

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

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APPLICATION NO.:

PL-6217

DATE OF FINDINGS:

November 13, 2024

EXPIRATION OF ZONING PERMIT:

August 30, 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:

Jeffrey Sobrato for The Sobrato Organization

Property Address:

Assessor's Parcel No(s).:

Zone:

590 Castro Street

158-10-033

P(19)

Request:

Request for a two-year Permit Extension of a previously approved Planned Community Permit and Development Review Permit to construct a new four-story, 105,264 square foot mixed-use commercial building with two levels of underground parking, including reduced parking (from 314 to 255 spaces) and 13,997 square foot of ground-floor office space; and a Heritage Tree Removal Permit to remove nine (9) Heritage trees on a 0.97-acre site. (Application No. PL-2020-056).

APPROVED

CONDITIONALLY
APPROVED

DISAPPROVED

OTHER

FINDINGS OF APPROVAL:

The request for a two-year Permit Extension for a previously approved Planned Community Permit, Development Review Permit and Heritage Tree Removal Permit (Application No. PL-2020-056 and City Council Resolution No. 180707) to construct a new four-story, 105,361 square foot office building with two levels of underground parking, including reduced parking (from 314 to 255 spaces), and 13,997 square feet of ground-floor office space, and removal of nine (9) 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 (MVCC or 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 for the building master sign program, required updates to the Parking Management Plan, and refinements to the building design per conditions of approval and outside agency direction to address project conditions and other regulatory requirements, and submitting for five (5) iterative review cycles of construction documents, including public improvement plans, to the Building Division.
- 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.** The permittee has proceeded in good faith in exercising and complying with the conditions in a timely manner by working with staff on options to address project conditions of approval and new direction from outside agencies with oversight authority and continuing to demonstrate due diligence to complete the project five iterative building permit submittals to advance the project review.
- C. **The approval of the Permit Extension of a Planned Community Permit, Development Review Permit, and Heritage Tree Removal Permit complies with the California Environmental Quality Act (CEQA).** The project remains unchanged from the originally approved project, which complies with CEQA as it was determined to be categorically exempt per Section 15332

Owner

Agent

File

Fire

Public Works

("In-Fill Development Projects") of the CEQA Guidelines. Furthermore, the project is consistent with the General Plan Land Use Designation and policies and all zoning regulations and designations; it occurs within the City limits, is located on a project site of no more than five (5) acres, and is substantially surrounded by urban uses; the site has no known habitat for endangered, rare, or threatened species; the project would not result in any significant impacts relating to traffic, noise, air quality, or water quality; and the site can be served by all required utilities and public services. None of the exceptions in CEQA Guidelines Section 15300.2 apply.

This approval is granted for a two-year Permit Extension for a previously approved Planned Community Permit, Development Review Permit to construct a new four-story, 105,264 square foot mixed-use commercial building with two levels of underground parking, including reduced parking (from 314 to 255 spaces) and 13,997 square feet of ground-floor office space; and a Heritage Tree Removal Permit to remove nine (9) Heritage trees located on Assessor's Parcel No. 158-10-033. The conditions of approval from the original permit (Application No. PL-2020-056) still apply, with the added or modified conditions as listed below.

THIS REQUEST IS GRANTED SUBJECT TO THE FOLLOWING CONDITIONS:

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

1. **EXPIRATION:** This permit is valid for a period of two years from the date the previous permit would have expired, August 30, 2024. This permit shall become null and void if building permits have not been issued and construction activity has not commenced within the extension period.
2. **PERMIT EXTENSION:** This permit extension incorporates and updates conditions of approval from prior permits, including, but not limited to, Permit No. PL-2020-056. For regulatory purposes, all previous permits and conditions of approval shall remain valid and still apply in their entirety, 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.

TREES AND LANDSCAPING

5. **IRREVOCABLE DAMAGE TO HERITAGE TREES:** In the event one or more of the preserved Heritage trees are not maintained and irrevocable damage or death of the trees has occurred due to construction activity, a stop work order will be issued on the subject property, and no construction activity shall occur for two (2) working days per damaged tree. The applicant will also be subject to a penalty fee at twice the tree valuation prior to damage; this fee applies to each Heritage tree damaged. No construction activity can resume until the penalty fees have been paid to the City.

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.

6. **BUILDING CODES:** Construction plans will need to meet the current codes adopted by the Building Division upon building permit submittal. The first building permit submittal for this project was made under the current 2022 California Building Codes (CBCs): 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).
7. **MVGBC CALGREEN:** The project shall comply with the Mountain View CALGreen checklist requirements available online at www.mountainview.gov/greenbuilding.
8. **SURVEY REQUIRED:** 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.
9. **DEMOLITION PERMIT(S):** Demolition permit(s) are issued under a separate permit application. Visit the City of Mountain View Building Division online at www.mountainview.gov/building or contact by phone at 650-903-6313 to obtain information and submittal requirements.
10. **SIGNS:** Proposed signs are to be a deferred submittal under a separate building permit application.
11. **PEDESTRIAN PROTECTION:** Pedestrians shall be protected during construction, remodeling, and demolition; additionally, if required, signs shall be provided to direct pedestrian traffic. Provide sufficient information at the time of building plan submittal of how pedestrians will be protected from construction activity per the CBC, Section 3306.
12. **RESPONSIBLE CONSTRUCTION:** This project is subject to the City's Responsible Construction Ordinance. For projects covered by this Ordinance, owners, contractors, and/or qualifying subcontractors are required to acknowledge responsibilities and make specified certifications upon completion of a project. The required certifications include that: (a) employees are provided written wage statements and notice of employers' pay practices as required under state law (or, alternatively, are covered by a valid collective bargaining agreement); and (b) they have no unpaid wage theft judgements. Acknowledgement forms are required to be submitted at building permit application, which is available online at www.mountainview.gov/building. More information is available at www.mountainview.gov/wagetheft.

Fire Department—650-903-6343 or fire@mountainview.gov

FIRE PROTECTION SYSTEMS AND EQUIPMENT

13. **FIRE SPRINKLER SYSTEM:** Provide an automatic fire sprinkler system to be monitored by a central station monitoring alarm company. This monitoring shall include water flow indicators and tamper switches on all control valves. Shop-quality drawings shall be submitted electronically for review and approval. The underground fire service system shall be approved prior to approval of the automatic fire sprinkler system. All work shall conform to NFPA 13, NFPA 24, NFPA 72, and Mountain View Fire Department specifications. (City Code Sections 14.10.30 and 14.10.31 and California Fire Code Section 903.)
14. **STANDPIPE SYSTEM:** Provide a Class I standpipe system. (City Code Sections 14.10.32, 14.10.33, 14.10.34, and 14.10.35 and California Fire Code Section 905.)
15. **AUTOMATIC/MANUAL FIRE ALARM SYSTEM:** Provide an approved automatic/manual fire alarm system in accordance with California Fire Code and Mountain View Fire Department specifications. Shop-quality drawings shall be submitted electronically for review and approval. Prior to occupancy, the system shall be field-tested, approved, and in service. Provisions shall be made for monthly testing, maintenance, and service. (California Fire Code, Section 907, and City Code, Sections 14.10.36 and 14.10.37.)

EGRESS AND FIRE SAFETY

16. **EXIT DOORS IN GROUPS A, E, H, AND I OCCUPANCIES:** Exit doors shall be provided with approved panic hardware. (CBC, Section 1010.2.9.)

EXTERIOR IMPROVEMENTS

17. **REFUSE AREAS:** Refuse areas within 5' of combustible construction or building openings shall be protected with automatic fire sprinklers. A maximum of two sprinkler heads are permitted off a 1" domestic water service. Approved accessible shutoff valves shall be provided. (California Fire Code, Section 304.3.)

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.

18. **FOOD SERVICE CHECKLIST:** 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.
19. **STATE OF CALIFORNIA CONSTRUCTION GENERAL STORMWATER PERMIT:** A "Notice of Intent" (NOI) and "Stormwater Pollution Prevention Plan" (SWPPP) shall be prepared for construction projects disturbing one (1) acre or more of land. Proof of coverage under the State General Construction Activity Stormwater Permit shall be attached to the building plans.
20. **CONSTRUCTION SEDIMENT AND EROSION CONTROL PLAN:** 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 washout 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.

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/VK/1/FDG
PL-6217