

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

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APPLICATION NO.:

PL-6477

DATE OF FINDINGS:

October 9, 2024

EXPIRATION OF ZONING PERMIT:

October 9, 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:

Thomas McConnell for The Midwife and the Baker

Property Address:

Assessor's Parcel No(s).:

Zone:

846 Independence Avenue

147-05-143

MM-40

Request:

Request for a Conditional Use Permit to allow ancillary retail commercial use at an existing bakery facility; and a Development Review Permit for minor site modifications, including an attached 276 square-foot food and beverage sales station and partial perimeter wall on a 0.36-acre site.

APPROVED

CONDITIONALLY
APPROVED

DISAPPROVED

OTHER

FINDINGS OF APPROVAL:

The Conditional Use Permit to allow an ancillary retail commercial use (food and beverage sales station) at an existing commercial bakery facility 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 subject Zoning District and complies with all of the applicable provisions of Chapter 36 of the City Code.** The proposed use is conditionally permitted within the MM-40 (General Industrial) Zoning District and complies with all the applicable provisions of Chapter 36 (Zoning) of the City Code, with the exception of minimum off-street parking requirements. The proposed retail commercial use (food and beverage sales station) includes the sale of bakery-produced food items and related café beverages, ancillary to the existing bakery manufacturing use, and is compatible with the existing range of uses within the project vicinity, which includes residential, office, service manufacturing, and personal storage uses. The existing site was previously approved with a substandard parking condition, allowing 12 spaces for the existing bakery manufacturing use. The project would not exacerbate the approved parking condition by providing an additional vehicle parking stall and short-term bicycle rack on-site to satisfy required parking for the proposed use, consistent with Section 36.32.10 of the City Code while providing ancillary retail commercial food and beverage services to the existing bakery use necessary to help serve the surrounding industrial district and other nearby residential uses per Section 36.20.10 of the City Code;
- B. **The proposed use is consistent with the General Plan.** The proposed use is consistent with the General Industrial Land Use Designation of the General Plan because the ancillary retail commercial use supports the provision of goods and services to create a broad industrial base which aligns with the stated intent of the specified land use designation, as well as other General Plan policies supporting the provision of commercial services within walking distance of residential neighborhoods;
- 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.** The location, size, design, and operating characteristics of the proposed use are compatible with the site, building character, and environmental conditions of existing

Owner

Agent

File

Fire

Public Works

and future land uses in the vicinity because the ancillary retail commercial use does not impact the operations of the existing primary bakery use, nor does it create a reduction to existing parking or result in removal of existing trees on-site;

- 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.** 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 food and beverage sales station that the ancillary retail commercial use would operate from is complementary to the character and architectural style and materials of the existing primary building; and
- E. **The approval of the Conditional Use Permit complies with the California Environmental Quality Act (CEQA).** The approval of the Conditional Use Permit complies with the California Environmental Quality Act (CEQA) as it qualifies as a categorically exempt project per CEQA Guidelines Section 15301 ("Existing Facilities") because the 276 square foot attached food and beverage sales station does result in an increase of more than 50% of the floor area of the existing structures before the addition, or more than 2,500 square feet. As a separate and independent basis, the project is also exempt from CEQA pursuant to CEQA Guidelines Section 15303 ("New Construction or Conversion of Small Structures") because the 276 square foot attached food and beverage sales station associated with the ancillary commercial use does not exceed 2,500 square feet and involves only minor modifications to the exterior of the existing primary structure. None of the exceptions in CEQA Guidelines Section 15300.2 apply.

The Development Review Permit to allow to allow for the construction of a 276 square foot food and beverage sales station and concrete masonry unit (CMU) partial perimeter wall is conditionally approved based upon the conditions of approval contained herein and upon the following findings per Section 36.44.70:

- A. **The project complies with the general design considerations as described by the purpose and intent of Chapter 36 (Zoning) of the City Code, the General Plan, and any City-adopted design guidelines.** The project complies with the general design considerations as described by the purpose and intent of Chapter 36 (Zoning) of the City Code, the General Plan, and any City-adopted design guidelines since the project is compliant with the development standards of the MM-40 (General Industrial) Zoning District standards and Mountain View Municipal Code Section 36.08.10, including, but not limited to, floor area ratio, building setbacks, and height limits. The 3' tall CMU partial perimeter wall complies with the Zoning District's 7' maximum wall/fence height standard and screens the outdoor storage rack and drying area in addition to the existing landscape shrubbery on-site and in the public right-of-way planter area;
- B. **The architectural design of structures, including colors, materials, and design elements (i.e., awnings, exterior lighting, screening of equipment, signs, etc.), is compatible with surrounding development.** The architectural design of structures, including colors, materials, and design elements (i.e., awnings, exterior lighting, screening of equipment, signs, etc.), is compatible with surrounding development because the proposed colors and materials for the food/beverage and sales station and the partial CMU perimeter wall are integrated with the color and materials used for the primary building;
- C. **The location and configuration of structures, parking, landscaping, and access are appropriately integrated and compatible with surrounding development, including public streets and sidewalks and other public property.** The location and configuration of structures, parking, landscaping, and access are appropriately integrated and compatible with surrounding development, including public streets and sidewalks and other public property, as neither the proposed food and beverage sales station nor the partial CMU perimeter wall interfere with existing parking stalls on-site, intrude into the public right-of-way, or require removal of any existing trees on-site;
- D. **The general landscape design ensures visual relief, complements structures, provides an attractive environment, and is consistent with any adopted landscape program for the general area.** The general landscape design ensures visual relief, complements structures, provides an attractive environment, and is consistent with any adopted landscape program for the general by maintaining existing landscaping on-site and does not result in the removal of any existing trees on-site;
- E. **The design and layout of the proposed project will result in well-designed vehicular and pedestrian access, circulation, and parking.** The design and layout of the proposed project will result in well-designed vehicular and pedestrian access, circulation, and parking by maintaining existing driveways to the business, increasing the total vehicle parking on-site by one (1) stall and providing a short-term bike rack for use of employees and/or bakery patrons; and

- F. **The approval of the Development Review Permit complies with the California Environmental Quality Act (CEQA).** The approval of the Development Review Permit complies with the California Environmental Quality Act (CEQA) as it qualifies as a categorically exempt project per CEQA Guidelines Section 15301 (“Existing Facilities”) because the 276 square foot attached food and beverage sales station does not result in an increase of more than 50% of the floor area of the existing structures before the addition, or more than 2,500 square feet, and Section 15303 (“New Construction or Conversion of Small Structures”) because the 276 square foot attached food and beverage and sales station associated with the ancillary retail commercial use does not exceed 2,500 square feet and involves only minor modifications to the exterior of the existing primary structure. None of the exceptions in CEQA Guidelines Section 15300.2 apply.

This approval is granted to construct an attached 276 square foot food and beverage sales station and partial perimeter wall at an existing bakery facility located on Assessor’s Parcel No. 147-05-143. 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 prepared by Donald Shapiro of Shapiro Associates, dated August 15, 2024.
- b. Project Narrative prepared by Thomas McConnell, dated August 28, 2024.

THIS REQUEST IS GRANTED SUBJECT TO THE FOLLOWING CONDITIONS:

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

1. **APPLICABILITY OF THIS PERMIT:** This Permit shall apply to any business/owner entity whose use and operational characteristics match those of the approved use. Intensification of the approved use shall require an amendment to this Permit. A change to a different permitted use may require a new Permit. This Permit shall continue to be valid upon a change of ownership/operator of the site, business, service, use(s), 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(s) 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/operator name. This letter may be requested by the City at any time.
2. **EXPIRATION:** This permit is valid for a period of two years from the date of 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 unless a permit extension has been submitted to and approved by the Zoning Administrator at a duly noticed public hearing prior to the expiration date.
3. **PERMIT EXTENSION:** Zoning permits may be extended for up to two years after an Administrative Zoning public hearing, in compliance with procedures described in Chapter 36 of the City Code. An application for extension must be filed with the Planning Division, including appropriate fees, prior to the original expiration date of the permit(s).
4. **ABANDONMENT OF USE:** The approved use shall be considered abandoned if the approved use in this tenant space (or 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.
5. **PLANNING INSPECTION:** Inspection(s) by the Planning Division are required for foundation, framing, application of exterior materials, and final completion of each structure to ensure that the construction matches the approved plans.

PERMIT SUBMITTAL REQUIREMENTS

6. **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.

7. **ACCESSORY STRUCTURE(S):** Any future accessory structure on-site will require approval by the Planning Division and may require separate City permits.
8. **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.
9. **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.
10. **FLOOR AREA RATIO (FAR) DIAGRAM:** Building permit drawings must include a floor area ratio (FAR) diagram for each structure on-site, clearly identifying each level of the structure(s) and the gross area(s) which count toward floor area per required zoning calculations. The diagram must also clearly identify all areas which are exempt from FAR.
11. **PAINT COLOR-CODING:** At submittal of building plan check, provide color-coded elevations of each side of the building(s) detailing the location of all paint and stain colors, manufacturer, and color names.
12. **SIGNAGE:** No signs are approved as part of this application. Any new signage will require separate planning and/or building permits. Application form and submittal requirements are available online at www.mountainview.gov/planningforms.
13. **EXISTING SIGNAGE:** All existing signs shall be removed, and a new sign application shall be submitted in compliance with Chapter 36, Article XII, of the City Code.

OPERATIONS

14. **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.
15. **DAYS/HOURS OF OPERATION:** The approved days and hours of operation associated with the retail commercial café use are Monday to Saturday from 7:00 a.m. to 7:00 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.
16. **LOADING/DELIVERY PLAN:** Prior to building permit issuance, the applicant shall develop a plan specifying measures to manage on-site deliveries and loading, which may include measures to tailor delivery hours and/or days to limit conflicts with peak traffic times or adjacent land uses.

SITE DEVELOPMENT AND BUILDING DESIGN

17. **COLOR AND MATERIALS:** Colors and materials of the proposed addition are to be shown and noted on permit drawings to match the existing structure.
18. **OUTDOOR STORAGE:** There is to be no outdoor storage without specific Development Review approval by the Planning Division.
19. **PARKING SPACE DESIGN:** All parking spaces (except parallel spaces) must be double-striped with 4" wide stripes. Double stripes shall be 18" apart, from outside edge to outside edge of the stripes, or 10" from inside edge to inside edge of the stripes. The 8-1/2' parking space width is measured from the center of one double stripe to the other, such that the space between stripes is 7'. For parallel parking spaces, only single-striped or tic-mark is required between spaces. Single stripes shall be measured from interior edge to interior edge of the stripe, such that the space between stripes is 24'.
20. **BIKE PARKING FACILITIES:** The applicant shall provide the following bike parking on the project site, which must be shown on building permit drawings:

- a. A minimum of one (1) short-term bike parking for visitors at 5% of vehicle parking spaces. This space shall be provided as bike rack which must secure the frame and both wheels. Racks should be located near the building entrance (i.e., within constant visual range) unless it is demonstrated that they create a public hazard or it is infeasible. If space is unavailable near building entrances, the racks must be designed so that the lock is protected from physical assault and must include clear and visible signage leading to public bicycle parking if not visible from a street or public path.

AGREEMENTS AND FEES

21. **INDEMNITY AGREEMENT:** Prior to the issuance of any building permits, the applicant shall agree, in writing, to defend, indemnify, and hold harmless the City and the City's officers, agents, and employees in any action brought by a third party to void this Permit(s). The agreement shall be in a form satisfactory to the City Attorney and Zoning Administrator. It shall run with the land and shall not be amended without prior City consent.

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.

22. **BUILDING PERMIT:** A building permit is required for this project. This review by the Building Division is preliminary and only attempting to identify critical or significant code concerns. Building plan check review will be part of a separate permit application process that can be applied for once the Planning approvals have been obtained. Project shall comply with state and local codes.
23. **BUILDING CODES:** Construction plans will need to meet the current codes adopted by the Building Division upon building permit submittal. Current codes are the 2022 California Codes: 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).
24. **USE AND OCCUPANCY CLASSIFICATION:** Provide proposed use(s) and occupancy(ies) for the proposed project per the CBC, Chapter 3.
25. **TYPE OF CONSTRUCTION:** Provide the type of proposed construction per Chapter 6 of the CBC.
26. **MEANS OF EGRESS:** The project is required to comply with the requirements per the CBC, Chapter 10, Means of Egress.
27. **ACCESSIBLE MEANS OF EGRESS:** The site must meet accessible means of egress per the CBC, Chapter 10, Section 1009.
28. **ACCESSIBILITY REQUIREMENTS:**
 - **Chapter 11B:** The project will be required to comply with the accessibility requirements in the CBC, Chapter 11B.
29. **MVGBC CALGREEN:** The project shall comply with the Mountain View CALGreen checklist requirements available online at www.mountainview.gov/greenbuilding.
30. **FIRE ACCESS LANE(S):** The site must always meet/maintain the existing fire access lane(s).
31. **APPROVALS REQUIRED:** The project requires approval of the Santa Clara County Environmental Health Department (SCCHD) prior to building permit submittal to the Building Division. Visit SCCHD online at <https://ehinfo.sccgov.org/home> or by phone at 408-918-3400 to obtain information and requirements for approval.

32. **COMMERCIAL TENANT IMPROVEMENTS:** The tenant improvements for the commercial space(s) will be required to obtain a separate building permit(s).
33. **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.
34. **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.
35. **WORK HOURS/CONSTRUCTION SITE SIGNAGE:** 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.

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

FIRE PROTECTION SYSTEMS AND EQUIPMENT

36. **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.)

FIRE DEPARTMENT ACCESS

37. **LOCKBOX:** Install an approved key lockbox per the Fire Protection Engineer's directions. (California Fire Code, Section 506.)

EGRESS AND FIRE SAFETY

38. **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 plan sheets in the drawing sets. (California Building Code, Section 1008.)
39. **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.)

EXTERIOR IMPROVEMENTS

40. **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.)
41. **PREMISES IDENTIFICATION:** Approved numbers or addresses shall be provided for all new and existing buildings in such a position as to be plainly visible and legible from the street or road fronting the property. Address signs shall be a minimum of 6" in height and a minimum of 0.5" in width. (Mountain View City Code, Section 14.10.18.)

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

SOLID WASTE AND RECYCLING

42. **MANDATORY COMPOSTING SERVICE:** No increase in the compost service levels are needed if the amount of waste generated on-site is not being expanded. Please note, composting service is mandatory, and the site should maintain their compost

service with Recology and increase the compost service as needed to ensure adequate service levels are kept for the amount of compostable waste generated on a weekly basis.

43. **MANDATORY COMPOST REGULATIONS:** Please install a green compost collection container near the sink area for paper towels and any other compostable material generated in the customer pick-up area and pair with a trash receptacle if trash will be generated in this area.

CONSTRUCTION ACTIVITIES, NOTES, AND OTHER APPROVALS

44. **BUILDING PERMIT FOR TENANT IMPROVEMENTS:** For any future building permits exceeding the threshold of 600 square feet of addition or equivalent cost thereof, the Public Works Department will require utility improvements and may require street improvements. The required improvements may include, but are not limited to, the following:
- a. Conduct a sewer lateral video inspection to determine if the existing sewer lateral is in satisfactory condition for reuse. Otherwise, a new lateral and cleanout will be required. Please note that the existing 6" sewer lateral was installed in 1972 or earlier; and
 - b. Installing backflow-prevention (BPF) devices on all exiting water services if it is not already present to protect the City water supply.

AMBER BLIZINSKI, ASSISTANT COMMUNITY DEVELOPMENT DIRECTOR

AB/PB/6/FDG
PL-6477

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