

CITY OF MOUNTAIN VIEW
RESOLUTION NO.
SERIES 2016

A RESOLUTION CONDITIONALLY APPROVING A
PLANNED COMMUNITY PERMIT AND DEVELOPMENT REVIEW PERMIT
FOR A 583-APARTMENT UNIT DEVELOPMENT WITH 11,171 SQUARE FEET
OF GROUND-FLOOR COMMERCIAL SPACE IN TWO 5-STORY BUILDINGS
AND ONE 7-STORY BUILDING WITH TWO LEVELS OF UNDERGROUND
PARKING AND A 35 PERCENT STATE DENSITY BONUS WITH
DEVELOPMENT WAIVERS; A PROVISIONAL USE PERMIT FOR
ROOFTOP AMENITIES ABOVE THE THIRD FLOOR; AND A
HERITAGE TREE REMOVAL PERMIT FOR THE REMOVAL OF
65 HERITAGE TREES AT 400 SAN ANTONIO ROAD

WHEREAS, an application was received from Prometheus Real Estate for a Planned Community Permit and Development Review Permit for a 583-apartment unit development with 11,171 square feet of ground-floor commercial space in two 5-story buildings and one 7-story building with two levels of underground parking and a 35 percent State Density Bonus with development waivers; a Provisional Use Permit for rooftop amenities above the third floor; and a Heritage Tree Removal Permit for the removal of 65 Heritage trees on a 5.7-acre project site; and

WHEREAS, the Environmental Planning Commission held a public hearing on September 7, 2016 on said applications and recommended that the City Council conditionally approve the Planned Community Permit, Development Review Permit, Provisional Use Permit, and Heritage Tree Removal Permit subject to the findings and conditions of approval in Exhibit A; and

WHEREAS, the City Council held a public hearing on September 27, 2016 on said applications and received and considered all evidence presented at said hearing, including the recommendation of approval from the Environmental Planning Commission;

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Mountain View:

1. That the Planned Community Permit for the construction of a 583-apartment unit development with 11,171 square feet of ground floor commercial space in two 5-story buildings and one 7-story building with two levels of underground parking and a 35 percent density bonus request with three waivers from development standards is

conditionally approved based upon the conditions contained herein and upon the following findings pursuant to Sections 36.50.55 and 36.14.60 of the City Code:

a. The proposed development is consistent with the provisions of the P-40 (San Antonio) Precise Plan. The proposal clearly demonstrates superior site and building design and compatibility with surrounding uses and developments since the development complies with applicable San Antonio Precise Plan development standards with the following waivers requested under State Density Bonus Law: (1) height waiver to allow up to 7 stories; (2) residential height transition waiver to reduce the 10' step-back requirement at the fifth floor to 8'6"; and (3) height at frontage setback waiver to reduce the 10' step-back requirement at the fifth floor to an 8'6" step-back at the sixth floor. The project is providing appropriate building setbacks from the public right-of-way; stepping back at upper stories to appropriately transition to adjacent properties; creating new plazas, open space, and other gathering spaces by including ground-floor commercial space with pedestrian-oriented building entrances, visible storefronts, and landscaping; and supporting mobility within the San Antonio Precise Plan area by including two pedestrian/bicycle paths through the project site;

b. The proposed development is consistent with the Mixed-Use Corridor Land Use Designation of the General Plan with the waivers requested under State Density Bonus Law and the goals and policies stated in the San Antonio Change Area because it includes high-density residential near transit, improves pedestrian and bicycle circulation, and provides a mix of uses and public spaces by including ground-floor commercial space, public paseo areas, and connectivity to the San Antonio Center, located directly across the project site;

c. The proposed development will not be detrimental to the public interest, health, safety, convenience, or welfare because the project will comply with applicable health and safety codes verified through the building permit process; is an infill project located within an area that is already developed; is compatible with surrounding developments; will provide access to public streets and sidewalks; will provide pedestrian/bicycle paths throughout the project site; and is conveniently located near existing public transportation and commercial services;

d. The proposed project promotes a well-designed development that is harmonious with existing and planned development in the surrounding area because it provides a mix of residential and commercial uses that is consistent with other developments within the area and includes materials and features compatible with surrounding structures. The project has also been reviewed and recommended for approval by the City's Development Review Committee, demonstrating the high-quality design of the development;

e. The approval of the Planned Community Permit for the proposed project is in compliance with the California Environmental Quality Act (CEQA) because an Initial Study of Environmental Significance was prepared pursuant to Section 15168 of the CEQA Guidelines and found, with implementation of the San Antonio Precise Plan standards and guidelines, standard City Conditions of Approval, State regulations, and mitigation measures identified in the San Antonio Precise Plan EIR (2014) and the Mountain View General Plan and Greenhouse Gas Reduction Program EIR, the proposed project would not result in any new environmental impacts beyond those evaluated in these EIRs; and

f. The development waivers requested under State Density Bonus Law are necessary to construct the project with a 35 percent density bonus. The project is proposing 48 very low-income affordable units; will not be a hazard or nuisance to the City; can be accommodated by existing and planned infrastructure capacities; sufficient provisions have been made to ensure the units will be affordable for a minimum of 55 years; and no concessions or incentives are necessary, under State Density Bonus Law procedures.

2. The Development Review Permit for the construction of a 583-apartment unit development with 11,171 square feet of ground floor commercial space in two 5-story buildings and one 7-story building with two levels of underground parking and a 35 percent density bonus request with three waivers from development standards is conditionally approved based upon the conditions contained herein and upon the following findings pursuant to Sections 36.44.70 and 36.14.60 of the City Code:

a. The project complies with the general design considerations as described by the purpose and intent of the Zoning Ordinance, the General Plan, and any City-adopted design guidelines since the development complies with applicable San Antonio Precise Plan development standards with the following waivers requested under State Density Bonus Law: (1) height waiver to allow up to 7 stories; (2) residential height transition waiver to reduce the 10' step-back requirement at the fifth floor to 8'6"; and (3) height at frontage setback waiver to reduce the 10' step-back requirement at the fifth floor to an 8'6" step-back at the sixth floor. The project is also consistent with General Plan key policy direction for the San Antonio area, including improving accessibility, expanding community space, and enhancing the mix of uses.

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 because the buildings step back at upper floors to reduce height and bulk next to adjacent residential development and in view of public street frontages; uses window recesses, building pop-outs, and height variation; and employs a mix of materials and colors to reflect the proposed

architectural style, provide visual interest along San Antonio Road, and complement nearby development;

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, by providing wide, landscaped sidewalks; preserving Heritage trees in key locations; and planting new, attractive landscaping to enhance on-site amenities and public streetscapes;

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 by preserving Heritage trees along the west property line adjacent to existing residential development; planting street trees along each street the project fronts; creating landscaped pedestrian/bicycle pathways and plazas; and planting a variety of landscape materials providing visual interest and complying with City Water Conservation in Landscaping regulations;

e. The design and layout of the proposed project will result in well-designed vehicular and pedestrian access, circulation, and parking by improving public sidewalks around the project site, providing two new pedestrian/bicycle pathways through the project site, and incorporating improvements to promote visibility in locations where vehicle and pedestrian access meet;

f. The approval of the Development Review Permit for the proposed project is in compliance with the California Environmental Quality Act (CEQA) because an Initial Study of Environmental Significance was prepared pursuant to Section 15168 of the CEQA Guidelines and found, with implementation of the San Antonio Precise Plan standards and guidelines, standard City Conditions of Approval, State regulations, and mitigation measures identified in the San Antonio Precise Plan EIR (2014) and the Mountain View General Plan and Greenhouse Gas Reduction Program EIR, the proposed project would not result in any new environmental impacts beyond those evaluated in these EIRs; and

g. The development waivers requested under State Density Bonus Law are necessary to construct the project with a 35 percent density bonus. The project is proposing 48 very low-income affordable units; will not be a hazard or nuisance to the City; can be accommodated by existing and planned infrastructure capacities; sufficient provisions have been made to ensure the units will be affordable for a minimum of 55 years; and no concessions or incentives are necessary under State Density Bonus Law procedures.

3. The Provisional Use Permit for rooftop amenities above the third floor is conditionally approved based upon the conditions contained herein and upon the following findings pursuant to Section 36.48.25 of the City Code:

a. The proposed use is conditionally permitted within the San Antonio Precise Plan and complies with all of the applicable provisions of the Zoning Ordinance, including roof deck locations oriented away from the adjacent residential properties, in keeping with the purpose and intent of the provisional use permit process for rooftop amenities above the third floor;

b. The proposed use is consistent with the Mixed-Use Corridor Land Use Designation of the General Plan;

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 based on substantial compliance with the purpose and intent of standards and design guidelines for balconies/roof decks (to preserve privacy for off-site residential uses);

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 the proposed use is provisionally allowed and the design substantially addresses architectural standards and design guidelines; and

e. The approval of the Provisional Use Permit for the proposed use is in compliance with the California Environmental Quality Act (CEQA) because an Initial Study of Environmental Significance was prepared pursuant to Section 15168 of the CEQA Guidelines and found, with implementation of the San Antonio Precise Plan standards and guidelines, standard City Conditions of Approval, State regulations, and mitigation measures identified in the San Antonio Precise Plan EIR (2014) and the Mountain View General Plan and Greenhouse Gas Reduction Program EIR, the proposed project would not result in any new environmental impacts beyond those evaluated in these EIRs.

4. The Heritage Tree Removal Permit to remove 65 Heritage trees is conditionally approved based on the conditions contained herein and the following findings made pursuant to Section 32.35 of the City Code:

a. It is appropriate and necessary to remove the trees due to the condition of the trees with respect to age of the trees relative to the life span of that particular species, disease, infestation, general health, damage, public nuisance, danger of falling, proximity to existing or proposed structures, and interference with utility services based on the arborist report prepared for the project by HortScience, Inc., dated July 25,

2016. These trees will be impacted by the new construction and grading. The applicant will be mitigating the removal of the trees by planting 244 new trees.

b. It is appropriate and necessary to remove the trees in order to construct the mixed-use development and to allow reasonable and conforming use of the property, particularly because the project is high-density mixed-use and is located within close proximity to transit, when compared to other similarly situated properties.

c. It is appropriate and necessary to remove the trees based on the nature and qualities of the trees as Heritage trees, including maturity, aesthetic qualities such as canopy, shape and structure, majestic stature, and visual impact on the neighborhood.

d. It is appropriate and necessary to remove the trees to implement good forestry practices such as, but not limited to, the number of healthy trees a given parcel of land will support, the planned removal of any tree nearing the end of its life cycle, and replacement with young trees to enhance the overall health of the urban forest.

e. Removal of the trees will not adversely affect the topography of the land or create soil erosion through diversion or increase flow of surface waters.

f. Removal of the trees will not adversely affect the remaining number, species, size, and/or location of existing trees on the site or in the general vicinity.

g. Removal of the trees will not adversely affect the shade, noise attenuation, protection from wind damage and air pollution, historic value, or scenic beauty of the area, nor shall the removal adversely affect the general health, safety, prosperity, and general welfare of the City as a whole.

h. The approval of the Heritage Tree Removal Permit for the removal of 65 Heritage trees is in compliance with the California Environmental Quality Act (CEQA) because an Initial Study of Environmental Significance was prepared pursuant to Section 15168 of the CEQA Guidelines and found, with implementation of the San Antonio Precise Plan standards and guidelines, standard City Conditions of Approval, State regulations, and mitigation measures identified in the San Antonio Precise Plan EIR (2014) and the Mountain View General Plan and Greenhouse Gas Reduction Program EIR, the proposed project would not result in any new environmental impacts beyond those evaluated in these EIRs.

BE IT FURTHER RESOLVED by the City Council of the City of Mountain View that the Planned Community Permit, Development Review Permit, Provisional Use Permit, and Heritage Tree Removal Permit for said project are hereby granted subject to

the developer's fulfillment of all the conditions which are attached hereto as Exhibit A and incorporated herein by reference.

CP/2/RESO
808-09-27-16r-E-1

Exhibit: A. Conditions of Approval

CONDITIONS OF APPROVAL
APPLICATION NO.: 337-15-PCZA

400, 462, 480, 520 San Antonio Road; 2615 Miller Avenue; 2624, 2630 Fayette Drive

The applicant is hereby notified, as part of this application, that (s)he is required to meet the following conditions in accordance with the City Code of the City of Mountain View and the State of California. The lead department with which the applicant will work is identified on each condition where necessary. Where approval by the Community Development Director, City Engineer, Public Works Director, City Attorney, Chief Building Official, or Fire Department is required, that review shall be for compliance with all applicable conditions of approval, adopted policies and guidelines, ordinances, laws and regulations, and accepted practices for the items under review. The applicant is hereby notified that (s)he is required to comply with all applicable codes or ordinances of the City of Mountain View and the State of California that pertain to this development and are noted herein.

This approval is granted to construct 583 apartment units with 11,171 square feet of ground-floor commercial space in two 5-story buildings and one 7-story building with two levels of underground parking, including a 35 percent State Density Bonus with development waivers located on Assessor Parcel Nos. 148-16-032, 148-16-040, 148-16-041, 148-16-042, and 148-16-043. Development shall be substantially as shown on the project materials listed below, except as may be modified by conditions contained herein:

- a. Project drawings prepared by Studio T Square for Prometheus Real Estate dated July 27, 2016, and consisting of 78 sheets.
- b. Color and materials board prepared by Studio T Square for Prometheus Real Estate dated June 9, 2016, and kept on file in the Planning Division of the Community Development Department.
- c. State Density Bonus Request Letter prepared by Prometheus Real Estate, consisting of 4 sheets and kept on file in the Planning Division.

THIS REQUEST IS GRANTED SUBJECT TO THE FOLLOWING CONDITIONS:

Community Development Department – 650-903-6306

- 1. **FULFILLMENT OF CONDITIONS REQUIRED:** This Permit shall become null and void if the required conditions are not satisfied within 30 days of occupancy, or an alternative time period approved by the Zoning Administrator.
- 2. **EXPIRATION:** If a building permit has not been issued and construction commenced for the approved development within two years of this approval, subject to all applicable conditions and permits from applicable government agencies, this approval shall be null and void unless a permit extension application has been submitted, in compliance with the procedures described in the Zoning Ordinance.
- 3. **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.
- 4. **PUBLIC BENEFIT PACKAGE:** In compliance with the P-40 (San Antonio) Precise Plan, the applicant is required to provide a public benefit in exchange for additional development intensity and to advance the goals and policies of the San Antonio Precise Plan by improving quality of life in the plan area or City and to help implement key

policy objectives of the Plan. The applicant shall provide a public benefit contribution amounting to \$5,065,317, including \$500,000 which will be provided to the City to be used for a program(s) that provides assistance to the homeless. The specific program(s) will be determined by the City Council at a later date. ~~donated to the Community Services Agency's (CSA) Homeless Prevention and Homeless Services Program.~~ The remaining contribution will be placed in a City fund to be used for either one or more of the following: future bicycle/pedestrian improvements in the plan area, ~~or~~ a new school facility/site for Los Altos School District (LASD) once a site has been secured, or design and/or construction of the tunnel connecting Showers Drive to the far side of Central Expressway (100 Mayfield site), as directed and approved by the City Council. Final details of the public benefit package must be reviewed and approved during building permit review and completed prior to building permit issuance, aside from the \$500,000 to be used to assist the homeless, which shall be provided prior to building permit submittal.

PLANS AND SUBMITTAL REQUIREMENTS

5. **ZONING INFORMATION:** The following information must be listed on the lower right-hand corner of the title sheet of the building permit drawings: (a) zoning permit application number; (b) zoning designation; (c) floor area ratio or density in units per acre; (d) lot area (in square feet); and (e) total number of parking spaces.
6. **CERTIFICATION OF BUILDING PERMIT PLANS:** The project architect shall certify in writing that the architectural design shown in the building permit plans match the plans approved by the City Council/Zoning Administrator. Any changes must be clearly noted. The project architect shall also certify that the structural plans are consistent with the architectural plans. In the event of a discrepancy between the structural plans and the architectural plans, the architectural plans shall take precedence, and revised structural drawings shall be submitted to the Building Inspection Division.
7. **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 public hearing, which can be referred to City Council.
8. **PLANNING INSPECTION:** Inspection(s) by the Planning Division are required for the foundation, framing, application of exterior materials, and final completion of each structure to ensure that the construction matches the approved plans.
9. **COLOR CHIPS:** Color chips shall be attached to the title sheet of two sets of the building permit drawings and the color scheme shall be shown on the elevations.
10. **PARKING MANAGEMENT PLAN:** The applicant shall develop a parking management plan that describes how parking spaces will be allocated to residents, guests, and commercial uses, subject to administrative approval by the Zoning Administrator, prior to issuance of building permits.
11. **VISITOR PARKING:** Fifteen percent (15%) of the residential parking spaces shall be available for residential guest parking and 78 spaces shall be available for commercial customer parking. The final location of all residential guest and commercial customer parking shall be shown on the building permit set of plans and is subject to review and approval of the Zoning Administrator.
12. **BUILDING DESIGN CONDITIONS:** The applicant shall submit plans resolving design details, building materials, colors, plazas, and landscaping in accordance with the conditions below, as directed by the Development Review Committee (DRC) and subject to administrative approval of the Zoning Administrator prior to issuance of the applicable building permits.
 - a. **Building A Retail Facade:** The applicant will continue to work with staff on resolving the design and materials for the Building A retail facade. The facade should include colors and materials that provide

ground-level interest, texture, and variety that are compatible with but do not match Building B's retail facade.

- b. **Parking Garage/Loading Zone/Trash Enclosure Elevations:** The applicant will continue to work with staff on resolving the design and detailing for the parking garage, loading zone, and trash enclosure elevations.
- c. **San Antonio Road Central Plaza:** The applicant will continue to work with staff on resolving the design and materials in the San Antonio Road Central Plaza. The plaza should include furnishings, lighting and landscaping that activate the plaza.
- d. **Building A Roof Deck Canopy:** The applicant will continue to work with staff on the overall design, column width and location, and extent of projection of the roof deck canopy located on the top of the southeast corner of Building A.
- e. **Miller Avenue Corner Outdoor Dining/Amenity Area:** The applicant will continue to work with staff of the design, colors, and materials of the outdoor dining/amenity area located on the corner of Miller Avenue and San Antonio Road.
- f. **Retail Canopy Projection:** The applicant will continue to work with staff on the materials, design, and depth of the retail canopies along the San Antonio Road frontage.

SITE DEVELOPMENT AND BUILDING DESIGN

- 13. **BUILDING ENTRIES:** The applicant shall ensure building permit plans maximize the number of building entries and storefronts along San Antonio Road, to create active street frontages with pedestrian building access, particularly in cases where one tenant occupies multiple tenant spaces. Doors and sliding windows should enable restaurants and retail to expand into outdoor amenity areas along publicly accessible sidewalks. **(PROJECT-SPECIFIC CONDITION)**
- 14. **GROUND-FLOOR TRANSPARENCY:** Storefront windows along San Antonio Road must maintain a minimum 75 percent transparency along the ground floor of the building(s) at all times. No window tinting/treatment, permanent/affixed furniture, or sunshades which permanently block the windows/storefronts are permitted. Sunshades which maximize transparency while providing UV light screening for building occupants may be permitted, subject to review and approval by the Zoning Administrator.
- 15. **GROUND LEVEL RETAIL/COMMERCIAL STOREFRONTS:** The design and materials shown in the approved plans (aside from Building A's retail facade) shall constitute the baseline expectation for any potential changes to storefronts to reflect new tenants. The use of high-quality storefront accent materials, appropriate detailing and articulation, attractive storefront window and door design, and sign location will be considered as part of the review of any modified storefront. Any sidewalk café should be located on-site adjacent to commercial. All sidewalk cafés design and location require administrative approval of the Zoning Administrator. **(PROJECT-SPECIFIC CONDITION)**
- 16. **SCULPTURAL SEATING AND WATER FEATURES:** The applicant is required to maintain the public-oriented sculptural seating, other landscape art forms, and water features for the lifetime of the project. In the event the water features must be turned off due to State or City regulations on water conservation, the inlay should be temporarily filled with landscaping or other decorative materials subject to administrative review and approval by the Zoning Administrator. In the event water features shall be permanently shut off due to State or City regulations, the applicant shall coordinate with the Planning Division to determine what, if any site modifications need to be made, subject to the review and approval of the Zoning Administrator. **(PROJECT-SPECIFIC CONDITION)**

17. **PUBLICLY ACCESSIBLE OPEN SPACE/FACILITIES:** This project includes privately owned open space, pathways, improvements, and/or other facilities located along or connecting to public rights-of-way, including pedestrian sidewalks, walkways, plazas, and bicycle improvements, which shall be publicly accessible. The applicant shall have the right to establish and enforce reasonable rules and regulations for the use of these areas, but shall not restrict public access with fencing or other barriers.
18. **EXTERIOR MATERIALS:** High-quality materials and finishes shall be used throughout the project and shall remain in compliance with the materials identified in the approved plans, except as modified by the conditions of approval herein. Details regarding all color and architectural details shall be provided in the building permit plan submittal and shall be subject to review and approval by the Zoning Administrator prior to the issuance of building permits.
19. **SPECIAL PAVING MATERIALS:** The color, material, design, and product specifications for the special paving materials used on-site shall be submitted with the building permit drawings. Interlocking pavers is the preferred material for all pedestrian areas and clear delineation must be provided for pedestrian/bicycle pathways throughout the project site. Final paving design details shall be subject to review and approval by the Zoning Administrator prior to the issuance of building permits.
20. **WINDOWS:** Manufacturer type, design, material, and installation details (including the extent of recess) for all windows within the project shall be specified for each unit in the building permit drawings for review and approval by the Zoning Administrator prior to the issuance of building permits.
21. **RECESSED WINDOWS:** Certain windows, as identified in the approved plans, shall be recessed from the face of the building at least 2".
22. **MOCK-UP:** The applicant shall set up a large material and color mock-up on-site, prior to construction, for final colors and materials such as storefront lattice, canopies, trespa, integral-colored stucco, other accent materials, etc., subject to the approval of the Zoning Administrator. The colors and materials shall not be considered approved until after inspection and approval of the Zoning Administrator.
23. **COLOR SCHEME:** The applicant shall paint a portion of the building with the proposed color scheme for inspection. Proposed primary and secondary (accent) paint colors should be painted next to each other on the building, to the extent feasible, for purposes of inspection. The color(s) shall not be considered approved until after inspection and approval by the Zoning Administrator.
24. **ROOF EQUIPMENT:** All roof equipment must be concealed behind opaque (solid) screening designed to complement the building. Details of the roof equipment and roof screens shall be included in the building permit drawings and approved by the Zoning Administrator.
25. **OUTDOOR STORAGE:** There is to be no outdoor storage without specific Development Review approval.
26. **GROUND-FLOOR COMMERCIAL AREA:** This project is required to provide 11,171 square feet of ground-floor commercial space, of which up to 5,592 square feet may be occupied by food service/restaurant uses.
27. **FLOOR AREA EXEMPTION:** This project includes floor area dedicated for use by an existing small business in Mountain View, which is proposed to be preserved on-site or is relocating due to other development activity in the City, in accordance with the criteria in the P-40 (San Antonio) Precise Plan. Per the Precise Plan, the area dedicated within a new development project for use by an existing small business for retention in the local community may be exempt from the permitted floor area ratio of a given development project (or site). This floor area (in square feet) for small business retention shall be recorded on the property deed, clearly identifying the approved floor area ratio (FAR) exemption for exclusive use by qualifying small businesses, prior to issuance of building permits. As currently shown, this floor area exemption is estimated to be 2,280 square feet.

28. **FENCE/WALL:** All fencing and walls are to be shown on construction plans submitted for building permit review. Fences in neighborhood transition areas shall be a minimum of 7' and maximum of 8' tall, when adjacent to residential land uses, and shall be made of masonry or another substantial and durable screening material, unless otherwise approved by the Zoning Administrator. Fence/wall height shall be measured from adjacent grade to the top of the fence or wall. The design and location must be approved by the Zoning Administrator and comply with all setback requirements.
29. **PARKING SPACE DESIGN:** All parking spaces (except parallel spaces) must be double-striped. Double stripes shall be 12" apart, from outside edge to outside edge of the stripe. 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 7-1/2'. For parallel parking spaces, only single-striped is required. Single stripes shall be measured from interior edge to interior edge of the stripe, such that the space between stripes is 24'.
30. **LIGHTING PLAN:** The applicant shall submit a lighting plan with the application for building permit. This plan should include photometric contours, manufacturer's specifications on the fixtures, and mounting heights. The design and location of outdoor lighting fixtures shall ensure there will be no glare and light spillover to surrounding properties. The lighting plan submitted with building permit drawings must be approved by the Zoning Administrator prior to building permit issuance.
31. **BICYCLE PARKING:** A minimum of 647 long-term, secured bicycle parking storage spaces (583 of which shall be designated for residents only) within a bike storage room shall be permanently maintained in the parking garage. Roughly 5 percent of the required residential secured bicycle parking spaces shall be able to accommodate cargo bike parking spaces. A minimum of 38 short-term bicycle storage spaces shall be maintained on bike racks and should be conveniently located near building entrances. The surface-level bike racks shall be an inverted "U," or equivalent as approved by the Zoning Administrator, and must secure the frame and both wheels. The design and location of the bicycle parking spaces shall be shown on the building permit set of plans and approved by the Zoning Administrator prior to building permit issuance. (PROJECT-SPECIFIC CONDITION)
32. BIKE-SHARE STATION: The applicant shall coordinate with the City to determine a location on the project site to be used for a bike-share station. Final location and design of the bike-share station shall be approved by the Zoning Administrator prior to building permit issuance. (PROJECT-SPECIFIC CONDITION)
- 32:33 BICYCLE REPAIR STATION: One bicycle repair station shall be provided on the surface level of the project site or upper level of the parking garage.
- 33:34 PARKING SHORTAGE: Should a parking shortage arise at this site, the Zoning Administrator may hold a public hearing to review the parking problem and require the applicant to implement appropriate means to resolve the shortage. The public hearing shall be in accordance with Chapter 36, Article XVI, Division 6, of the City Code.
- 34:35 SIDEWALK WIDTH (SAN ANTONIO ROAD): Along San Antonio Road, the applicant shall provide an 8' walk zone, 6' amenity/planter zone, and 4' exterior active space. The walk zone and amenity/planter area shall be dedicated to the City, based on the City's standard provisions for right-of-way dedication. **(PROJECT-SPECIFIC CONDITION)**
- 35:36 SIDEWALK WIDTH (MILLER AVENUE): Along Miller Avenue, the applicant shall provide a 6' walk zone, 4' amenity/planter zone, and 14' exterior active space. The walk zone and amenity/planter zone area shall be dedicated to the City, based on the City's standard provisions for right-of-way dedication. **(PROJECT-SPECIFIC CONDITION)**
- 36:37 SIDEWALK WIDTH (FAYETTE DRIVE): Along Fayette Drive, the applicant shall provide a 6' walk zone and 4'

amenity/planter zone area. This area shall be dedicated to the City, based on the City's standard provisions for right-of-way dedication. **(PROJECT-SPECIFIC CONDITION)**

GREEN BUILDING AND SUSTAINABILITY MEASURES

- | ~~37.38~~ **GREEN BUILDING – MIXED-USE:** The project is required to meet the mandatory measures of the California Green Building Standards Code and meet the intent of 110 GreenPoint Rated points, for the residential portion of the project and meet the intent of LEED Certified™ for the nonresidential portion of the project. All mandatory prerequisite points and minimum point totals per category to attain GreenPoint Rated status or LEED-certified status must be achieved, unless specific point substitutions or exceptions are approved by the Community Development Department. Formal project registration and certification through Build It Green or U.S. Green Building Council is not required for compliance with the Mountain View Green Building Code (MVGBC). The project is also required to comply with Title 24, Part 6.

LANDSCAPING

- | ~~38.39~~ **LANDSCAPING:** Detailed landscape plans encompassing on- and off-site plantable areas out to the curb must be included in the Building Inspection Division application. Minimum plant sizes are flats or 1-gallon containers for ground cover, 5-gallon for shrubs, and 24" box for trees. The drawings must be approved by the Zoning Administrator prior to building permit issuance and implemented prior to occupancy. All plans should be prepared by a licensed Landscape Architect and should comply with the City's Landscape Guidelines, including the Water Conservation in Landscaping Regulations. Additional landscaping materials or modifications may be required by the Planning Division at final inspection to ensure adequate planting coverage and/or screening.
- | ~~39.40~~ **CERTIFICATION:** Prior to occupancy, the Landscape Architect shall certify in writing the landscaping has been installed in accordance with all aspects of the approved landscape plans and final inspection(s), subject to final approval by the Zoning Administrator.
- | ~~40.41~~ **STREET TREE:** The applicant shall complete the "Proposed Street Tree" form available in the Planning Division. Once completed, the applicant shall return the original to the Parks Division, located at 235 North Whisman Road, and provide a duplicate copy to the Building Inspection Division with building permit submittal.
- | ~~41.42~~ **SCREEN TREES:** The landscape plan shall incorporate trees with broad, dense canopies along the west property line. The trees are necessary to screen views of and provide privacy for adjoining properties.
- | ~~42.43~~ **LANDSCAPE SCREENING:** All utility meters, lines, transformers, backflow preventers, etc., on-site or off-site, must be shown on all site plan drawings and landscape plan drawings. All such facilities shall be located so as to not interfere with landscape material growth and shall be screened in a manner which respects the building design and setback requirements. Additional landscaping materials or modifications may be required by the Planning Division at final inspection to ensure adequate plant screening.

HERITAGE TREES

- | ~~43.44~~ **IMPLEMENTATION:** Permits to remove, relocate, or otherwise alter Heritage trees cannot be implemented until a project building permit is secured and the project is pursued.
- | ~~44.45~~ **REPLACEMENT:** The applicant shall offset the loss of 65 Heritage trees with 244 replacement trees. Each replacement tree shall be no smaller than a 24" box and shall be noted on the landscape plan as Heritage replacement trees.
- | ~~45.46~~ **TREE PROTECTION MEASURES:** The tree protection measures listed in the arborist's report prepared by HortScience, Inc., and dated July 25, 2016 shall be included as notes on the title sheet of all grading and landscape

plans. These measures shall include, but may not be limited to, 6' chain link fencing at the drip line unless otherwise noted in the arborist report, a continuous maintenance and care program, and protective grading techniques. Also, no materials may be stored within the drip line of any tree on the project site.

| ~~46-47~~ **TREE MITIGATION AND PRESERVATION PLAN:** The applicant shall develop a tree mitigation and preservation plan to avoid impacts on regulated trees and mitigate for the loss of trees that cannot be avoided. Routine monitoring for the first five years and corrective actions for trees that consistently fail the performance standards will be included in the tree mitigation and preservation plan. The tree mitigation and preservation plan will be developed in accordance with Chapter 32, Articles I and II, of the City Code, and subject to approval of the Zoning Administrator prior to removal or disturbance of any Heritage trees resulting from project activities, including site preparation activities.

| ~~47-48~~ **SECURITY BOND:** The applicant shall post a security bond to ensure that replacement trees are planted and become established (one year after planting) and to compensate for any trees that are lost due to illegal removal.

| ~~48-49~~ **ARBORIST REPORT:** A qualified arborist shall provide written instructions for the care of the remaining trees before, during, and after construction. The arborist report shall specifically include detailed information and plans on demolition, excavation, and construction activities proposed in proximity to the Coast redwood (Tree Nos. 886-899, 901-907, 923-931), California pepper (Tree Nos. 919 and 920), Canary Island pine (Tree Nos. 1015, 1016), silver dollar gum (Tree Nos. 1017, 1019, 1020), and holly oak (Tree No. 1013) trees and include detailed instructions and care for these trees during all phases of construction. Additionally, the report shall include a detailed plan showing installation of chain link fencing around the drip line to protect these trees and installation of an irrigation drip system and water tie-in for supplemental water during construction. The arborist report shall be received by the Planning Division and must be approved prior to issuance of any building permit. Approved measures from the report shall be included in the building permit plans.

During demolition activity and upon demolition completion, a qualified arborist shall inspect and verify the extent of the root system of the trees to determine if the measures described in the arborist report are appropriate for the planned construction activity. Should it be determined that the root systems are more extensive than previously understood and concerns are raised of nearby excavation activities for the underground parking garage, the design of the parking garage may need to be altered to maintain the health of the trees prior to building permit issuance. **(PROJECT-SPECIFIC CONDITION)**

| ~~49-50~~ **SECURITY DEPOSIT:** The applicant shall take all precautions during construction activities to protect the Coast redwood (Tree Nos. 886-899, 901-907, 923-931), California pepper (Tree Nos. 919 and 920), Canary Island pine (Tree Nos. 1015, 1016), silver dollar gum (Tree Nos. 1017, 1019, 1020), and holly oak (Tree No. 1013) trees. Measures shall include, but not be limited to, all preservation measures identified in the arborist report pursuant to Condition No. 49.

To demonstrate the applicant's accountability for implementing tree preservation measures, the applicant shall provide a security deposit prior to building permit issuance. The deposit shall be placed into an account where no interest shall accrue with payment of a nonrefundable administrative fee. The amount of the deposit shall be determined by the Zoning Administrator based on City review and approval of a cost estimate provided by the applicant. At minimum, the cost estimate shall cover fees associated with a subsequent Heritage Tree Removal Permit process, if required, in accordance with Chapters 32 and 36 of the City Code; the cost of labor and materials for tree removal(s) for all Heritage trees identified as to be preserved; and the cost of labor and materials for tree replacement(s) for all Heritage Trees identified as to be preserved, based on replacement tree species and sizes approved by the Zoning Administrator. The cost estimate submittal and fee deposit shall be completed prior to building permit issuance.

Upon completion of construction, the City will return the security deposit to the applicant upon issuance of a final Certificate of Occupancy for the project if either of the following conditions exist: (1) a site inspection by a certified

arborist confirms the health of the trees were maintained and no irrecoverable damage or death of the trees has occurred due to the project's construction activity; or (2) upon completion of the Heritage Tree Removal Permit process and verification the trees have been removed and replaced. **(PROJECT-SPECIFIC CONDITION)**

50.51 IRREVOCABLE DAMAGE TO HERITAGE TREES: In the event one or more of the 38 Heritage Trees to be preserved are not maintained and irrevocable damage or death of the tree(s) has occurred due to construction activity, a stop work order will be issued on the property and no construction activity shall occur for two days per damaged tree (i.e., if two trees are damaged, a stop work order will be issued for four days). **(PROJECT-SPECIFIC CONDITION)**

SIGNS

51.52 SIGNAGE: No signs are approved as part of this application.

52.53 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.

53.54 SIGN PROGRAM: The applicant shall develop an overall sign program for this property. The program shall identify suitable sign locations, types, sizes, colors, and materials.

NOISE

54.55 MECHANICAL EQUIPMENT: The noise emitted by any mechanical equipment shall not exceed a level of 55 dB(A) during the day or 50 dB(A) during the night, 10:00 p.m. to 7:00 a.m., when measured at any location on the adjoining residentially used property.

55.56 CONSTRUCTION NOISE REDUCTION: The following noise reduction measures shall be incorporated into construction plans and contractor specifications to reduce the impact of temporary construction-related noise on nearby properties: (a) comply with manufacturer's muffler requirements on all construction equipment engines; (b) turn off construction equipment when not in use, where applicable; (c) locate stationary equipment as far as practical from receiving properties; (d) use temporary sound barriers or sound curtains around loud stationary equipment if the other noise reduction methods are not effective or possible; and (e) shroud or shield impact tools and use electric-powered rather than diesel-powered construction equipment.

56.57 SITE-SPECIFIC BUILDING ACOUSTICAL ANALYSIS: A qualified acoustical consultant will review final site plans, building elevations, and floor plans prior to construction to calculate expected interior noise levels as required by State noise regulations. Project-specific acoustical analyses are required by the California Building Code to confirm that the design results in interior noise levels reduced to 45 dB(A) L_{dn} or lower. The specific determination of what noise insulation treatments are necessary will be completed on a unit-by-unit basis. Results of the analysis, including the description of the necessary noise control treatments, will be submitted to the City along with the building plans, and approved prior to issuance of a building permit. Building sound insulation requirements will include the provision of forced-air mechanical ventilation for all residential units as recommended by the qualified acoustical consultant, so that windows can be kept closed at the occupant's discretion to control noise.

Special building techniques (e.g., sound-rated windows and building facade treatments) will be implemented as recommended by the qualified acoustical consultant, to maintain interior noise levels at or below acceptable levels. These treatments will include, but are not limited to, sound-rated windows and doors, sound-rated wall construction, acoustical caulking, protected ventilation openings, etc.

57.58 COMMON AREA OPERATIONS: The approved hours of operation for the pool area, spa grove, and roof decks are limited to 8:00 a.m. to 10:00 p.m. The pool and spa areas, and roof deck may have amplified music as long as

noise is buffered and impacts are not created. Sound in any outdoor area may not disturb on-site residents or surrounding neighbors. In the event there are any problems with the hours of operation or with noise, the Zoning Administrator may hold a public hearing to review common area operation and impose new or modified conditions of approval in response to public comment or information received. The public hearing shall be conducted and noticed in accordance with Chapter 36, Article XVI, Division 6, of the City Code. **(PROJECT-SPECIFIC CONDITION)**

CONSTRUCTION PRACTICES AND NOTICING

- | **58-59 SINGLE-PHASE DEVELOPMENT:** Construction of the project shall be done in a single phase unless a phased construction project schedule is approved by the Zoning Administrator prior to building permit issuance.
- | **59-60 WORK HOURS:** 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. At the discretion of the Chief Building Official, the general contractor or the developer may be required to erect a sign at a prominent location on the construction site to advise subcontractor and material suppliers of the working hours. Violation of this condition of approval may be subject to the penalties outlined in Section 8.6 of the City Code and/or suspension of building permits.
- | **60-61 CONSTRUCTION PARKING MANAGEMENT PLAN:** The applicant shall prepare a construction parking management plan to address parking demands and impacts during the construction phase of the project. The construction parking management plan shall be subject to review and approval by the Zoning Administrator prior to the issuance of building permits.
- | **61-62 NOTICE OF CONSTRUCTION:** The applicant shall notify neighbors within 300' of the project site of the construction schedule in writing, prior to construction. A copy of the notice and the mailing list shall be submitted prior to issuance of building permits.
- | **62-63 DISTURBANCE COORDINATOR:** The project applicant shall designate a "disturbance coordinator" who will be responsible for responding to any local complaints regarding construction noise. The coordinator (who may be an employee of the general contractor) will determine the cause of the complaint and will require that reasonable measures warranted to correct the problem be implemented. A telephone number of the noise disturbance coordinator shall be conspicuously posted at the construction site fence and on the notification sent to neighbors adjacent to the site. The sign must also list an emergency after-hours contact number for emergency personnel.
- | **63-64 AIR QUALITY:** The applicant will be required to secure a permit from the Bay Area Air Quality Management District or provide written assurance that no permit is required prior to issuance of a building permit.
- | **64-65 BASIC AIR QUALITY CONSTRUCTION MEASURES:** The applicant shall require all construction contractors to implement the basic construction mitigation measures recommended by the Bay Area Air Quality Management District (BAAQMD) to reduce fugitive dust emissions. Emission reduction measures will include, at a minimum, the following measures. Additional measures may be identified by the BAAQMD or contractor as appropriate, such as: (a) all exposed surfaces (e.g., parking areas, staging areas, soil piles, graded areas, and unpaved access roads) will be watered two times per day; (b) all haul trucks transporting soil, sand, or other loose material off-site will be covered; (c) all visible mud or dirt track-out onto adjacent public roads will be removed using wet power vacuum street sweepers at least once per day. The use of dry power sweeping is prohibited; (d) all vehicle speeds on unpaved roads will be limited to 15 mph; (e) all roadways, driveways, and sidewalks to be paved will be completed as soon as possible. Building pads will be laid as soon as possible after grading unless seeding or soil binders are used; and (f) post a publicly visible sign with the telephone number and person to contact at the lead agency regarding dust complaints. This person will respond and take corrective action within 48 hours. The BAAQMD's phone number will also be visible to ensure compliance with applicable regulations.

- 65-66 DISCOVERY OF CONTAMINATED SOILS:** If contaminated soils are discovered, the applicant will ensure the contractor employs engineering controls and Best Management Practices (BMPs) to minimize human exposure to potential contaminants. Engineering controls and construction BMPs will include, but not be limited to, the following: (a) contractor employees working on-site will be certified in OSHA's 40-hour Hazardous Waste Operations and Emergency Response (HAZWOPER) training; (b) contractor will stockpile soil during redevelopment activities to allow for proper characterization and evaluation of disposal options; (c) contractor will monitor area around construction site for fugitive vapor emissions with appropriate field screening instrumentation; (d) contractor will water/mist soil as it is being excavated and loaded onto transportation trucks; (e) contractor will place any stockpiled soil in areas shielded from prevailing winds; and (f) contractor will cover the bottom of excavated areas with sheeting when work is not being performed.
- 66-67 DISCOVERY OF ARCHAEOLOGICAL RESOURCES:** If prehistoric or historic-period cultural materials are unearthed during ground-disturbing activities, it is recommended that all work within 100' of the find be halted until a qualified archaeologist and Native American representative can assess the significance of the find. Prehistoric materials might include obsidian and chert-flaked stone tools (e.g., projectile points, knives, scrapers) or tool-making debris; culturally darkened soil ("midden") containing heat-affected rocks and artifacts; stone milling equipment (e.g., mortars, pestles, handstones, or milling slabs); and battered-stone tools, such as hammerstones and pitted stones. Historic-period materials might include stone, concrete, or adobe footings and walls; filled wells or privies; and deposits of metal, glass, and/or ceramic refuse. If the find is determined to be potentially significant, the archaeologist, in consultation with the Native American representative, will develop a treatment plan that could include site avoidance, capping, or data recovery.
- 67-68 DISCOVERY OF HUMAN REMAINS:** In the event of the discovery of human remains during construction or demolition, there shall be no further excavation or disturbance of the site within a 50' radius of the location of such discovery, or any nearby area reasonably suspected to overlie adjacent remains. The Santa Clara County Coroner shall be notified and shall make a determination as to whether the remains are Native American. If the Coroner determines that the remains are not subject to his/her authority, he/she shall notify the Native American Heritage Commission, which shall attempt to identify descendants of the deceased Native American. If no satisfactory agreement can be reached as to the disposition of the remains pursuant to this State law, then the landowner shall reinter the human remains and items associated with Native American burials on the property in a location not subject to further subsurface disturbance. A final report shall be submitted to the City's Community Development Director prior to release of a Certificate of Occupancy. This report shall contain a description of the mitigation programs and its results, including a description of the monitoring and testing resources analysis methodology and conclusions, and a description of the disposition/curation of the resources. The report shall verify completion of the mitigation program to the satisfaction of the City's Community Development Director.
- 68-69 DISCOVERY OF PALEONTOLOGICAL RESOURCES:** In the event that a fossil is discovered during construction of the project, excavations within 50' of the find shall be temporarily halted or delayed until the discovery is examined by a qualified paleontologist, in accordance with Society of Vertebrate Paleontology standards. The City shall include a standard inadvertent discovery clause in every construction contract to inform contractors of this requirement. If the find is determined to be significant and if avoidance is not feasible, the paleontologist shall design and carry out a data recovery plan consistent with the Society of Vertebrate Paleontology standards.
- 69-70 PRECONSTRUCTION NESTING BIRD SURVEY:** To the extent practicable, vegetation removal and construction activities shall be performed from September 1 through January 31 to avoid the general nesting period for birds. If construction or vegetation removal cannot be performed during this period, preconstruction surveys will be performed no more than two days prior to construction activities to locate any active nests as follows:

The applicant shall be responsible for the retention of a qualified biologist to conduct a survey of the project site and surrounding 500' for active nests—with particular emphasis on nests of migratory birds—if construction (including site preparation) will begin during the bird nesting season, from February 1 through August 31. If

active nests are observed on either the project site or the surrounding area, the project applicant, in coordination with the appropriate City staff, shall establish no-disturbance buffer zones around the nests, with the size to be determined in consultation with the California Department of Fish and Wildlife (usually 100' for perching birds and 300' for raptors). The no-disturbance buffer will remain in place until the biologist determines the nest is no longer active or the nesting season ends. If construction ceases for two days or more and then resumes during the nesting season, an additional survey will be necessary to avoid impacts on active bird nests that may be present.

70-71 DIESEL-POWERED EQUIPMENT:

- a. To conform with the San Antonio Precise Plan EIR Mitigation and Monitoring Reporting Program Mitigation Measure AIR-1, all mobile diesel-powered, off-road construction equipment larger than 50 horsepower and operating on the site for more than two days continuously shall meet, at a minimum, U.S. EPA particulate matter emissions standards for Tier 2 engines or equivalent.
- b. To conform with the San Antonio Precise Plan EIR Mitigation and Monitoring Reporting Program Mitigation Measure AIR-1, all diesel-powered portable construction equipment (i.e., aerial lifts, air compressors, and forklifts) operating on the site for more than two days shall meet U.S. EPA particulate matter emissions standards for Tier 4 engines or equivalent. The use of equipment that includes CARB-certified Level 3 Diesel Particulate Filters or alternatively fueled equipment (i.e., nondiesel) would meet this requirement. Other measures may be the use of added exhaust devices, or a combination of measures, provided that these measures are approved by the City and demonstrated to reduce the predicted cancer risk below the thresholds.

(PROJECT-SPECIFIC CONDITION)

71-72 CONSTRUCTION NOISE MITIGATION: In conformance with the San Antonio Precise Plan EIR Mitigation Monitoring and Reporting Program, the following additional noise and vibration reduction measures shall be incorporated into construction plans and implemented by the contractor:

- In the event that pile driving would be required for the proposed project, all residents within 300' of the project site shall be notified of the schedule for its use a minimum of one week prior to its commencement. The contractor shall do the following: implement "quiet" pile driving technology (such as predrilling of piles, the use of more than one pile driver to shorten the total pile driving duration, or the use of portable acoustical barriers) where feasible, in consideration of geotechnical and structural requirements and conditions.
- To the extent feasible, the project contractor shall phase high-vibration generating construction activities, such as pile-driving/ground-impacting operations, so they do not occur in the same period with demolition and excavation activities in locations where the combined vibrations would potentially impact sensitive areas.
- The project contractor shall select demolition methods not involving impact, where possible (for example, milling generates lower vibration levels than excavation using clam shell or chisel drops).
- The project contractor shall avoid using vibratory rollers and packers near sensitive areas whenever possible.

(PROJECT-SPECIFIC CONDITION)

72-73 VIBRATION MITIGATION: To reduce exposure to excessive ground-borne vibration due to construction, the use of vibratory rollers and clam shovels is prohibited within 20' of any property line shared with adjacent residential uses. **(PROJECT-SPECIFIC CONDITION)**

TECHNICAL REPORTS

73.74 GEOTECHNICAL REPORT: The applicant shall have a design-level geotechnical investigation prepared which includes recommendations to address and mitigate geologic hazards in accordance with the specifications of California Geological Survey (CGS) Special Publication 117, *Guidelines for Evaluating and Mitigating Seismic Hazards*, and the requirements of the Seismic Hazards Mapping Act. The report will be submitted to the City prior to the issuance of building permits, and the recommendations made in the geotechnical report will be implemented as part of the project. Recommendations may include considerations for design of permanent below-grade walls to resist static lateral earth pressures, lateral pressures caused by seismic activity, and traffic loads; method for backdraining walls to prevent the buildup of hydrostatic pressure; considerations for design of excavation shoring system; excavation monitoring; and seismic design.

74.75 SOIL MANAGEMENT PLAN: Prepare a soil management plan and Phase 1 Environmental Assessment for review and approval by the Santa Clara County Department of Environmental Health (SCCDEH). Proof of approval or actions for site work required by the SCCDEH must be provided to the Building Inspection Division prior to the issuance of any demolition or building permits.

LEGAL AGREEMENTS AND FEES

75.76 AFFORDABLE RENTAL HOUSING UNITS: In compliance with the State Density Bonus Law (Government Code Section 65915), the applicant shall provide 48 very low-income units in order to receive a 35 percent density bonus (equivalent to a 2.50 floor area ratio). The applicant shall enter into an agreement with the City consistent with the State Density Bonus Law to provide 48 on-site very-low-income rental housing units for a minimum of 55 years. Such an agreement shall be executed prior to issuance of the first building permit for the project. The applicant shall also submit a plan indicating the proposed location, size, and phasing of the affordable units, for review and approval by the Housing and Neighborhood Services Manager in the Community Development Department, prior to building permit issuance. **(PROJECT-SPECIFIC CONDITION)**

76.77 AFFORDABLE RENTAL HOUSING UNIT, PROCESS: Following project approval, the applicant shall submit the following information to the Housing and Neighborhood Services Manager in the Community Development Department, 650-903-6379: (a) a copy of the approved resolution; (b) a copy of the page from the conditions of approval that contains the affordable rental housing unit condition; and (c) a legal description of the property.

At the time of submittal for building permits, the applicant shall contact the Housing and Neighborhood Services Manager, 650-903-6379, and an agreement will be prepared for the project. Before building permits can be issued, the agreement must be signed by the developer.

77.78 PARCEL MERGER: All parcels within the boundaries of the project area shall be merged prior to issuance of building permits.

78.79 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 its officers, agents, and employees in any action brought by a third party to void this Planned Community, Development Review, Provisional Use, and Heritage Tree Removal Permit. 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.

79.80 SMALL BUSINESS FLOOR AREA EXEMPTION AGREEMENT: The project plans propose 2,280 square feet of ground-floor commercial space, which is proposed to be exempt from floor area ratio calculations in exchange for preserving the space for certain relocated or existing on-site small businesses. As prescribed in the San Antonio Precise Plan, qualifying businesses must be reviewed and approved by the Zoning Administrator prior to

occupancy and may include: local nonprofit organizations; other cultural/public service providers; and small businesses that would provide goods or services to the community, generally excluding businesses with multiple regional, Statewide, and/or national locations. An agreement or similar notice of development restriction shall be recorded on the property deed to identify the approved FAR exemption and reservation of FAR exempt space for qualified small businesses, to the satisfaction of the Zoning Administrator and City Attorney. **(PROJECT-SPECIFIC CONDITION)**

TRANSIT-RELATED PROGRAMS AND OFF-SITE IMPROVEMENTS

80.81 BUILDING AND SITE DESIGN: The building and site design shall incorporate the following transit-related uses and improvements:

As required by the San Antonio Precise Plan, two pedestrian walkways/bicycle routes shall be maintained across the site; one running east/west from San Antonio Road connecting to Fayette Drive adjacent to the future public park and one extending north/south from Miller Avenue and connecting to the path previously mentioned. The applicant shall provide the following on-site pedestrian and bicycle flexible connections as shown on Sheet L1.11 of the Planning application:

- Paseo area through the development from Miller Avenue to the Hetch Hetchy right-of-way; and
- Path from San Antonio Road to Fayette Drive adjacent the new public park and Hetch Hetchy right-of-way.

The flexible connections shall be privately maintained and publicly accessible. The connections shall be designed to meet the guidelines of the San Antonio Precise Plan and provide a minimum 10' clear pedestrian and bicycle zone.

81.82 TRANSPORTATION DEMAND MANAGEMENT (TDM) PROGRAM: The property owner is required to maintain a TDM program for the life of the project which will achieve a minimum eight percent (8%) peak-hour vehicle trip reduction by employees within the project. The TDM program shall also include commute alternative programs aimed at increasing transit use and reducing the need for residents and employees to drive alone to work. The TDM program measures shall be formally accepted by the property owner prior to building permit issuance through a legal agreement or recorded document, as determined by the City Attorney, with contents to the satisfaction of the Zoning Administrator. The mandatory TDM measures for the project include:

- a. Join and maintain ongoing membership in the MVTMA for the life of the project, or form and join a San Antonio-specific TMA.
- b. Provide employees with one of the following depending on their preference, for the life of the project:
 - Fully subsidized transit passes for use on Caltrain or VTA, or equivalent.
 - Provide \$50 per month for employees that bike or walk to work.
 - Provide up to \$50 per month for use of Bay Area Bikeshare or Zipcar, or equivalent.
- c. Participate in the Santa Clara Valley Transportation Authority (VTA) Eco Pass Program, or an equivalent transit pass program, for the first three years of the project.
- d. Provide a transportation subsidy of \$25 per month up to \$300 per year. This provision shall be applicable for all new renters for their first year of residency and shall be implemented for the first 10 years of the development. To receive the subsidy, renters may be asked to provide evidence of ridership.
- e. Provide at least three Zipcars, or equivalent car-share service, in the project parking garage for resident and public use.

- f. Provide a combination of physical and/or online informational boards providing residents commute alternatives, including local transit information, project benefits for residents, and facilitating ride-sharing coordination.
- g. Provide an on-site conference room and/or business center with typical office amenities (including high-speed Internet, printing and faxing capabilities, and phone conferences) for residents to use.
- h. Appoint a commute coordinator to manage and monitor commute alternative programs. The commute coordinator's responsibilities include the following:
 1. Organizing and implementing promotional programs;
 2. Updating information on the physical and/or online information board/kiosk;
 3. Providing trip-planning assistance and/or ride-matching assistance to residents and employees who are considering an alternative mode for their commute;
 4. Providing information about the subsidized mode programs (including transit, Zipcar, and bike share);
 5. Managing annual driveway counts; and
 6. Supplying up-to-date transit schedules and route maps for VTA and Caltrain.

82-83 | **TRANSPORTATION DEMAND MANAGEMENT (TDM) MONITORING:** The property owner, or tenant, shall prepare an annual TDM report and submit it to the City to document the effectiveness of the TDM program in achieving the goal of eight percent (8%) peak-hour vehicle trip reduction by employees within the project. The TDM Report shall also include the number of residents using commute alternatives (alternatives to the single-occupant car) and provide information as to which alternatives are most highly utilized. The TDM report shall be prepared by an independent consultant and paid for by the property owner or tenant; the consultant shall work with the property's TDM coordinator. The TDM report will include a determination of historical employee commute methods, which shall be informed by surveying all employees working on the project site and through driveway traffic counts. All nonresponses to the employee commute survey will be counted as a drive-alone trip. The driveway traffic counts shall be prepared and provided by an independent, licensed consultant and paid for by the property owner or tenant. The driveway counts and resulting data shall be included in the TDM report provided to the City.

- a. **TDM Reporting:** The initial TDM report for the project will be submitted one year after the granting of the Certificate of Occupancy. Subsequent reports will be collected annually.
- b. **Report Requirements:** The TDM report shall either: (1) state that the project has achieved eight percent (8%) peak-hour vehicle trip reduction, providing supporting statistics and analysis to establish attainment of the goal; or (2) state that the project has not achieved the eight percent (8%) peak-hour vehicle trip reduction, providing an explanation of how and why the goal has not been reached and a description of additional measures that will be adopted in order to attain the TDM goal of eight percent (8%) peak-hour vehicle trip reduction by employees within the project.
- c. **Penalty for Noncompliance:** If, after the initial TDM report, the second annual report indicates that, in spite of additional measures adopted to attain the TDM goal of eight percent (8%), the eight percent (8%) goal is still not being achieved, or if the applicant fails to submit such a TDM report at the times described above, the City may assess the property owner a penalty in the maximum amount of \$100,000 for the first percentage point below the eight percent (8%) peak-hour vehicle trip reduction and an additional \$50,000 for each additional percentage point below the minimum eight percent (8%) thereafter ("TDM Penalty"). In determining whether a TDM penalty is appropriate, the City may consider whether the property owner has made a good-faith effort to meet the TDM goals and allow the property owner a six-month "grace period" to implement additional TDM measures. If the project does not achieve the eight percent (8%) peak-hour vehicle trip reduction after the six-month grace period, the City may require the property owner to pay the TDM penalty.

RIGHTS-OF-WAY

| **83.84 PEDESTRIAN ACCESS EASEMENT (SIDEWALKS):** Dedicate a 2' wide pedestrian access easement along the property frontage on San Antonio Road with a 20' radius street corner return easement at San Antonio Road/Miller Avenue.

| **84.85 PUBLIC ACCESS EASEMENT (FLEXIBLE CONNECTIONS):** In accordance with the San Antonio Precise Plan, dedicate public access easements for the following pedestrian and bicycle flexible connections:

- Paseo area from Miller Avenue to the Hetch Hetchy right-of-way; and
- Path from San Antonio Road to Fayette Drive adjacent to the new public park and Hetch Hetchy right-of-way.

The public access easement areas shall be wide enough to accommodate a minimum 10' clear pedestrian and bicycle zone. The flexible connections within the public access easement shall be privately maintained.

| **85.86 PUBLIC UTILITY EASEMENT:** Dedicate a 5' public utility easement along the property frontage on Miller Avenue and Fayette Drive, and a 7' public utility easement along the property frontage on San Antonio Road (2' overlaps with the new public access easement) as required by the utility companies and as approved by the Public Works Director. The dedication statement shall specify that the easement shall be kept clear of trees, shrubs, and structures and that the property owner shall maintain the surface over the easement.

| **86.87 EASEMENT ABANDONMENT:** Complete the application process to vacate all existing easements that are or will no longer be needed or conflict with the proposed buildings and structures. All vacations shall be completed and recorded prior to the issuance of a building permit.

FEES

| **87.88 WATER AND SEWER CAPACITY CHARGES:** Prior to issuance of any building permits and prior to approval of the parcel map as applicable, the applicant shall pay the water and sewer capacity fees for the development. The water and sewer capacity charges for residential connections are based on the number and type of dwelling units. There are separate charges for different types of residential categories so that the capacity charges reasonably reflect the estimated demand of each type of connection. The water and sewer capacity charges for nonresidential connections are based on the water meter size and the building area and building use, respectively. Credit is given for the existing site use(s) and meter size(s) as applicable.

| **88.89 STORM DRAINAGE FEE:** Pay the off-site storm drainage fee per Section 28.51(b) and with the rates in effect at time of payment.

| **89.90 PARK LAND DEDICATION AND FEE:** Dedicate in fee 0.51 acre of public park land and pay the Park Land Dedication Fee (approximately \$15,000 to \$30,000 per unit) to fulfill the remainder of the park land dedication requirement in accordance with Chapter 41 of the City Code prior to the issuance of the building permit and prior to the approval of the parcel map. No credit against the Park Land Dedication Fee will be allowed for private open space and recreational facilities. Provide the most current appraisal or escrow closing statement of the property with the following information to assist the City in determining the current market value of the land: (1) a brief description of the existing use of the property; (2) square footage of the lot; and (3) size and type of each building located on the property at the time the property was acquired.

STREET IMPROVEMENTS

90-91 PUBLIC IMPROVEMENTS: Install or reconstruct standard public improvements that are required for the project and as required by Chapters 27 and 28 of the Mountain View City Code. These improvements include, but are not limited to: new curb, gutter, and sidewalk along the project frontage on Miller Avenue, San Antonio Road, and Fayette Drive; intersection improvements at Miller Avenue/San Antonio Road; landscaping and irrigation of the public park strips; water and sewer services; new fire hydrants; storm laterals; undergrounding of overhead utility lines and services; and half-street overlay on Miller Avenue and Fayette Drive.

- a. **IMPROVEMENT AGREEMENT:** The property owner must sign a Public Works Department improvement agreement for the installation of the public improvements prior to the approval of the building permit. Sign a Public Works Department faithful performance bond (100 percent) and materials/labor bond (100 percent) or provide a cash deposit (100 percent) or provide a letter of credit (150 percent) securing the installation and warranty of the off-site and on-site common improvements in a form approved by the City Attorney's Office. The surety (bond company) must be listed as an acceptable surety on the most current Department of the Treasury's Listing of Approved Sureties on Federal Bonds, Department Circular 570. This list of approved sureties is available through the Internet at: https://www.fiscal.treasury.gov/fsreports/ref/suretyBnd/c570_a-z.htm. The bond amount must be below the underwriting limitation amount listed on the Department of the Treasury's Listing of Approved Sureties. The surety must be licensed to do business in California. Guidelines for security deposits are available at the Public Works Department. Any changes to the standard agreement will require an additional one- to three-week processing time with the City Attorney's Office.
- b. **INSURANCE:** Provide a certificate of insurance and endorsement naming the City an additional insured from the entity that will sign the improvement agreement prior to the approval of the building permit. The insurance coverage amounts are a minimum of Two Million Dollars (\$2,000,000) Commercial General Liability, Automobile Liability, and Workers' Compensation. The insurance requirements are available from the Public Works Department.

91-92 OFF-SITE IMPROVEMENT PLANS: Prepare off-site improvement plans in accordance with the City's Standard Design Criteria. The plans are to be drawn on 24"x36" sheets at a minimum scale of 1" = 20'. The plans shall be stamped by a registered civil engineer and shall show all public improvements and other applicable work within the public right-of-way. A traffic control plan indicating the work areas, delineators, signs, and other traffic control measures is required for work that impacts traffic on an existing street. Locations of on-site parking for construction equipment and construction workers must be submitted for review and approval. Off-site plans (10 sets), Improvement Plan Checklist, and items noted within the checklist must be submitted together as a separate package concurrent with the first submittal of the building plans. The off-site plans must be approved and signed by the Public Works Department. After the plans have been signed by the Public Works Department, 10 black-line sets, one Xerox Mylar (4 mil) set of the plans, and CD with CAD file and PDF must be submitted to the Public Works Department prior to the issuance of the building permit. CAD files shall meet the City of Mountain View's Digital Data Submission Standards.

92-93 INFRASTRUCTURE QUANTITIES: Submit a construction cost estimate form indicating the quantities of the street and utility improvements with the submittal of the improvement plans. The construction cost estimate is used to estimate the cost of street and utility improvements and to determine the Public Works plan check and inspection fees.

93-94 ENCROACHMENT RESTRICTIONS: Private steps, fences, and retaining walls shall not encroach into the public right-of-way.

- | ~~94.95~~ **TIE-BACK ENCROACHMENTS:** Temporary tie-backs or earthen nails for construction purposes require a separate Encroachment Agreement, plat and legal description, and bond (100 percent) or provide a letter of credit (100 percent) or cash security (100 percent) securing the installation and warranty of the temporary tie-backs.
- | ~~95.96~~ **SPECIAL PAVERS AND CONCRETE:** Pavers, colored concrete, or textured concrete shall not be allowed within the public street or sidewalk.
- | ~~96.97~~ **BIKE RACK ENCROACHMENT:** A separate Encroachment Agreement shall be required for the encroachment of bike racks in the public right-of-way. The location and design of bikes racks must be approved by the Public Works Director, and the bike racks shall be maintained by the property owner.
- | ~~97.98~~ **CORNER SIGHT TRIANGLE:** The architecture, on-site landscaping, and signage shall conform to the Side Street/Driveway Triangle of Safety Design Guidelines and Intersection Visibility Traffic Safety Visibility Area Design Guidelines at the driveways and street corner so as to not create any sight distance issues for vehicles. To address the pedestrian visibility, provide stop control (stop bar, legend, and sign), mirrors, audible warning signals, and adequate ramp design per City design criteria at all driveways.
- | ~~98.99~~ **MILLER AVENUE/SAN ANTONIO ROAD INTERSECTION IMPROVEMENTS:** Provide curb bulb-outs and/or other improvements at the intersection of Miller Avenue and San Antonio Road to improve the pedestrian and bicycle environment in accordance with the San Antonio Precise Plan.
- | ~~99.10~~ **CROSSING SAN ANTONIO ROAD:** Provide signage where the two promenades reach San Antonio Road to encourage pedestrians to cross San Antonio Road at marked crosswalks.
- | ~~100.1~~ **FAYETTE DRIVE STRIPING:** Provide striping to clearly delineate the two Fayette Drive eastbound lanes (one as a right-turn only lane and the other as a combined through-left lane) at San Antonio Road.
- | ~~101.1~~ **STREET OVERLAY:** Miller Avenue and Fayette Drive shall have a half-street overlay along the project frontage due to the amount of trenching for new utilities and the anticipated construction traffic load.

UTILITIES

- | ~~102.1~~ **WATER AND SEWER SERVICE:** The commercial and residential uses shall have separate water services and sanitary sewer laterals in accordance with the City Code Section 35.38. The existing utility services have outlived their useful service lives and shall be abandoned per City standards.
- | ~~103.1~~ **SEPARATE FIRE SERVICE:** Domestic water and fire services shall have separate lines connected to the City's water main, except when supplying NFPA 13D fire sprinkler systems as approved by the City Fire Protection Engineer. On-site fire lines, post indicator valves, Fire Department connections, and detector checks also require approval from the City's Fire Protection Engineer.
- | ~~104.1~~ **SEPARATE IRRIGATION SERVICE AND METER:** A separate water service and water meter for irrigation will be required.
- | ~~105.1~~ **WATER AND SEWER APPLICATIONS:** Prior to the issuance of the building permit, complete applications for water and sewer service if new water services, water meters, fire services, or sewer laterals are required. Any unpaid water and sanitary sewer fees must also be paid.
- | ~~106.1~~ **UTILITY SERVICES:** The size and location of all existing and new water meters, backflow preventers, water services, fire services, sewer laterals, sewer cleanouts, gate valves, and utility mains are to be shown on the plans. Sewer laterals, water services, and fire services shall have a minimum 5' horizontal separation from each other. Existing water services shall be shown to be disconnected and plugged at the main. Water services 4" or larger

shall be plugged at the main by removing the gate valve and installing a blind flange and thrust block at the tee. Existing sanitary sewer laterals and storm connections shall be abandoned, and existing face-of-curb drains shall be removed.

- | ~~107.1~~ **BACKFLOW PREVENTER:** Aboveground reduced-pressure backflow preventers are required for all City water services. Backflow preventers shall be located directly behind the water meter or as reasonably close as possible at a location preapproved by the Public Services Division and screened from view with landscaping. Backflow prevention assemblies shall be conveniently located as close to the meter as feasible outside of buildings and are not allowed within buildings' utility closets or basements.
- | ~~108.1~~ **FIRE HYDRANTS:** Install new fire hydrants along the project street frontage as required by the Fire Protection Engineer.
- | ~~109.1~~ **UNDERGROUND SERVICES:** All new and existing electric, telephone, and cable television services serving the site are to be placed underground (including transformers). The undergrounding of the new and existing electric, telephone, and cable television services is to be completed prior to issuance of a Certificate of Occupancy for any new buildings within the site. Underground utility boxes that serve only the property shall be placed on-site and must not encroach into the public right-of-way or easements.
- | ~~110.1~~ **JOINT UTILITY PLANS:** Submit joint utility plans showing the location of the proposed electric, gas, telephone, and cable television conduits and vaults. These plans shall be combined and made a part of the improvement plans. Dedicate utility easements that are necessary for the common utility on the parcel map.

SIDEWALKS AND DRIVEWAYS

- | ~~111.1~~ **GARAGE RAMPS:** Ramps to the underground garage and loading area shall comply with the City's Driveway Ramp Design Criteria to provide sufficient sight distance for visibility and pedestrian safety.
- | ~~112.1~~ **ADA RAMP REQUIREMENTS:** All new access ramps shall comply with the Americans with Disabilities Act (ADA) requirements. Existing nonconforming access ramps shall be reconstructed to comply with the ADA requirements.
- | ~~113.1~~ **ADA SIDEWALK REQUIREMENTS:** A minimum 4' wide Americans with Disabilities Act-compliant public sidewalk shall be provided behind new and existing driveway approaches. Tapers (conforms) can be provided to connect the proposed public sidewalk on each side of the proposed driveway.
- | ~~114.1~~ **SIDEWALK IMPROVEMENTS:** New curbs, gutters, sidewalks and driveways shall be installed along the project frontage on Miller Avenue, San Antonio Road, and Fayette Drive.
- | ~~115.1~~ **RED CURB AT CROSSWALKS:** Street curbs that are located within 15' of a public crosswalk shall be painted red.
- | ~~116.1~~ **RED CURB AT DRIVEWAY ENTRANCE:** Street curbs that are located within 25' approaching and 10' departing of the driveway entrance to the underground parking garage shall be painted red.
- | ~~117.1~~ **PEDESTRIAN AND BICYCLE FLEXIBLE CONNECTIONS:** Provide the following on-site pedestrian and bicycle flexible connections as shown on Sheet L1.11 of the Planning application:

- Paseo area through the development from Miller Avenue to the Hetch Hetchy right-of-way; and
- Path from San Antonio Road to Fayette Drive adjacent the new public park and Hetch Hetchy right-of-way.

The flexible connections shall be privately maintained and publicly accessible. The connections shall be designed

to meet the guidelines of the San Antonio Precise Plan and provide a minimum 10' clear pedestrian and bicycle zone.

SOLID WASTE AND RECYCLING

- | ~~118.1~~ **RECOLOGY MOUNTAIN VIEW:** Recology Mountain View is the City's exclusive hauler for recycling and disposal of construction and demolition debris. For all debris boxes, contact Recology. Using another hauler may violate Mountain View City Code Sections 16.13 and 16.17 and result in Code Enforcement action.
- | ~~119.1~~ **CONSTRUCTION AND DEMOLITION ORDINANCE:** This project must comply with the City's Construction and Demolition Ordinance (Mountain View City Code Chapter 16, Article III).
- | ~~120.1~~ **HOLDING AREA AND ROLL-OUT FEE:** Collection vehicles do not enter underground or enclosed structures, with exceptions granted on a case-by-case basis by the Solid Waste Program Manager. Collection vehicles may not park in driveways where the public sidewalk is blocked. All trash, recycling, and compost containers must be transported by the property owner/manager to the approved holding area on service day and removed promptly following service. The final location and dimensions of the holding area must be approved by the Solid Waste and Recycling Section prior to issuance of a building permit. Roll-out fees charged by the City's trash hauler will apply for containers that must be rolled more than 30' from any holding area to the truck.

STREET TREES

- | ~~121.1~~ **STREET TREES:** Install standard City street trees along the street frontage and where there are gaps in the spacing of the existing street trees.
- | ~~122.1~~ **STREET TREE LOCATION:** The location of existing trees to remain, existing trees to be removed, and new street trees shall be shown on the grading, utility, and landscaping plans. New street trees are to be planted a minimum of 10' from sanitary sewer lines and 5' from water lines, fire lines, and driveways in accordance with Detail F-1 of the Standard Provisions. New street tree species must be selected from the City's official street tree list and as approved by the City's Parks and Open Space Division per Proposed Street Tree Form (CD-51).
- | ~~123.1~~ **STREET TREE IRRIGATION:** Street trees are to be irrigated by the property owner in accordance with Chapter 32 of the City Code.

GRADING AND DRAINAGE IMPROVEMENTS (ON-SITE)

- | ~~124.1~~ **DRAINAGE PLANS:** On-site drainage plans shall be included in the building plans.
- | ~~125.1~~ **DRAINAGE REQUIREMENTS:** On-site parking lots and driveways (other than single-family residential) shall not surface-drain across public sidewalks or driveway aprons. A 2'x2' inlet/cleanout box is required at or near the property line for connections to the City storm drains.
- | ~~126.1~~ **STORM DRAIN HOLD HARMLESS AGREEMENT:** As portions of the site are or will be lower than the adjacent public street or the surface grade over the City's storm mains, before approval of the building permit, the owner shall sign an agreement to hold the City harmless against storm surcharges or blockages that may result in on-site flooding or damage.
- | ~~127.1~~ **SANITARY SEWER HOLD HARMLESS AGREEMENT:** If the sanitary sewer connection(s) inside the structure(s) is/are less than 1' above the rim elevation of the upstream sanitary sewer manhole, before approval of the building permit, the owner shall sign an agreement to hold the City harmless against sewer surcharges or blockages that may result in on-site damage.

~~128.1~~ SURFACE WATER RELEASE: Provide surface stormwater release for the lot toward the public street that prevents the building from being flooded in the event the storm drainage system becomes blocked or obstructed.

MISCELLANEOUS

~~129.1~~ CONSTRUCTION PLAN: Submit a construction traffic and parking management plan with the building plans showing the following:

1. Truck route for construction and delivery trucks that utilizes El Camino Real and San Antonio Road only, and does not include neighborhood residential streets;
2. Building construction phasing/construction equipment storage/construction parking plans: Show construction vehicles and equipment parking area and construction trailer location. All construction vehicles/equipment and trailer shall be located on-site or at a site nearby (not on a public street or public parking) arranged by the contractor. No construction equipment or vehicles shall be stored or parked on residential streets or public parking lots. Construction contractors/workers are required to park on-site or at a private property arranged by the contractor and shall not be allowed to use neighboring residential streets for parking/storage; and
3. Sidewalk closure or narrowing is not allowed during any on-site construction activities.

The construction traffic and parking management plan must be approved prior to the issuance of a demolition permit.

~~130.1~~ WELL QUESTIONNAIRE: Complete a Santa Clara Valley Water District well questionnaire and return it to the Public Works Department. Well questionnaire forms are available from the Public Works Department. All existing wells shall be shown on the site plans as to remain or be sealed in accordance with the Santa Clara Valley Water District standards.

~~131.1~~ STREET CLEANING: The owner/developer shall comply with, and the off-site and grading drainage and utility plans shall include, a general note as follows: "The prime contractor or developer is to hire a street cleaning contractor to clean up dirt and debris from City streets that are attributable to the development's construction activities. The street cleaning contractor is to have the capability of sweeping the streets with both a broom-type sweeper and a regenerative air vacuum sweeper, as directed by the Public Works Director, or his/her designated representative."

~~132.1~~ OCCUPANCY RELEASE: The owner/developer shall comply with, and the off-site and grading drainage and utility plans shall include, a general note as follows: "No units will be released for occupancy unless the improvements to be constructed to City standards and/or to be accepted for maintenance by the City, including water meters and sanitary sewer cleanouts, are substantially complete per the City of Mountain View Standard Provisions for Public Works construction. For phased developments, portions of the units may be released for occupancy, at the City's sole discretion, provided that all public and private improvements, conditions of approval, and Building Code requirements that are necessary to support the units to be released for occupancy have been completed as determined by the City. When all of the improvements are complete and/or ready for acceptance for maintenance by the City Council, the remaining units may be released for occupancy, provided that all other conditions of approval and Building Code requirements have been met. The Public Works Director shall make the determination of what public improvements are substantially complete."

~~133.1~~ PRELIMINARY TITLE REPORT: Submit a current preliminary title report or land deed indicating the exact name of the current legal owners of the property, their type of ownership (individual, partnership, corporation, etc.), and legal description of the property involved to the Public Works Department. This information is required for the preparation of Public Works agreements and documents. Include all easements and agreements referenced in the

title report.

- | **134.1 LOT MERGER:** The applicant's site is located on multiple parcels of land as shown on the preliminary parcel map, and the existing or proposed building is located over the interior property lines. Prior to the issuance of the building permit, the applicant must legally merge the properties into a single lot with a parcel map

Building Inspection Division – 650-903-6313

- | **135.1 BUILDING PERMITS:** A building permit is required for this project. This review by the Building Inspection 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 and the 10-day appeal period has passed. Submit complete sets of construction drawings at the Building Counter. Please refer to the Building Inspection Division's current "Submittal Requirements" for document submittal requirements. No construction work can be commenced without an appropriate building permit and no new occupancy shall commence without a Certificate of Occupancy. Please contact the Building Inspection Division for submittal requirements at 650-903-6313.
- | **136.1 BUILDING CODES:** Construction plans will need to meet the current codes adopted by the Building Inspection Division upon submittal. Current codes are the 2013 California Codes: Building, Fire, Electrical, Mechanical, Plumbing, CALGreen, and Mountain View Green Building Code.
- | **137.1 ACCESSIBILITY:** Project will be required to comply with the accessibility requirements in the 2013 CBC, Chapter 11B.
- | **138.1 ACCESSIBILITY:** Project will be required to comply with the accessibility requirements in the 2013 CBC, Chapter 11A, and CRC R320.
- | **139.1 ADDRESSES:** All street names, street numbers, and residential apartment numbers will be processed prior to the Building Inspection Division approval of the project. Commercial suite numbers are issued by the United States Post Office.
- | **140.1 APPROVALS REQUIRED:** This project requires the approval of the Santa Clara County Environmental Health Department at 408-918-3400 prior to submittal to the Building Inspection Division.
- | **141.1 COMMERCIAL TENANT IMPROVEMENTS:** The tenant improvements for the commercial spaces will be required to obtain a separate permit.
- | **142.1 OCCUPANT LOAD/EXIT DISCHARGE:** Please provide occupant load and exit discharge for each occupied area.
- | **143.1 PEDESTRIAN PROTECTION:** Public sidewalks are required to remain open during the course of construction. Please provide sufficient information at the time of plan submittal to show how pedestrians will be protected per 2013 CBC, Section 3306.
- | **144.1 SURVEY:** A survey will be required to be completed to verify structure placement.
- | **145.1 ELEVATOR CAR:** Where elevators are provided in buildings four or more stories above, or four or more stories below, grade plan, at least one elevator shall be provided to accommodate an ambulance gurney or stretcher to all floors. The elevator size to meet the requirements in 2013 CBC Sec. 3002.4.3a, no exceptions.

FIRE PROTECTION SYSTEMS AND EQUIPMENT

- | ~~146.1~~ **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. Three (3) sets of shop-quality drawings shall be submitted for review and approval. All work shall conform to NFPA 13 (2013 Edition), NFPA 72 (2013 Edition), and Mountain View Fire Department specifications. Call the Building Inspection Division at 650-903-6313 for a copy of specifications and submittal requirements. (Mountain View City Code, Sections 14.10.27, 14.10.28, and California Fire Code, Section 903.)
- | ~~147.1~~ **STANDPIPE SYSTEM:** Provide a Class III standpipe system. (Mountain View City Code, Sections 14.10.29, 14.10.30, 14.10.31, and 14.10.32 and California Fire Code, Section 905.)
- | ~~148.1~~ **FIRE PROTECTION DURING CONSTRUCTION:** Every building four (4) stories or more in height shall be provided with not less than one (1) standpipe for use during construction. Such standpipe(s) shall be installed when the progress of construction is not more than 40' in height above the lowest level of Fire Department access. Such standpipe(s) shall be provided with Fire Department hose connections at accessible locations adjacent to usable stairs, and the standpipe outlets shall be located adjacent to such usable stairs. Such standpipe systems shall be extended as construction progresses to within one floor of the highest point of construction having secured decking or flooring. In each floor, there shall be provided a 2.5" valve outlet for Fire Department use. (California Fire Code, Chapter 33.)
- | ~~149.1~~ **ON-SITE WHARF HYDRANTS:** Provide ground-level wet standpipes (wharf hydrants). On-site wharf hydrants shall be so located as to reach any portion of combustible construction with 150' of hose. Installation shall be complete and the system shall be tested prior to combustible construction. The wharf hydrant shall be capable of providing a combination flow of 500 GPM with two 2.5" outlets flowing. Three (3) complete sets of shop-quality drawings shall be submitted for review and approval. (NFPA 24 (2013 Edition) and Mountain View Fire Department requirements.)
- | ~~150.1~~ **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.)
- | ~~151.1~~ **FIRE EXTINGUISHERS:** Install Class K fire extinguishers in the commercial cooking equipment areas. (California Code of Regulations, Title 19, Chapter 3, and California Fire Code, Section 904.11.5.)
- | ~~152.1~~ **FIRE EXTINGUISHING SYSTEMS:** Submit three (3) sets of shop-quality drawings for the cooking appliance fire extinguishing system(s). Call the Building Inspection Division at 650-903-6313 for a copy of specifications and submittal requirements. (California Fire Code, Section 904.2.1.)
- | ~~153.1~~ **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. Three (3) complete sets of fire alarm system shop-quality drawings shall be submitted 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. Call the Building Inspection Division at 650-903-6313 for a copy of specifications and submittal requirements. (California Fire Code, Section 907 and Mountain View City Code, Section 14.10.33.)
- | ~~154.1~~ **SMOKE ALARMS:** All residential occupancies shall be provided with California State Fire Marshal-listed smoke alarms. Smoke alarms shall be installed in accordance with the California Building Code and the approved manufacturer's instructions. (California Fire Code, Section 907.)

FIRE DEPARTMENT ACCESS

- | ~~155.1~~ **LOCKBOX:** Install an approved key lockbox per the Fire Protection Engineer's directions. Call the Building Inspection Division at 650-903-6313 for instructions. (California Fire Code, Section 506.)
- | ~~156.1~~ **KEYSWITCH:** Install an approved keyswitch per the Fire Protection Engineer's directions. Call the Building Inspection Division at 650-903-6313 for instructions. (California Fire Code, Section 506.)
- | ~~157.1~~ **STRETCHER REQUIREMENTS:** In all structures four (4) or more stories in height, at least one elevator shall be provided with a minimum clear distance between walls or between walls and door, excluding return panels, of not less than 80"x54", and a minimum distance from wall to return panel of not less than 51" with a 42" side slide door, unless otherwise designed to accommodate an ambulance-type stretcher 84"x24" in the horizontal position. (California Building Code, Section 3002.)

EGRESS AND FIRE SAFETY

- | ~~158.1~~ **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 Plans. (California Building Code, Section 1006.)
- | ~~159.1~~ **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 1011.)
- | ~~160.1~~ **FLOOR-LEVEL EXIT SIGNS:** Floor-level exit signs shall be provided in all interior exit corridors of Group A, E, I, and Group R2.1 occupancies and in all interior rated exit corridors serving guest rooms of hotels in R1 occupancies. (California Building Code, Section 1011.)
- | ~~161.1~~ **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 is not 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.)
- | ~~162.1~~ **GROUP A, E, I, AND R-1 OCCUPANCIES:** Decorative Materials: All drapes, hangings, curtains, drops, and all other decorative material, including Christmas trees, shall be made from a noncombustible or fire-resistive material or maintained in a flame-retardant condition by means of an approved flame-retardant solution or process approved by the California State Fire Marshal. (California Code of Regulations, Title 19, Sections 3.08 and 3.21.)
- | ~~163.1~~ **INTERIOR WALL AND CEILING FINISH:** Interior finishes shall have a flame-spread rating in accordance with the California Building Code, Chapter 8, and California Code of Regulations, Title 19, Section 3.21.
- | ~~164.1~~ **POSTING OF ROOM CAPACITY:** Any room used for assembly purposes shall have the capacity of the room posted in a conspicuous place near the main exit from the room. (California Building Code, Section 1004.3.)
- | ~~165.1~~ **ON-SITE DRAWINGS:** Submit two (2) 8.5"x11" plot plan drawings according to Fire Department specifications prior to final Certificate of Occupancy.
- | ~~166.1~~ **STAIRWAY IDENTIFICATION SIGNS:** In buildings four (4) or more stories in height, approved stairway identification signs shall be located at each floor level in all enclosed stairways. The sign shall identify the stairway and indicate whether there is roof access, the floor level, and the upper and lower terminus of the stairway. The sign shall be located 5' above the floor landing in a position which is readily visible when the door is in the open or closed position. (California Building Code, Section 1022.9.)

HAZARDOUS CONDITIONS

- | ~~167-1~~ **STATIONARY LEAD-ACID BATTERY SYSTEMS:** Stationary lead-acid battery systems shall comply with the California Fire Code, Section 608 and Mountain View City Code, Section 14.10.24.

EXTERIOR IMPROVEMENTS

- | ~~168-1~~ **REFUSE AREAS:** Refuse areas within 5' of combustible construction or building openings shall be protected with automatic fire sprinklers. A maximum of two (2) sprinkler heads are permitted off a 1" domestic water service. Approved accessible shutoff valves shall be provided. Call the Building Inspection Division at 650-903-6313 for specifications. (California Fire Code, Section 304.3.)
- | ~~169-1~~ **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. (Mountain View City Code, Section 14.10.20.)

OTHER

- | ~~170-1~~ **EMERGENCY RESPONDER RADIO COVERAGE:** All buildings shall have approved radio coverage for emergency responders within the building. (California Fire Code, Section 510.)

Fire and Environmental Protection Division – 650-903-6378

HAZARDOUS MATERIALS

- | ~~171-1~~ **HAZARDOUS MATERIALS:** If hazardous materials will be stored or used on-site (including paints, thinners, compressed gases, propane, diesel, gasoline, etc.), complete an Environmental Compliance Plan (ECP) application. Contact the Fire and Environmental Protection Division of the Fire Department at 650-903-6378 to obtain a copy. Attach a copy of the completed ECP to your submitted building plans.
- | ~~172-1~~ **INSTALLATION OR UPGRADE OF HAZARDOUS MATERIALS STORAGE:** Complete an "Installation or Upgrade of Hazardous Materials Storage or Use Areas" check sheet. Contact the Fire and Environmental Protection Division of the Fire Department at 650-903-6378 to obtain a copy. All applicable items in the check sheet should be completed and shown on the building plan submittal.
- | ~~173-1~~ **ABOVEGROUND DIESEL TANKS FOR EMERGENCY AND STANDBY GENERATORS:** Complete an "Aboveground Diesel Tanks for Emergency and Standby Generators" check sheet. Contact the Fire and Environmental Protection Division of the Fire Department at 650-903-6378 to obtain a copy. All applicable items in the check sheet should be completed and shown on the building plan submittal.

URBAN RUNOFF

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. "Stormwater Quality Guidelines for Development Projects" can also be accessed at the following link to the Fire Department website: <http://www.mountainview.gov/civicax/filebank/blobdload.aspx?BlobID=13392>

- | ~~174-1~~ **STORM DRAIN/SANITARY SEWER PLAN CHECK SHEET:** Complete a "Storm Drain/Sanitary Sewer Discharges" check sheet. All applicable items in the check sheet should be completed and shown on the building plan submittal.

- | ~~175.1~~ **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.

- | ~~176.1~~ **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.

- | ~~177.1~~ **SWIMMING POOLS, SPAS, AND FOUNTAINS:** Swimming pools, spas, and fountains shall be installed with a sanitary sewer cleanout in a readily accessible nearby area to allow for draining.

- | ~~178.1~~ **LANDSCAPE DESIGN:** Landscape design shall minimize runoff and promote surface filtration. Examples include: (a) no steep slopes exceeding 10 percent; (b) using mulches in planter areas without ground cover to avoid sedimentation runoff; (c) installing plants with low water requirements; and (d) installing appropriate plants for the location in accordance with appropriate climate zones. Identify which practices will be used in the building plan submittal.

- | ~~179.1~~ **EFFICIENT IRRIGATION:** Common areas shall employ efficient irrigation to avoid excess irrigation runoff. Examples include: (a) setting irrigation timers to avoid runoff by splitting irrigations into several short cycles; (b) employing multi-programmable irrigation controllers; (c) employing rain shutoff devices to prevent irrigation after significant precipitation; (d) use of drip irrigations for all planter areas which have a shrub density that will cause excessive spray interference of an overhead system; and (e) use of flow reducers to mitigate broken heads next to sidewalks, streets, and driveways. Identify which practices will be used in the building plan submittal.

- | ~~180.1~~ **OUTDOOR STORAGE AREAS (INCLUDING GARBAGE ENCLOSURES):** Outdoor storage areas (for storage of equipment or materials which could decompose, disintegrate, leak, or otherwise contaminate stormwater runoff), including garbage enclosures, shall be designed to prevent the run-on of stormwater and runoff of spills by all of the following: (a) paving the area with concrete or other nonpermeable surface; (b) covering the area; and (c) sloping the area inward (negative slope) or installing a berm or curb around its perimeter. There shall be no storm drains in the outdoor storage area.

- | ~~181.1~~ **PARKING GARAGES:** For multiple-level parking garages, interior levels shall be connected to an approved wastewater treatment system discharging to the sanitary sewer.

- | ~~182.1~~ **STORMWATER TREATMENT (C.3):** This project will create or replace more than ten thousand (10,000) square feet of impervious surface; therefore, stormwater runoff shall be directed to approved permanent treatment controls as described in the City’s guidance document entitled, “Stormwater Quality Guidelines for Development Projects.” The City’s guidelines also describe the requirement to select Low-Impact Development (LID) types of stormwater treatment controls; the types of projects that are exempt from this requirement; and the Infeasibility and Special Projects exemptions from the LID requirement.

The “Stormwater Quality Guidelines for Development Projects” document requires applicants to submit a Stormwater Management Plan, including information such as the type, location, and sizing calculations of the treatment controls that will be installed. Include three stamped and signed copies of the Final Stormwater Management Plan with the building plan submittal. The Stormwater Management Plan must include a stamped

and signed certification by a qualified Engineer, stating that the Stormwater Management Plan complies with the City's guidelines and the State NPDES Permit. Stormwater treatment controls required under this condition may be required to enter into a formal recorded Maintenance Agreement with the City.

183.1 STORMWATER MANAGEMENT PLAN—THIRD-PARTY ENGINEER'S CERTIFICATION: The Final Stormwater Management Plan must be certified by a qualified third-party engineer that the proposed stormwater treatment controls comply with the City's Guidelines and Provision C.3 of the Municipal Regional Stormwater NPDES Permit (MRP). A list of qualified engineers is available at the following link: http://www.scvurppp-w2k.com/consultants_list.shtml

184.1 FULL TRASH CAPTURE (OFF-SITE IMPROVEMENT): Projects located in "moderate," "high," or "very high" trash generating areas as outlined in the City's Long-Term Trash Load Reduction Plan that will construct off-site improvements to the public storm drain system shall install full trash capture protection within the newly constructed public storm drain system. Examples of full trash capture systems include large trash capture devices, such as hydrodynamic separators or media filtration systems, or small trash capture devices, such as storm drain catch basin connector pipe screens. Once installed, the property owner or property manager shall be responsible for maintaining the trash capture device. Maintenance shall be completed in accordance with the manufacturer's recommended frequency, but at a minimum of one time per year. Indicate the type of full trash capture device that will be installed to remove trash from runoff for the entire project site, and include details for the installation of the trash capture system(s) in the building plans for the project.

NOTE: The applicant shall file a parcel map for approval and recordation in accordance with the approved Planned Community Permit (PCP), the City Code, and the State Map Act. The permit authorizing approval of the PCP is conditioned upon obtaining an approved parcel map. Failure to obtain an approved subdivision shall render the PCP invalid.

NOTE: In compliance with the California Environmental Quality Act (CEQA), an Initial Study of Environmental Significance was prepared pursuant to Section 15168 of the CEQA Guidelines and found, with implementation of the San Antonio Precise Plan standards and guidelines, standard City Conditions of Approval, State regulations, and mitigation measures identified in the San Antonio Precise Plan EIR (2014) and the Mountain View General Plan and Greenhouse Gas Reduction Program EIR, the proposed project would not result in any new environmental impacts beyond those evaluated in these EIRs.

NOTE: Zoning permits may be extended for up to an additional two years after public hearing review by the Zoning Administrator in compliance with the procedures described in the Zoning Ordinance. An application for extension must be filed with the Planning Division of the Community Development Department, including appropriate fees, prior to the original expiration date of the permit.

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 of this development. The fees, dedications, reservations, or other exactions are described in the approved plans, conditions of approval, and/or the adopted City fee schedule.

CP/3/CDD
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