

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

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APPLICATION NO.:

PL-2024-079

DATE OF FINDINGS:

July 10, 2024

EXPIRATION OF ZONING PERMIT:

July 10, 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:

Jennifer Mendola for 7-Eleven, Inc.

Property Address:

Assessor's Parcel No(s).:

Zone:

1380 Pear Avenue, Unit A

116-14-118

P(39)

Request:

Request for a Provisional Use Permit to allow an existing retail use (convenience store) to change from a Type 20 ABC license to a Type 21 license, changing the use to a liquor store, on a 1.47-acre site; and a determination that the project is categorically exempt pursuant to Section 15301 ("Existing Facility") of the CEQA Guidelines.

APPROVED

CONDITIONALLY
APPROVED

DISAPPROVED

OTHER

FINDINGS OF APPROVAL:

The Provisional Use Permit for a change from a Type 20 ABC license to a Type 21 license 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 North Bayshore Precise Plan and complies with all of the applicable provisions of Chapter 36 (Zoning) of the City Code, including allowed land uses per Table 3 of the North Bayshore Precise Plan, as the changes to the liquor license will result in a use change from retail to liquor store, and will occur in the core subarea of the zone. No exterior changes to the site are proposed;
- B. The proposed use is consistent with the High-Intensity Office Land Use Designation of the General Plan because the intent of the High-Intensity Office Land Use Designation is to provide administrative offices, high-technology industries, and other scientific facilities, as well as supporting retail and service uses. The existing land use is supporting retail, and the change of use to a liquor store will still be a supporting retail trade designated use;
- C. The location, size, design, and operating characteristics of the proposed use are compatible with the site and building character and environmental conditions of existing and future land uses in the vicinity because the proposed modifications to change the license type from Type 20 license to Type 21 will allow the continuation of alcohol sales but will modify the existing operations of the site by allowing liquor to be sold. The establishment under the current ownership does not have any citations or complaints. Additional security measures will be in place to ensure no alcohol services to patrons under the age of 21 occur and that no sales of alcohol outside of state-mandated times occur;
- D. Any special structure or building modifications necessary to contain the proposed use would not impair the architectural integrity and character of the Precise Plan in which it is to be located because no exterior changes are proposed to the existing building, and

Owner

Agent

File

Fire

Public Works

- E. The approval of the Provisional Use Permit complies with the California Environmental Quality Act (CEQA) as it qualifies as a categorically exempt project per Section 15301 (“Existing Facilities”) because the project includes minor modifications to the operations of an existing use with no exterior building or site modifications, does not involve the use of hazardous materials, and is not located where the surrounding areas are environmentally sensitive.

This approval is granted to establish a liquor store use located on Assessor’s Parcel No. 116-14-118. 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 G. Sullivan of Royston, date stamped April 19, 2024.
- b. Business Description Letter prepared by Ryan Kroll of Solomon, Saltsman, & Jamieson, date stamped April 19, 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:** 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. **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. **ABC COMPLIANCE:** The licensee shall comply with any and all conditions imposed by the State Department of Alcoholic Beverage Control (ABC). **(PROJECT-SPECIFIC CONDITION)**

PERMIT SUBMITTAL REQUIREMENTS

6. **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.
7. **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.

OPERATIONS

8. **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.

9. **DAYS/HOURS OF OPERATION:** The approved days and hours of operation are Monday through Sunday 24 hours per day., with no alcohol sales between 2:00 a.m. until 6:00 a.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.
10. **AGE LIMITATIONS (Replaces Original Permit No. 6):** The business shall comply with the age limitations imposed by their ABC liquor license. **(PROJECT-SPECIFIC CONDITION)**

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/SF/4/FDG
PL-2024-079

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