

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

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APPLICATION NO.:

PL-5771

DATE OF FINDINGS:

October 23, 2024

EXPIRATION OF ZONING PERMIT:

January 25, 2027

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:

Patrick McCarthy for 350 Ellis Owner LLC

Property Address:

Assessor's Parcel No(s):

Zone:

350 Ellis Street

160-53-015 and 160-53-016

P(41)

Request:

Request for a two-year permit extension for a previously approved Planned Community Permit and Development Review Permit (PL-2022-147) to construct minor facade modifications to an office campus, modifying a previously approved Transit-Oriented Development Permit (394-00-TOD) on a 19.6-acre project site.

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-2022-147) to construct minor site and facade modifications to an existing office campus, modifying a previously approved Transit-Oriented Development Permit (394-99-TOD) 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 provided substantial evidence of their efforts by submitting two (2) building permit applications to implement portions of the previously approved site and facade modifications and drafting and submitting a new Restrictive Covenant to the City for review, as required by Condition of Approval No. 15. The already submitted building permit applications are currently under review with the City's departments, but the two-year extension is needed to allow the applicant to obtain the building permits and commence construction of those components of the approved project.
- 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 of 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.**
- D. **The approval of the Permit Extension of a Planned Community Permit and Development Review Permit complies with the California Environmental Quality Act (CEQA) Section 15301 ("Existing Facilities") because the project remains unchanged from**

Owner

Agent

File

Fire

Public Works

the originally approved project, which includes minor alterations to existing interior building facilities, minor improvements to the building exterior, and enhancement of existing site improvements with no expansion in use.

This approval is granted for a two-year Permit Extension for a previously approved Planned Community Permit and Development Review Permit to modify a previously approved Transit-Oriented Development Permit and Development Review Permit (394-99-TOD) located on Assessor's Parcel Nos. 160-53-015 and 160-53-016. The conditions of approval from the original permit (Application No. PL-2022-147) still apply, with the added or modified conditions as listed below, and the permit expiration date shall be January 25, 2027.

THIS REQUEST IS GRANTED SUBJECT TO THE FOLLOWING CONDITIONS:

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

1. **EXPIRATION (Replaces Original Permit Condition No. 1):** This permit is valid for a period of two years from the original permit date of expiration. 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:** This permit extension incorporates and updates conditions of approval from prior permits, including, but not limited to, Permit No(s). PL-2022-147. 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:** 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, CALEnergy, in conjunction with the City of Mountain View Amendments, and the Mountain View Green Building Code (MVGBC).
4. **MVGBC CALGREEN:** The project shall comply with the Mountain View CALGreen checklist requirements available online at www.mountainview.gov/greenbuilding.

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

FIRE PROTECTION SYSTEMS AND EQUIPMENT

EGRESS AND FIRE SAFETY

5. **EXIT DOORS IN GROUPS A, E, H, AND I OCCUPANCIES:** Exit doors shall be provided with approved panic hardware. (California Building Code, Section 1010.2.9.)
6. **GROUP A OCCUPANCIES:** Buildings or portions of buildings used for assembly purposes shall conform to all requirements of Title 19 and the Uniform Building Code. This shall include, but not be limited to: (1) two exits; (2) fire-retardant drapes, hangings, Christmas trees, or other similar decorative material; and (3) posting of a maximum occupant load sign. (California Code of Regulations, Title 19, Sections 3.08, 3.21, and 3.30.)

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

OWNERSHIP AND PROPERTY

7. **PRELIMINARY TITLE REPORT:** At first submittal of the building permit and improvement plans, the applicant shall submit to the Public Works Department a current preliminary title report or land deed (dated within six months of the first submittal) indicating the exact name of the current legal owners of the property(ies), their type of ownership (individual, partnership, corporation, etc.), and legal description of the property(ies) involved. The title report shall include all easements and agreements referenced in the title report. Depending upon the type of ownership, additional information may be required. The applicant shall provide an updated title report to the Public Works Department upon request. All required materials shall be submitted electronically (i.e., flattened, reduced-size PDFs).

STREET IMPROVEMENTS

8. **ENCROACHMENT AGREEMENT FOR SIDEWALK EASEMENTS AND/OR RIGHT-OF-WAY:** At the sole discretion of the Public Works Director, nonstandard private facilities, including, but not limited to, structures, steps, doors (including door swing), handrails, backflow preventers, signs, fences, retaining curbs, retaining walls, and toe slopes which prevent or limit the intended use of sidewalk and/or public utility easements, require a separate Encroachment Agreement to be signed by the property owner(s). The Encroachment Agreement shall be prepared and executed, and fees paid prior to issuance of the building permit.

CONSTRUCTION ACTIVITIES, NOTES, AND OTHER APPROVALS

9. **SOIL AND GROUNDWATER CONTAMINATION:** The applicant/contractor is advised the project site is located in, or in close proximity to, an area of known soil and groundwater contamination, Middlefield-Ellis-Whisman Area (MEW). The applicant/contractor is responsible for working with the U.S. Environmental Protection Agency (EPA), the lead regulatory agency, to obtain the appropriate clearances and/or recommendations for work in the contaminated area.
10. **CONSTRUCTION HEALTH AND SAFETY MEASURES:** Work within soil and groundwater contamination areas may expose construction workers to contaminants in the soil, groundwater, and associated vapors. The applicant/contractor is responsible for preparing and implementing an appropriate Health and Safety Plan to address the contamination and manage the operations in a safe manner and in compliance with the Cal/OSHA Construction Safety Orders and other State and Federal requirements.

(NOTE-01)

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-02)

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/4/FDG
PL-5771