste Management Plan shall be submitted and approved prior to final inspection.

MISCELLANEOUS

41. **VALLEY WATER WELLS:** Santa Clara Valley Water District requires the following note be shown on the plans: While the Santa Clara Valley Water District has records for most wells located in the County, it is always possible that a well exists that is not in the District's records. If previously unknown wells are found on the subject property during development, they must be properly destroyed under permit from the District or registered with the District and protected from damage.
42. **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 his/her designated representative."
43. **OCCUPANCY RELEASE:** 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.

STEPHANIE WILLIAMS, PLANNING MANAGER/ZONING ADMINISTRATOR

SW/EH/1/FDG
PL-2021-048

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