

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

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APPLICATION NO.:

PL-2023-098

DATE OF FINDINGS:

August 23, 2023

EXPIRATION OF ZONING PERMIT:

June 22, 2025

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:

Perry Hariri of Miramar Property Group LLC

Property Address:

Assessor's Parcel No(s).:

Zone:

400 Logue Avenue

160-58-002

P(41)

Request:

Request for a two-year Permit Extension for a previously approved Planned Community Permit and Development Review Permit for an eight-story, 407-unit residential development, a 36,000 square foot Transfer of Development Rights from the LASD TDR Program, and Heritage Tree Removal Permit to remove five Heritage trees on a 2.54-acre project site; and a determination that an Initial Study of Environmental Significance has been prepared pursuant to Section 15168 of the California Environmental Quality Act (CEQA).

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 Review Permit (Application No. PL-2019-406) to allow an eight-story, 407-unit residential development, a 36,000 square foot Transfer of Development Rights from the LASD TDR Program, and Heritage Tree Removal Permit to remove five Heritage trees on a 2.54-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 submitted construction drawings to the Building Division, and the permittee is actively working on resolving comments in order to obtain building permits. The extension is requested by the applicant so the applicant will be able to complete the process and secure the necessary financing for construction. The two-year extension will allow time to obtain a building permit and begin 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 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 a Planned Community Permit and Development Review Permit complies with the California Environmental Quality Act (CEQA) as an Initial Study of Environmental Significance has been prepared pursuant to Section 15168 of the California Environmental Quality Act.

Owner

Agent

File

Fire

Public Works

This approval is granted for a two-year Permit Extension for a previously approved Planned Community Permit and Development Review Permit allow an eight-story, 407-unit residential development, a 36,000 square foot Transfer of Development Rights from the LASD TDR Program, and Heritage Tree Removal Permit to remove five Heritage trees on a 2.54-acre project site located on Assessor's Parcel No. 160-58-002. The conditions of approval from the original permit (Application No. PL-2019-406) still apply, with the added or modified conditions as listed below, and the permit expiration date shall be June 22, 2025.

THIS REQUEST IS GRANTED SUBJECT TO THE FOLLOWING CONDITIONS:

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 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 Condition No. 2):** This permit extension incorporates and updates conditions of approval from prior permits, including, but not limited to, Permit No. PL-2019-406. 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 CODES (Replaces Original Condition No. 87):** Construction plans will need to meet the current codes adopted by the Building Division upon building permit 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).
4. **FIRE WALLS (Replaces Original Condition No. 98):** Provide the required Fire Wall Resistance Ratings per CBC, Chapter 7, Table 706.4(c), as amended in MVCC Section 8.10.24.
5. **MEANS OF EGRESS (New Condition):** The project is required to comply with the requirements per the CBC, Chapter 10, Means of Egress.
6. **OCCUPANT LOAD (Replaces Original Condition No. 102):** The project shall comply with Table 1004.5, Maximum Floor Area Allowance per Occupant, per the CBC, Chapter 10, Section 1004.
7. **EXIT DISCHARGE (New Condition):** The project shall comply with the exit discharge requirements per the CBC, Chapter 10, Section 1028.
8. **EMERGENCY ESCAPE AND RESCUE (New Condition):** The project shall comply with the egress window requirements per the CBC, Section 1031.
9. **ACCESSIBILITY REQUIREMENTS: (Replaces Original Condition No 88)**
 - **Chapter 11A:** The project will be required to comply with the accessibility requirements in the CBC, Chapter 11A.
 - **Chapter 11B:** The project will be required to comply with the accessibility requirements in the CBC, Chapter 11B.

- **Parking (Chapter 11A):** The project will be required to comply with the accessible parking requirements in the CBC, Chapter 11A.
 - **Parking (Chapter 11B):** The project will be required to comply with the accessible parking requirements in the CBC, Chapter 11B.
10. **MVGBC CALGREEN (New Condition):** The project shall comply with the Mountain View CALGreen checklist requirements available online at www.mountainview.gov/greenbuilding.
 11. **PLUMBING FIXTURES (New Condition):** The project shall comply with Table 422.1 of the California Plumbing Code (CPC), Section 4.
 12. **PLUMBING (New Condition):** The project will be subject to the submetering requirements per Senate Bill 7 (Housing: Water Meters for Multi-Unit Structures).
 13. **FIRE ACCESS LANE(S) (New Condition):** The site must always meet/maintain the existing fire access lane(s).
 14. **STRUCTURAL CALCULATIONS (New Condition):** Structural calculations may be required once the application for a building permit is submitted.
 15. **SERVICE DISCONNECT (New Condition):** The service-disconnecting means shall have a rating of not less than 125 amperes, as amended in MVCC Section 8.51.D.
 16. **ADDRESSES (Replaces Original Condition No. 90):** All street names, street numbers, residential apartment numbers, ADU numbers, and suite numbers will be processed by the Building Division prior to permit issuance.
 17. **SUPERFUND SITE (MEW) (Replaces Original Condition No. 105):** The project site resides in the Middlefield-Ellis-Whisman (MEW) Superfund area and may be required to implement Environmental Protection Agency (EPA) mitigation measures prior to and during construction. Provide EPA acknowledgement and approval prior to building permit issuance.
 18. **SUPERFUND SITE (TELEDYNE) (Replaces Original Condition No. 106):** The project site resides in the Teledyne-Spectra Superfund Site area and may be required to implement Environmental Protection Agency (EPA) and/or Department of Toxic Substances Control (DTSC) mitigation measures prior to and during construction. Provide EPA and/or DTSC acknowledgement and approval prior to building permit issuance.
 19. **SURVEY REQUIRED (Replaces Original Condition No. 107):** Structures within 6' of a property line, or required setback, shall provide a site survey certificate and obtain approval from the City prior to concrete pour.
 20. **SCHOOL IMPACT FEE (Replaces Original Condition No. 108):** The project is subject to school impact fees. To obtain information, fee estimates, and procedures, please contact the following local school districts: Mountain View Los Altos Union High School District at www.mvla.net or 650-940-4650; *and* Mountain View Whisman School District at www.mvwsd.org or 650-526-3500; or Los Altos School District at www.lasdschools.org or 650-947-1150.
 21. **ELECTRICAL VEHICLE CHARGERS (EVs) AND PHOTOVOLTAIC SYSTEM (PVs) PERMITS (New Condition):** Proposed EV and PV are to be a deferred submittal under a separate building permit application.
 22. **WORK HOURS/CONSTRUCTION SITE SIGNAGE (New Condition):** 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.

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

RIGHTS-OF-WAY

23. **PUBLIC ACCESS EASEMENT, COVENANTS, AND DEED RESTRICTIONS (CONNECTIONS THROUGH SITES) (Replaces Original Condition No. 156):** Prior to the issuance of any building permits, the owner shall dedicate a public access easement (PAE), covenants, agreements, and deed restrictions on private property. The PAE shall be 10' wide along the western edge of the project and follow the 10' wide multi-use path. The PAE shall be 8' wide along the southern edge of the project and follow the 8' wide concrete path. The dedication shall indicate that:
- Public access shall be granted for nonautomotive use at all times;
 - The owner shall maintain, inspect, and monitor the PAE improvements in good order, condition, and repair and in compliance with the Americans with Disabilities Act (ADA);
 - The PAE shall run with the land and be binding upon any successors;
 - If the owner shall fail to abide by the PAE, the owner agrees to pay all reasonable costs and expenses incurred by the City in enforcing the performance of such obligations; and
 - The owner agrees to indemnify, defend, and hold the City and the City's officers, employees, and agents harmless from any liability for damage or claims for damage for personal injury, including, but not limited to, death and/or property damage caused by negligent acts, errors, or omissions in the performance of services or operations under the Dedication, including maintenance operations performed on the PAE by the owner or the owner's contractors, subcontractors, agents, or employees.

A legal description (metes and bounds) and plat map (drawing) of: (1) the owner's property; and (2) the PAE area shall be prepared by the owner in accordance with the City's Legal Description and Plat Requirements and submitted to the Public Works Department for review and approval. The legal description and plat must be prepared and stamped by a California-registered civil engineer or land surveyor. Associated improvements within the PAE (PAE Improvements) shall be constructed by the owner and approved by the City. All required materials shall be submitted electronically (i.e., flattened, reduced-size PDFs).

STREET IMPROVEMENTS

24. **DRIVEWAY SIGHT TRIANGLE (Replaces Original Condition No. 170):** The building architecture, landscaping, signage, and other aboveground improvements (including backflow preventers) shall conform to City Standard Detail A-22, Side Street/Driveway Pedestrian and Vehicular Triangle of Safety.
25. **STREETLIGHTS (Replaces Original Condition No. 171):** City-standard streetlights shall be installed along the project street frontage of Logue Avenue per City standards. Existing streetlights shall be removed, replaced, and upgraded to conform with the City's latest Standard Provisions and Standard Design Criteria. All conduits, pullboxes, and wiring shall be removed, replaced, and upgraded. Streetlights shall be installed near crosswalks, driveways, intersections, or other locations deemed necessary by the City Traffic Engineer.

The project shall submit a photometric analysis with the initial building permit and improvement plans of the streetlights in the public right-of-way. The analysis shall show all existing or proposed new streetlights (show height, arm length, and location) and shall calculate the minimum, maximum, and average illuminance values as well as uniformity ratios for sidewalks, each crosswalk, and roadway, shown separately. The project will be required to install new or modify existing streetlights to ensure locations are compliant with minimum requirements per the City's latest standard details.

CONSTRUCTION ACTIVITIES, NOTES, AND OTHER APPROVALS

26. **SANTA CLARA VALLEY WATER DISTRICT WELLS (Replaces Original Condition No. 213):** Santa Clara Valley Water District (Valley Water) requires the following note to be labeled on the building and improvement plans: "Santa Clara Valley Water District

(Valley Water) records indicate that two active wells are located on the subject property. If the wells will continue to be used following permitted activity, they must be protected so that they do not become lost or damaged during completion of permitted activity. If the wells will not be used following permitted activity, they must be properly destroyed under permit from Valley Water. While 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. For more information, please call Valley Water's Well Ordinance Program Hotline at 408-630-2660."

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/6/FDG
PL-2023-098

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