

CITY OF MOUNTAIN VIEW  
RESOLUTION NO.  
SERIES 2015

A RESOLUTION CONDITIONALLY APPROVING A PLANNED COMMUNITY PERMIT TO CONSTRUCT A 35-UNIT ROWHOUSE PROJECT WHICH INCLUDES ADOPTION OF MOBILE HOME PARK CONVERSION IMPACT REPORT MITIGATION MEASURES AND A HERITAGE TREE REMOVAL PERMIT TO REMOVE SEVEN HERITAGE TREES AT 133-149 FAIRCHILD DRIVE

WHEREAS, an application was received from Fairchild-Evandale Investors, LLC, for a Planned Community Permit to construct a 35-unit rowhouse development project and a Heritage Tree Removal Permit to remove seven Heritage trees at 133-149 Fairchild Drive (Application No. 133-14-PCZA); and

WHEREAS, the Zoning Administrator held a public hearing on May 13, 2015 on said application and recommended that the City Council conditionally approve the Planned Community Permit and Heritage Tree Removal Permit subject to the findings and conditions of approval in the Findings Report; and

WHEREAS, the City Council held a public hearing on July 7, 2015 on said applications and received and considered all evidence presented at said hearing, including the Findings Report from the Zoning Administrator and City Council report; and

WHEREAS, an Initial Study and Mitigated Negative Declaration, attached to the City Council report, was prepared and circulated for 30 days, consistent with the California Environmental Quality Act (CEQA) Guidelines, and included findings incorporated herein by reference;

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

1. The Planned Community Permit for the construction of 35 rowhomes is conditionally approved based upon the conditions contained herein and upon the following findings pursuant to Section 36.50.30 of the City Code:

a. The proposed use or development is consistent with the provisions of the P-32 Evandale Precise Plan, the proposal clearly demonstrates superior site and building design and compatibility with surrounding uses and developments since it meets the principles and objectives of the Evandale Precise Plan by proposing rowhome

development which is supported by the Evandale Precise Plan; the project includes measures to attenuate noise impacts from Highway 101 consistent with the direction of the Evandale Precise Plan; the three-story massing is consistent with surrounding development and proposes a dedication of a 0.27-acre public park; and proposes only three minor exceptions to Rowhouse Guidelines and one exception from the Evandale Precise Plan;

b. The proposed use or development is consistent with the Medium-High Density land use designation of the General Plan by proposing a density and a residential use allowed within the Medium-High Density land use designation;

c. The proposed uses and development will not be detrimental to the public interest, health, safety, convenience, or welfare because the use, site plan, and architecture are compatible with surrounding uses and development because noise, air quality, and TCE-contaminated groundwater-vapor protections will be integrated into the units; a large open area will provide recreation and gathering space for residents; the attached units and additional trees provide screening between the neighborhood and Highway 101; the connected but circuitous design of the driveway will support emergency vehicle access; and pedestrian pathways throughout the site will support walkable connections within the neighborhood and a Closure Impact Report (CIR) for the Bayshore RV Park and Bayair RV Park provided to current and former residents on April 10, 2015. The CIR analyzed impacts of the closure of the parks and provided recommended mitigations for the park residents;

d. The proposed project promotes a well-designed development that is harmonious with existing and planned development in the surrounding area because the project conforms with the P-32 Evandale Precise Plan and the design standards of the Rowhouse Guidelines as well as the density and uses permitted by the General Plan; the units facing Evandale Avenue and Fairchild Drive are consistent with the scale and character of the existing street; highly visible facades have attractive wall-plane variation and architectural treatments; roofs are varied to break up the appearance of long buildings; and guest parking spaces will reduce the on-street parking impact; and

e. The approval of the Planned Community Permit for the proposed project complies with the California Environmental Quality Act (CEQA) because an Initial Study and Mitigated Negative Declaration has been prepared and circulated consistent with CEQA Guidelines.

2. The Heritage Tree Removal Permit to remove seven 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 reports from Ray Morneau dated July 1, 2014 and February 7, 2014;

b. It is appropriate and necessary to remove the trees in order to construct the improvements and/or allow reasonable and conforming use of the property when compared to other similarly situated properties because of the location and health of the trees;

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 seven Heritage trees complies with the California Environmental Quality Act (CEQA) because an Initial Study and Mitigated Negative Declaration has been prepared and circulated consistent with CEQA Guidelines.

NOW, THEREFORE, BE IT FURTHER RESOLVED by the City Council of the City of Mountain View that the Planned Community 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 and incorporated herein by reference.

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SP/7/RESO  
804-07-07-15r-E

**CONDITIONS OF APPROVAL  
APPLICATION NO.: 133-14-PCZA  
133-149 Fairchild Drive**

The applicant is hereby notified, as part of this application, that they are 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, 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 engineering practices for the items under review. Additionally, the applicant is hereby notified that they are 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 not herein specified.

This approval is granted to construct a 35-unit rowhouse project located on Assessor Parcel Nos. 160-07-003 and 160-07-004. 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 Dahlin Group and BKF for Dividend Homes dated October 31, 2014, and consisting of 51 sheets.
- b. Color and materials board prepared by Dahlin Group for Dividend Homes, and kept on file in the Planning Division of the Community Development Department.

**THIS REQUEST IS GRANTED SUBJECT TO THE FOLLOWING CONDITIONS:**

Community Development Department – (650) 903-6306

- 1. **EXPIRATION:** If the approved use does not commence within two years of this approval, subject to all applicable conditions and permits from applicable government agencies, this approval shall be null and void.

PLANS AND SUBMITTAL REQUIREMENTS

- 2. **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 if residential); (d) lot area (in square feet); and (e) total number of parking spaces.
- 3. **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.
- 4. **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.
- 5. **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.

6. **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.

#### SITE DEVELOPMENT AND BUILDING DESIGN

7. **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.
8. **TRIM MATERIALS:** Trim materials throughout the project shall be wood or high-density foam trim. Details of the specific placement and utilization of the trim materials shall be provided with the building permit drawings. Final trim design details shall be subject to review and approval by the Zoning Administrator prior to the issuance of building permits.
9. **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. Final paving design details shall be subject to review and approval by the Zoning Administrator prior to the issuance of building permits.
10. **WINDOWS:** Manufacturer type, design, material, and installation details 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.
11. **MOCK-UP:** The applicant shall set up a large material and color mock-up on-site, prior to installation of any exterior materials, for final selection and approval by the Zoning Administrator. At a minimum, the mock-up shall include window, trim, stucco, and paint samples.
12. **COLOR SCHEME:** The applicant shall paint a small portion of the building with the proposed color scheme for inspection. The color(s) shall not be considered approved until after inspection and approval by the Zoning Administrator.
13. **COLOR AND MATERIALS:** Color and materials of the proposed addition are to be shown on permit drawings to match the existing structure.
14. **TRASH ENCLOSURE:** Details of an opaque screen trash enclosure are to be shown on building permit drawings and be approved by the Zoning Administrator prior to permit issuance. The trash enclosure should match the architectural design, color, and materials of the primary structure.
15. **FENCE/WALL:** All fencing and walls are to be shown on construction plans submitted for building permit review and shall not exceed 6' in height, 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.
16. **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'.
17. **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 submittal.

#### GREEN BUILDING AND SUSTAINABILITY MEASURES

18. **GREEN BUILDING – RESIDENTIAL NEW CONSTRUCTION:** The project is required to meet the mandatory measures of the California Green Building Standards Code and meet the intent of 100 GreenPoint Rated points. All mandatory prerequisite points and minimum point totals per category to attain GreenPoint Rated 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 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

19. **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.
20. **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, subject to final approval by the Zoning Administrator.
21. **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.
22. **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.

#### HERITAGE TREES

23. **REPLACEMENT:** The applicant shall offset the loss of each Heritage tree with a total of two replacement trees. Each replacement tree shall be no smaller than 24" box and shall be noted on the landscape plan as Heritage replacement trees.
24. **TREE PROTECTION MEASURES:** The tree protection measures listed in the arborist's report prepared by Ray Morneau and dated July 1, 2014 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, 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.

#### NOISE

25. ~~**NOISE GENERATION:** All noise generating activities (i.e., entertainment or amplified sound) are limited to interior areas only, and the heating, ventilation, and air conditioning system shall be maintained to ensure that all windows and doors can remain closed when the restaurant is in operation.~~

26. **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.

#### CONSTRUCTION PRACTICES AND NOTICING

27. **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.
28. **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.
29. **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.
30. **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.
31. **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.
32. **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.
33. **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.

34. **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.

**TENANT RELOCATION:**

**The following tenant relocation mitigations shall apply to residents who lived on-site as of October 13, 2014:**

35. **LOW INCOME AND BELOW MITIGATIONS FOR TENANTS WHO SELL THEIR RVs TO THE APPLICANT:**
- a. The applicant shall pay the owner fair-market value for the RV;
  - b. The applicant shall provide a 12-month rent gap differential to cover the difference, if any, between their base space rent at the park and the new rent at an apartment or multi-unit building, not to exceed the median monthly rent in Mountain View at time of the project entitlement approval based on data from RealFacts or equivalent source and household size. For households of two or less, cash equivalent will be based on 1-bedroom units; for households of three persons, cash equivalent will be based on a 2-bedroom unit; for households of more than four persons, cash equivalent will be based on a 3-bedroom unit;
  - c. The applicant will provide \$2,000 in lump sum for relocation cost;
  - d. Service of a Housing Relocation Specialist to assist RV owners with finding housing.
36. **LOW INCOME AND BELOW MITIGATIONS FOR TENANTS WHO KEEP THEIR RVs:**
- a. The applicant will provide \$2,000 in lump sum for relocation cost;
  - b. Cash equivalent of three months rent based on median monthly rent in Mountain View at time of the project entitlement approval based on data from RealFacts or equivalent source and household size. For households of two or less, cash equivalent will be based on 1-bedroom; for households of three, cash equivalent will be based on a 2-bedroom; for households of more than four persons, cash equivalent will be based on a 3-bedroom;

- c. Service of a Housing Relocation Specialist to assist RV owners with finding an RV space in another park and with relocation services, such as movers.

37. **MODERATE INCOME AND ABOVE MITIGATIONS:**

- a. If the owner sells the RV, the applicant shall pay the owner fair-market value for the RV. If the owner does not sell the RV, the applicant will provide \$2,000 in lump sum for relocation cost;
- b. Service of a Housing Relocation Specialist to assist RV owners in finding an RV space in another park or replacement housing and relocation assistance services, such as movers.

38. **SPECIAL CIRCUMSTANCES HOUSEHOLDS:** Special circumstances households will be paid \$3,000 in addition to other mitigation received.

39. **MOBILE HOME OWNER:**

- a. The applicant shall pay the owner fair-market value for the mobile home;
- b. If the mobile home owner is low income or below, the applicant shall provide a 12-month rent gap differential to cover the difference, if any, between their base space rent at the park and the new rent at an apartment or multi-unit building, not to exceed the market-rate cost of median monthly rent in Mountain View at the time of the project entitlement approval based on data from RealFacts or equivalent source and household size. For households of two or less, cash equivalent will be based on 1-bedroom units; for households of three, cash equivalent will be based on a 2-bedroom unit; for households of more than four persons, cash equivalent will be based on a 3-bedroom unit;
- c. The applicant will provide \$2,000 in lump sum for relocation cost;
- d. Service of a Housing Relocation Specialist to ~~assist RV~~ the mobile home owners with finding housing.

CC&Rs

40. **CC&Rs:** Four copies of the proposed Covenants, Conditions, and Restrictions (CC&Rs) for the homeowners association shall be submitted to the Planning Division and approved by the City Attorney prior to building permit issuance. The applicant shall attach a completed CC&R checklist to the CC&Rs upon submittal. The checklist can be obtained in the Planning Division. The project shall be incorporated into the 18-unit Phase I homeowners association.

41. **MASTER PLAN:** The applicant shall prepare a master plan which establishes rules for modifications or additions of any building structures at this site, including fences, trellises, sunshades, and accessory buildings, as well as modifications to principal buildings. These rules shall be consistent with the provisions of the provisions of the P(32) Evandale Precise Plan Zoning District and shall be approved by the Zoning Administrator. The Covenants, Conditions, and Restrictions (CC&Rs) shall specifically state that the master plan establishes the rules for additions/modifications to the complex and that changes to the master plan require approval by the Zoning Administrator. Two copies of the final master plan shall be submitted to the Planning Division to remain on file.

42. **GARAGES:** Garages are to be used for resident parking only. Storage is permitted so long as it does not prevent use of garage for required vehicle parking.

43. **PROJECT INFORMATION:** All marketing and sales literature, leasing information, and the Covenants, Conditions, and Restrictions (CC&Rs) for the complex shall clearly state that this project is complete as built and that no further expansions to the building structures are permitted without Planning Division approval. Any

revisions to the project would require a separate application to the City by the homeowners association and would need to establish rules for all units in the complex.

#### LEGAL AGREEMENTS

44. **BMR FOR SALE, IN-LIEU:** Prior to issuance of building permits, the applicant shall enter into written agreements with the City of Mountain View that will require the applicant to pay a Below-Market-Rate (BMR) Housing In-Lieu Fee to the City of Mountain View consistent with Sections 36.80 through 36.89 of the City Code and the Below-Market-Rate Housing Program Administrative Guidelines and Directives. The in-lieu fee payment shall be 3 percent of the actual gross sales price of each unit and shall be paid upon the close of escrow for each unit.
45. **BMR, PROCESS:** Following project approval, the applicant shall submit the following information to the Administrative and Neighborhood Services Manager in the Community Development Department, (650) 903-6379: (a) a copy of the first page of the Findings Report; (b) a copy of the page from the Findings Report that contains the Below-Market-Rate (BMR) condition; and (c) a legal description of the property.

At the time of submittal for building permits, the applicant shall contact the Administrative and Neighborhood Services Manager, (650) 903-6379, and a BMR agreement will be prepared for the project. Before building permits can be issued, the BMR agreement must be signed by the developer, and a 10 percent deposit of the required BMR fees must be paid to the City.

46. **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 PUD, Planned Community Permit, 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.
47. **AVIGATION EASEMENT:** If deemed necessary by the Santa Clara County Airport Land Use Commission, an avigation easement shall be recorded for the property prior to the issuance of building permits.

#### MITIGATION MEASURES

48. **BIO-2:** Implementation of Mitigation Measure BIO-2 (refer to Section D.4, Biological Resources) in addition to compliance with the Mountain View General Plan policies, the Rowhouse Design Guidelines, provisions of the P(32), and the City's standard conditions of approval for the protection and replacement of Heritage trees, would reduce impacts to visually significant Heritage trees to a less-than-significant level.
49. **AQ-1:** The following Air District Basic Construction Mitigation Measures shall be incorporated into all future construction documents, prior to issuance of a demolition permit:
- a. All exposed surfaces (e.g., parking areas, staging areas, soil stockpiles, graded areas, and unpaved access roads) shall be watered two times per day;
  - b. All haul trucks transporting soil, sand, or other loose material off-site shall be covered;
  - c. All visible mud or dirt track-out onto adjacent public roads shall 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 shall be limited to 15 mph;
  - e. All paved surfaces and sidewalks to be paved shall be completed as soon as possible. Pavement surfaces shall be laid as soon as possible after grading unless seeding or soil binders are used;

- f. Idling times shall be minimized either by shutting equipment off when not in use or reducing the maximum idling time to 5 minutes (as required by the California airborne toxics control measure Title 13, Section 2485 of California Code of Regulations [CCR]). Clear signage shall be provided for construction workers at all access points;
- h. Post a publicly visible sign with the contractor's telephone number and person to contact at the regarding dust complaints. This person shall respond and take corrective action within 48 hours. The Air District's phone number will also be visible to ensure compliance with applicable regulation.

Implementation of this mitigation measure shall be the responsibility of project site developers.

- 50. **AQ-2a:** Prior to the issuance of a building permit, the project applicant shall conduct sampling and testing of existing buildings to determine the extent and presence of ACM in all buildings on the site.

Implementation of this mitigation measure is the responsibility of the project applicant.

- 51. **AQ-2b:** Prior to the commencement of demolition activities on the site, the applicant shall consult with the Air District Enforcement to determine permit requirements based upon the results of site-specific testing and sampling. Removal of asbestos-containing building materials is subject to the limitations of District Regulation 11, Rule 2: Hazardous Materials; Asbestos Demolition, Renovation and Manufacturing.

Implementation of this mitigation measure is the responsibility of the project applicant.

- 52. **AQ2c:** All demolition activities shall be undertaken in accordance with Cal-OSHA standards contained in Title 8 of the California Code of Regulations CCR Section 1529 to protect workers from exposure.

- 53. **AQ-3:** Use of newer, retrofitted, or alternatively powered construction equipment to minimize emissions shall be used in construction of the project. Such equipment selection would include the following:

- All diesel-powered construction equipment larger than 50-horsepower and operating on-site for more than two days continuously shall meet U.S. EPA particulate matter emissions standards for Tier 2 engines or equivalent. Note that the construction contractor could use other measures to minimize construction period diesel particulate matter emissions to reduce the predicted cancer risk below the thresholds. Such measures may be the use of alternative powered equipment (e.g., LPG powered forklifts), alternative fuels (e.g., biofuels), added exhaust devices, or a combination of measures, provided that these measures are approved by the lead agency.

The applicant shall ensure that this requirement is included on all construction bid documents, prior to issuance of a demolition permit.

Implementation of this mitigation measure is the responsibility of the project applicant.

- 54. **AQ-4a:** The project shall include the following measures to minimize long-term toxic air contaminant (TAC) exposure for new residences, prior to issuance of an occupancy permit.

- a. Install air filtration in residential or other buildings that would include sensitive receptors that have predicted PM<sub>2.5</sub> concentrations above 0.3 µg/m<sup>3</sup> or excess lifetime cancer risk of 10.0 per million or greater. Air filtration devices shall be rated MERV 13 or higher, depending on the calculated impact at the site (see Figures 2 and 3 of the Community Health Risk Assessment). At minimum, MERV 13 systems are required for portions of the site with cancer risks between 10 and 20 persons per million.

- b. To ensure adequate health protection to sensitive receptors, a ventilation system shall meet the following minimum design standards (Department of Public Health City and County of San Francisco, 2008):
  - 1. A MERV-13, or higher, rating that represents a minimum of 80 percent efficiency to capture small particulates;
  - 2. At least one air exchange(s) per hour of fresh outside filtered air;
  - 3. At least four air exchange(s)/hour recirculation; and
  - 4. At least 0.25 air exchange(s) per hour in unfiltered infiltration.

As part of implementing this measure, an ongoing maintenance plan for the buildings' HVAC air filtration system shall be required. Recognizing that emissions from air pollution sources are decreasing, the maintenance period shall last as long as significant excess cancer risk or annual PM2.5 exposures are predicted. Subsequent studies could be conducted to identify the ongoing need for the ventilation systems as future information becomes available.

- c. The project proponent shall ensure that lease agreement(s) and other property documents and Covenants, Conditions, and Restrictions include provisions that require the following actions.
  - 1. Cleaning, maintenance, and monitoring of the affected buildings for air flow leaks;
  - 2. New owners and tenants are provided information on the ventilation system; and
  - 3. Fees associated with owning or leasing a unit(s) in the building include funds for cleaning, maintenance, monitoring, and replacements of the filters, as needed.
- d. Prior to building occupancy, the project proponent shall hire an authorized air pollutant consultant to verify the installation of all necessary measures to reduce toxic air contaminant (TAC) exposure.
- e. A properly maintained vegetative barrier along the site boundary nearest the freeway could further reduce particulate concentrations, including DPM.

Implementation of this mitigation measure is the responsibility of the project applicant.

- 55. **BIO-2:** Heritage trees removed from the project site shall be replaced based on a 2:1 ratio with 24" box specimens. Additional new trees may be required by the City to replace the other trees to be removed on the site. Prior to tree removal, the species and location of replacement trees shall be approved by the City of Mountain View Arborist and Zoning Administrator.

Implementation of this mitigation measure shall be the responsibility of the project applicant.

- 56. **BIO-3:** Prior to initiation of construction, to reduce the impact of construction on trees remaining on the site and trees adjacent to the site, a report prepared by a qualified arborist detailing tree protection and preservation measures shall be prepared for the project. This report shall detail care necessary for trees remaining on the site before, during, and after construction. The arborist's reports shall be received by the Planning Division and must be approved prior to issuance of building permits. Prior to occupancy, the arborist shall certify in writing that all tree preservation measures have been implemented.

The tree protection measures listed in the arborist's report 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,

a continuous maintenance and care program, and protective grading techniques. No materials may be stored within the drip line of any tree on the project site.

Implementation of this mitigation measure shall be the responsibility of the project applicant.

57. **CR- 1a:** Prior to the onset of site preparation and excavation, a qualified professional archaeologist shall be hired at the applicant's expense to act as the project archaeologist and monitor all earth-disturbing activities including, but not limited to, grading, trenching and demolition and construction excavation. Archaeological monitoring shall be carried out in two phases as follows:

1. Phase 1 shall consist of monitoring during earthmoving activities for demolition,
2. Phase 2 shall consist of archaeological monitoring during construction excavation for the proposed project.

58. **CR- 1b:** At the completion of the Phase I monitoring, and prior to the onset of construction excavation, the project archaeologist shall prepare and submit to the Zoning Administrator, a letter report summarizing field finds and making a recommendation on the possible need for archaeological mitigation excavation and/or continued monitoring of construction excavation. The report shall identify temporary and permanent curation facilities for any materials that may be recovered during monitoring and/or archaeological mitigation excavation (data recovery). This measure shall be implemented at the applicant's expense.

59. **CR-1c:** If individual artifacts and/or intact archaeological features are discovered at any time during site preparation and excavation activities, work shall be halted at a minimum of 165' (50 meters) from the find and the area shall be staked off. The following measures shall be implemented under the direction of the project archaeologist and at the applicant's expense, including, but not limited to, the following:

1. **Procedures for Discovery of Artifacts.** During the course of earthmoving activities, any individual artifacts (prehistoric or historic) noted by the archaeological monitor will be collected and stored for further analysis. Temporary cessation of excavation may be necessary for the efficient and safe retrieval of these materials. Work may be allowed to proceed elsewhere on the site with approval from and under the direction of the project archaeologist, while the find is evaluated.
2. **Procedures for Discovery of an Intact Archaeological Features/Deposit.** During the course of earthmoving activities should an intact archaeological feature/deposit be discovered, excavation and construction activities may be halted for the purpose of identifying and mapping the material, and find-specific mitigation recommendations will be discussed with the project representative. These recommendations may include sampling, or salvage recovery of the archaeological material if appropriate for the protection of the resource.
3. **Procedures for Archaeological Mitigation Excavation.** Archaeological mitigation excavation may be required in the event that previously undiscovered significant archaeological artifacts or intact features are encountered during the archaeological monitoring of earth-disturbing demolition and construction activities. This would consist of the excavation of a volumetric sample of an archaeological deposit based on the total proposed earthmoving activities. Both mechanical and hand-excavation/screening are considered appropriate in order to execute an archaeological mitigation plan. Placement of the excavation areas is based on available archival background data, field observations, and suggested locations by project representatives. Mechanical and/or hand-excavation would be conducted at the discretion of the project archaeologist using standard archaeological techniques.

**Laboratory Methods.** Scientific analysis will be performed on any resources recovered from the archaeological monitoring for this project following basic laboratory operations. Any artifacts and archaeological features found during construction shall be removed, cleaned, or stabilized/conserved, and catalogued in accordance with professional curation practices.

**Curation.** Upon completion of the monitoring program, and submittal of the final report of findings, cultural materials recovered during monitoring and data recovery shall be appropriately curated.

60. **CR-1d:** The project applicant shall include Mitigation Measures CR-1a–CR-1c on all construction and bid documents for the project.
61. **CR-1e:** The project archaeologist shall prepare at the applicant’s expense, a final report documenting and synthesizing all data collected from the above-mentioned measures. The report shall include recording and analysis of materials recovered, conclusions, and any additional recommendations. The project archaeologist shall submit the report to the Zoning Administrator and shall file the report with the California Historical Resources File System, Northwest Information Center (CHRIS/NWIC) at Sonoma State University.
62. **CR-2a:** In the event of the discovery of human remains during construction, construction activities within 30’ of the find shall be halted for evaluation by a qualified archaeologist. 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 human and of Native American origin, the Most Likely Descendent (MLD) assigned by the Native American Heritage Commission (NAHC) shall recommend techniques of removal and procedures for reburial.

Associated grave goods and soil samples will be analyzed per agreement with the Most Likely Descendent. Diagnostic artifacts such as projectile points, shell beads, and ground stone artifacts will be studied and illustrated for the final report. Radiocarbon dating and obsidian hydration and sourcing may be undertaken if suitable samples are present.

Reinternment of human remains will be performed in concordance with California law. The MLD will be consulted as to procedural detail. The location and procedures of this undertaking will be recorded by the project archaeologist. This information will be included in the final report required by mitigation measure CR-1e, or if necessary, as an addendum to the report.

63. **CR-2b:** The project applicant shall include Mitigation Measure CR-2a on all construction and bid documents for the project.
64. **HZ-1:** Prior to issuance of a demolition permit, the project proponent shall have a lead survey completed by a qualified practitioner in accordance with the applicable regulations. The lead survey shall include an assessment of lead in building materials. If measured lead levels in or adjacent to a structure exceed established thresholds, a work plan shall be developed and implemented to remove and dispose of the lead-containing materials in accordance with the established regulations.
65. **HZ-2a:** To protect construction workers from exposures to contaminated soils and/or groundwater during excavation activities on the site, including the public park, the project proponent shall, prior to the commencement of demolition and excavation activities, prepare and submit a Soil Management and Air Monitoring Plan to the U.S. Environmental Protection Agency for review and comment. The final copy shall be sent to the Santa Clara County Department of Health. During implementation of the Plan, groundwater, soil gas, soil, and air sampling may be necessary.

Implementation of this mitigation measure is the responsibility of the project applicant and shall be completed prior to issuance of demolition and building permits.

66. **HZ-2b:** If contaminated soils are encountered during excavation activities for the project site and the public park, earthwork activities shall be performed by a licensed hazardous materials contractor with personnel trained in hazardous waste operations using the soil management procedures described in the Soil Management and Air Monitoring Plan. Excavated soils suspected of being contaminated shall be stockpiled separately on impermeable

liners to reduce infiltration by rainwater and contamination of underlying soils. The project proponent shall include this requirement on all project bid documents and Covenants, Conditions, and Restrictions.

If other contamination (non-trichloroethene (TCE) or other VOC contamination) is encountered, the Santa Clara County Department of Environmental Health shall be notified regarding the removal and disposal of contaminated soil.

Implementation of this mitigation measure is the responsibility of the project applicant.

67. **HZ-2c:** To protect future residents from trichloroethene (TCE)/other volatile organic compound exposures over the lifetime of the project, the project proponent shall cooperate with ongoing groundwater and vapor intrusion monitoring on-site as required by the U.S. Environmental Protection Agency until concentrations decrease to levels that would allow closure. The project proponent shall include this requirement on all project bid documents and Covenants, Conditions, and Restrictions.

Implementation of this mitigation measure is the responsibility of the project applicant.

68. **HZ-2d:** Prior to issuance of building permits, the project design shall incorporate appropriate structural and engineering features to reduce the risk of vapor intrusion into the new buildings. Appropriate design features shall be determined prior to application for a building permit subject to the review and approval of the U.S. Environmental Protection Agency and the City of Mountain View Chief Building Official. Appropriate design features may include, but not be limited to, the following:

- Installation of an impermeable vapor barrier and subslab passive vapor ventilation with the ability to be made active in all new buildings;
- Seal any penetrations;
- Placement of low-permeability backfill where utility trenches extend off-site;
- Placement of utility conduits above groundwater levels or, in the alternative, installed with watertight fittings to reduce the potential for groundwater to leak into conduits;
- Install corrosion-resistant utilities piping, flanges, gaskets, couplings, and other fittings; and/or
- Other structural or engineered considerations determined to provide equivalent levels of protection by the U.S. Environmental Protection Agency.

The project proponent shall include this requirement on all project bid documents and Covenants, Conditions, and Restrictions.

Implementation of this mitigation measure is the responsibility of the project applicant.

69. **HZ-2e:** If additional on-site groundwater or soil vapor treatment vapor intrusion remediation or other remediation strategies are required by the U.S. Environmental Protection Agency to reduce trichloroethene (TCE) concentrations on the site and within the vicinity to that which would allow closure, the project proponent shall cooperate with these measures. The project proponent shall include this requirement on all project bid documents and Covenants, Conditions, and Restrictions.

Implementation of this mitigation measure is the responsibility of the project applicant.

70. **N-1:** The applicant shall have an acoustical consultant review the construction design details and materials to ensure that appropriate noise control measures are incorporated into the project so that interior noise levels are reduced to 45 dB(A) Ldn or less. The acoustical consultant shall review the construction plans, building elevations, and floor plans prior to construction to calculate expected interior and exterior noise levels and ensure compliance with City policies and State noise regulations.

If determined necessary by the construction-level acoustical analysis, appropriate building construction techniques, including sound-rated windows, doors, and building facade treatments, including sound rated wall construction, acoustical caulking, etc., shall be required for residential units facing public streets. Building sound insulation requirements shall include the provision of forced-air mechanical ventilation for all residential units, so that windows could be kept closed at the occupant's discretion to control noise.

71. **N-2:**

1. Pursuant to the City Code, restrict noise-generating activities at the construction site or in areas adjacent to the construction site to the hours of 7:00 a.m. to 6:00 p.m., Monday through Friday. Construction shall be prohibited on Saturdays, Sundays, and holidays.
2. Equip all internal combustion engine driven equipment with intake and exhaust mufflers that are in good condition and appropriate for the equipment.
3. Unnecessary idling of internal combustion engines should be strictly prohibited.
4. Located stationary noise generating equipment such as air compressors or portable power generators as far as possible from sensitive receptors. Construct temporary noise barriers to screen stationary noise generating equipment when located near adjoining sensitive land uses. Temporary noise barriers could reduce construction noise levels by 5 dB(A).
5. Utilize "quiet" air compressors and other stationary noise sources where technology exists.
6. Route all construction traffic to and from the project site via designated truck routes where possible. Prohibit construction-related heavy truck traffic in residential areas where feasible.
7. Control noise from construction workers' radios to a point where they are not audible at existing residences bordering the project site.
8. The contractor shall prepare and submit to the City for approval a detailed construction plan identifying the schedule for major noise-generating construction activities.
9. Designate a "disturbance coordinator" who would be responsible for responding to any local complaints about construction noise. The disturbance coordinator will determine the cause of the noise complaint (e.g., starting too early, bad muffler, etc.) and will require that reasonable measures warranted to correct the problem be implemented. Conspicuously post a telephone number for the disturbance coordinator at the construction site and include in it the notice sent to neighbors regarding the construction schedule.

Public Works Department – (650) 903-6311

RIGHTS-OF-WAY

72. **STREET DEDICATION:** Dedicate street easements to widen Fairchild Drive and Evandale Avenue an additional 5'.

FEES

73. **WATER AND SEWER CAPACITY FEES:** This project may be subject to water and sewer capacity fees. These are new fees being implemented by the City. On April 8, 2014, the City Council authorized the amendment of Chapters 28 and 35 of the City Code requiring development projects pay capacity fees, if applicable, for building permits **issued on or after** July 1, 2015. The applicant shall pay applicable water and sewer capacity fees as required. An informational handout on these fees can be found on the City's website at:

<http://www.ci.mtnview.ca.us/civicax/filebank/blobload.aspx?BlobID=14212>

The April 8, 2014 Council report can be viewed at the following location:

<https://mountainview.legistar.com/LegislationDetail.aspx?ID=1694006&GUID=3B26F71F-FD13-4830-9705-6C9EDC48D254>

Contact the Public Works Department at (650) 903-6311 for any questions related to these fees.

74. **PARK LAND DEDICATION:** Dedicate in fee 11,782 square feet of public park land in accordance with Chapter 41 of the City Code for the development (53 residential units total for both phases) prior to the issuance of the final map. The City shall reimburse the applicant for the Park Land Dedication fees paid for the first phase of the development (18 units) once the final map has recorded with the park land dedication. Dedicate a perpetual easement and an irrevocable offer of dedication to the City for the purpose of a public park in accordance with Chapter 41 of the City Code prior to the issuance of the final map. The City shall have full and free rights to design and construct the park, to allow the public to use the park in accordance with the City Code, and to enter the park at any time for maintenance and other related activities.

Prior to the approval of the final map, the applicant shall: (1) provide a written report to (the City shall approve the scope of the report in advance) to: (1) disclose all known hazardous materials and contaminants on the park site to the City in writing; (2) provide written approval by the Environmental Protection Agency (EPA) for the use of the site as a public park; hire an independent environmental and soil consultant, acceptable to the City, to test and evaluate the site to determine if there are any hazardous materials or contaminants on the park site and perform a Phase II Environmental Site Assessment in accordance with ASTM International Standard E1527-05; (3) prepare and provide funding to the City to implement a Site Management Plan (SMP) with specific protocols for the park construction, operation, and ongoing maintenance that must be reviewed and approved by the EPA. The applicant shall pay a deposit based on a cost estimate prepared by the engineer of the SMP and as approved by the City for implementation of measures identified in the SMP prior to the approval of the final map; (4) be responsible for removing or remediating hazardous material and contaminants found on the site, including any hazardous materials and contaminants found during construction of the park improvements, so that the site is suitable for use as an open space park site; and (45) agree to protect, indemnify, and hold harmless City, its directors, officers, employees, and agents from and against any environmental liability related to applicant's actions at the property, and any and all claims, demands, judgments, settlements, damages, actions, causes of action, injuries, administrative orders, consent agreements and orders, liabilities, losses, penalties, and costs, including, but not limited to, any clean-up costs, remediation costs, and response costs, and all expenses of any kind whatsoever, including reasonable attorneys' fees and expenses, including, but not limited to, those arising out of loss of life; injury to persons, property, or business; or damage to natural resources in connection with the activities of applicant, its predecessors-in-interest, third parties who have trespassed on the premises, or parties in a contractual relationship with applicant and any of them, the foregoing being collectively referred to as "claims" which:

- a. Arise out of the actual, alleged, or threatened mitigation, spill, leaching, pouring, emptying, injection, discharge, dispersal, release, storage, treatment, generation, disposal or escape of any hazardous substances onto or from the premises; or
- b. Actually or allegedly arise out of or in connection with the premises, the use, specification, or inclusion of any

product, material, or process containing hazardous substances; the failure to detect the existence or proportion of hazardous substances in the soil, air, surface water, or groundwater; or the performance of or failure to perform the abatement of any hazardous substances source or the replacement or removal of any soil, water, surface water, or groundwater containing any hazardous substances; or

- c. Arise out of the breach of any covenant, warranty, or representation contained in any statement or other information given by applicant to City in connection with environmental matters; or
- d. Arise out of any enforcement or remedial action or any judicial or administrative action brought pursuant to any environmental law.

Applicant, its successors, and assigns shall bear, pay, and discharge when and as the same become due and payable, any and all such judgments or claims for damages, penalties, or otherwise against City, as provided in this section, shall hold City harmless for those judgments or claims, and shall assume the burden and expense of defending all suits, administrative proceedings, and negotiations of any description with any and all persons, political subdivisions, or government agencies.

#### STREET IMPROVEMENTS

75. **PUBLIC AND COMMON IMPROVEMENTS:** Install or reconstruct standard public improvements that are required for the subdivision and as required by Chapters 27 and 28 of the Mountain View City Code. The public improvements on Fairchild Drive and Evandale Avenue include, but are not limited to: new curb, gutter, sidewalk, and driveways; new streetlight; planter strip landscaping and irrigation; utility services; and undergrounding of overhead utility lines and services. The on-site common improvements include, but are not limited to: private common driveway and underground utility services for water, sewer, and storm.

- a. **IMPROVEMENT AGREEMENT:** The property owner must sign a Public Works Department improvement agreement for the installation of the public and common improvements prior to the approval of the final map. Sign a Public Works Department faithful performance bond (100 percent) and materials/labor bond (100 percent) or provide 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 <http://www.fms.treas.gov/c570/index.html>. 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.
- 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 final map. The insurance coverage amounts are a minimum of One Million Dollars (\$1,000,000) Commercial General Liability, Automobile Liability, and Workers' Compensation. The insurance requirements are available from the Public Works Department.

76. **PUBLIC IMPROVEMENT PLANS:** Prepare public improvement plans in accordance with Chapter 28 of the City Code, the City's Standard Design Criteria, and the conditions of approval of the subdivision. 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. Improvement plans (nine sets), construction cost estimate, and copy of the current preliminary title report or property deed must be submitted together as a separate package concurrent with the first submittal of the building plans. The improvement 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 approval of the final map.

77. **COMMON IMPROVEMENT PLANS:** Prepare on-site common improvement plans consisting of the proposed demolition, fill, grading, retaining walls, drainage, private streets, common driveways, common utilities, public utilities, and other applicable improvements in accordance with Chapter 28 of the City Code, the Standard Design Criteria for Common Green and Townhouse-Type Condominiums, and the conditions of approval of the subdivision. The plans are to be drawn on 24"x36" sheets at a minimum scale of 1" = 20'. The improvement plans (nine sets) and completed infrastructure data form must be submitted together as a separate package concurrent with the first submittal of the building plans. The improvement plans must be approved and signed by the Public Works Department. After the improvement 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 approval of the final map. Where both public and common improvement plans are required, the plans shall be combined into one set of plans.
78. **INFRASTRUCTURE QUANTITIES:** Submit a construction cost estimate form indicating the quantities of the public and private common street and utility improvements with the submittal of the improvement plans. The construction cost estimate is used to estimate the cost of public and private common street and utility improvements and to determine the Public Works plan check and inspection fees.
79. **PARKING RESTRICTION:** Parking shall be prohibited within the common driveways, excluding approved guest parking, as the parking would obstruct the use of the driveway. These parking prohibitions shall be stated within the CC&Rs. A copy of the CC&Rs with this provision highlighted shall be submitted to the Public Works Department. The common driveway shall be signed and/or striped as "No Parking" or "No Parking – Fire Lane."
80. **ENCROACHMENT RESTRICTIONS:** Private steps, fences, and retaining walls shall not encroach into the public right-of-way.
81. **SPECIAL PAVERS AND CONCRETE:** Pavers, colored concrete, or textured concrete will not be allowed within the public street or sidewalk.
82. **SIGHT DISTANCE 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 driveway and street corner so as to not create any sight distance issues for vehicles.
83. **STREETLIGHT:** Install a new streetlight on Fairchild Drive in accordance with City standards and design criteria.

#### UTILITIES

84. **WATER AND SEWER SERVICE:** New water meters and sanitary sewer laterals shall be installed for each residential unit in accordance with City Code Section 35.38. The existing services have outlived their useful life and must be abandoned per City standards.
85. **SEPARATE IRRIGATION SERVICE AND METER:** A separate water service and water meter for irrigation shall be required.
86. **UTILITY MAINTENANCE PLAN:** On-site water, sanitary sewer, and storm drainage facilities shall be privately maintained. CC&Rs shall include a provision that the homeowners association prepare a private utility maintenance plan for the on-site water, sanitary sewer, and storm drainage facilities. The maintenance plan shall include such elements as flushing of the sanitary sewer and storm lines, cleaning of storm drain inlets and grates, and inspection of the water system (including flushing and exercising of valves and blowoffs). CC&Rs shall also

include a provision that the homeowners association prepare a sanitary sewer overflow plan, which includes elements such as 24-hour contact information, response times, confinement, and methods to contain and remediate spills.

87. **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.
88. **SEPARATE IRRIGATION SERVICE AND METER:** A separate water service and water meter for irrigation will be required. The existing water service may be adequate to serve multiple meters, depending on size, and would require advance approval from the Public Works Director.
89. **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.
90. **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.
91. **BACKFLOW PREVENTER:** An aboveground reduced-pressure backflow preventer is required for the irrigation service. 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.
92. **UNDERGROUND SERVICES:** All new and existing electric, telephone, and cable television services serving the site are to be placed underground (including transformers). The undergrounding is to be completed prior to issuance of a Certificate of Occupancy for any new buildings within the site.
93. **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 final map.

#### SIDEWALKS AND DRIVEWAYS

94. **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.
95. **SIDEWALK IMPROVEMENTS:** New curb, gutter, and detached sidewalk shall be installed along the project frontage on Fairchild Drive and Evandale Avenue. The detached sidewalk shall be 5' wide, and the back of walk shall align with the dedicated street easement line.
96. **STREETLIGHT:** Install a new streetlight on Fairchild Drive to fill in the gap in the spacing of the existing streetlights in accordance with City standards and design criteria.

## RECYCLING

97. **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.
98. **CONSTRUCTION AND DEMOLITION ORDINANCE:** This project must comply with the City's Construction and Demolition Ordinance (Mountain View City Code Chapter 16, Article III).
99. **TRASH AND RECYCLING COLLECTION:** The trash and recycling shall meet the following requirements:
- The travelway for access to the trash and recycling enclosure must be 20' wide and have a minimum turning radius of 41' free of all building overhangs and tree canopy. The required vertical clearance for the trash and recycling trucks is minimum 14'6" along travelway.
  - The access door opening for trash and recycling enclosure shall be 8' wide as measured from hinge to hinge.

## STREET TREES

100. **STREET TREES:** Install standard City street trees where there are gaps in the spacing of the existing street trees.
101. **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).
102. **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)

103. **DRAINAGE REQUIREMENTS:** On-site parking lots and driveways 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.
104. **SURFACE WATER RELEASE:** Provide a surface stormwater release for the lots, driveways, and private streets that prevents the buildings from being flooded in the event the storm drainage system becomes blocked or obstructed.
105. **LOT DRAINAGE:** Each residential lot shall be designed to drain toward the streets, common driveways, or common areas. The drainage system for the privately owned lots shall be designed such that the drainage system does not cross the common property lines unless an exception is approved by the Public Works Department due to unavoidable circumstances (such as to provide drainage to an existing Heritage tree).

## MISCELLANEOUS

106. **CONSTRUCTION PLAN:** Submit a construction plan with the building plans showing the following: (1) truck route for construction and delivery trucks that does not include neighborhood residential streets; (2) construction phasing; and (3) on-site locations for staging, storing construction vehicles, equipment area, construction trailer, and worker parking. The public streets shall not be used for any construction-related activities, including parking for workers and storage of vehicles.

107. **PUBLIC PARK USES:** The City's full and free rights to the easement for the purpose of a public park shall be stated within the Covenants, Conditions, and Restrictions (CC&Rs). Submit a copy of the CC&Rs with this provision highlighted to the Public Works Department for review and approval.
108. **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.
109. **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."
110. **OCCUPANCY RELEASE:** For residential developments, no residential 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.
111. **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.
112. **SUBDIVISION:** This site plan is a subdivision of an existing parcel(s). Any combination or division of land for purpose of sale, lease, or financing requires the filing and approval of a preliminary parcel or tentative map, completion of all conditions of subdivision approval, and the recordation of the parcel or final map, all prior to issuance of the building permit. In order to place the approval of a final map on the Council agenda, all related materials must be completed and approved 40 calendar days prior to the Council meeting.
113. **LOT LINE ADJUSTMENT:** The site plan requires lot line adjustments with Phase I of the development to obtain land from Lot 6 and Common Lot A of Tract 10247. If the lot line adjustments cannot be accomplished, the site plan cannot be developed as proposed and is not in substantial conformance with the approved tentative map. The lot line adjustment with Lot 1 shall be processed as soon as possible prior to the closing on the sale of any homes in Phase I.

For the lot line adjustments, submit an application and plat (8.5"x11" map showing the lot lines to be removed prepared by a land surveyor or civil engineer) of the proposed lot line adjustment to the Community Development Department for review by the Subdivision Committee. After receiving conditions of approval from the Subdivision Committee, submit the plat, legal description of the lot line adjustment, and preliminary title report to the Public Works Department. The Public Works Department will prepare the grant deeds and Notice of Lot Line Adjustment Approval document that must be signed and notarized by the property owner and trustees. After the

documents have been approved and signed by the Public Works Department, the applicant's title company must record the Notice of Lot Line Adjustment Approval concurrent with the deed to merge the properties.

Building Inspection Division – (650) 903-6313

114. **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.
115. **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.
116. **ACCESSIBILITY:** Project will be required to comply with the accessibility requirements in the 2013 CBC, Chapter 11A, and CRC R320.
117. **ACCESSIBILITY (PARKING):** At least one of the guest parking spaces is required to be accessible, 2013 CBC, 1109A.5.
118. **ACCESSIBILITY (PARKING):** At least 2 percent of the assigned parking spaces are required to be accessible, 2013 CBC, 1109A.4.
119. **ADDRESSES:** Street names and numbers will be processed immediately prior to the Building Inspection Division approval of the project. Apartment and suite numbers are issued by the United States Post Office.
120. **FIRE PROTECTION:** Dwelling and sleeping units shall meet the visible alarm notification requirements of 2013 CBC, Section 907.5.2.3.
121. **FIRE PROTECTION:** Overhangs and other projections will not be permitted to cross property lines between units.
122. **FIRE SPRINKLERS:** All proposed plans for new dwellings submitted after January 1, 2011 will be required to install a fire sprinkler system regardless of size.
123. **FIRE SPRINKLERS:** List fire sprinkler status within the plans.
124. **SEPARATION:** Openings from a private garage directly into a room used for sleeping purposes shall not be permitted, 2013 CBC, Section 406.3.4.
125. **SUPERFUND SITE:** This site resides in the MEW (Middlefield-Ellis-Whisman) Superfund Site area and may be required to implement Environmental Protection Agency (EPA) mitigation measures prior to and during construction. Provide EPA acknowledgement and approval upon building permit submittal.
126. **SURVEY:** A survey will be required to be completed to verify structure placement.
127. **SOLAR-READY BUILDINGS:** Single-family residences located in subdivisions with 10 or more units and low-rise multi-family buildings shall provide a solar zone with a minimum total area as follows: Single-family residences shall have solar zone located on the roof or overhang of the building and have a total area no less than

250 square feet. Single-family residences with three stories or more and with a total area less than or equal to 2,000 square feet shall have a solar zone total area no less than 150 square feet. The solar zone dimensions shall comply with the California Energy Code, Section 110.10 (b). Show the solar zone areas on the roof plans for each unit.

128. **TRASH ENCLOSURES:** If the any trash enclosure wall is located 5' or less from the property line then the openings in wall are not permitted per CBC 705.8.1.

Fire Department – (650) 903-6343

#### FIRE PROTECTION SYSTEMS AND EQUIPMENT

129. **RESIDENTIAL FIRE SPRINKLER SYSTEM:** Provide an approved automatic fire sprinkler system designed in accordance with NFPA 13D (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. (California Residential Code, Section R313.)
130. **FIRE HYDRANTS:** Hydrants in accordance with the Department of Public Works Standard Provisions shall be located every 300'.
131. **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

132. **FIRE APPARATUS ACCESS ROADS:** Access roads shall have 13'6" unobstructed vertical clearance, 20' of unobstructed width (26' where building occupied floors exceed 30' height), and minimum turning radii of 21' (inside turning radius). Unobstructed width shall mean a clear travelway, excluding parking width, and designed for an emergency vehicle weight of 70,000 pounds. Unobstructed width shall not include the width of rolled curbs, sidewalks, or nondrivable surfaces. (California Fire Code, Section 503, and Mountain View City Code, Sections 14.10.17, 14.10.18.)
133. **FIRE APPARATUS TURNAROUNDS:** Dead-end fire apparatus access roads in excess of 150' in length shall be provided with approved provisions for the turning around of apparatus. "Approved provisions" shall mean that turnarounds, in accordance with Mountain View Fire Department specifications, are provided in locations such that fire apparatus shall never be more than 150' away from the closest turnaround. Call the Building Inspection Division at (650) 903-6313 for specifications. (California Fire Code, Section 503.)
134. **FIRE LANE MARKING:** "NO PARKING – FIRE LANE" signs shall be posted along fire lanes and curbs shall be painted red with the words: NO PARKING – FIRE LANE stenciled in white on the top and side of the curb. Call the Building Inspection Division at (650) 903-6313 for specifications and application. (California Fire Code, Section 503.)
135. **ALL-WEATHER FIRE APPARATUS ACCESS ROADS:** Prior to combustible construction, an all-weather access road capable of supporting emergency vehicles (70,000 pounds) shall be constructed to allow access within 150' of every portion of the project. Access roads shall have 13'6" overhead clearance, 20' of unobstructed width, and 21' inside turning radius. (California Fire Code, Section 503.)

#### EGRESS AND FIRE SAFETY

136. **ON-SITE DRAWINGS:** Submit two (2) 8.5"x11" plot plan drawings according to Fire Department specifications prior to final Certificate of Occupancy.

## EXTERIOR IMPROVEMENTS

137. **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.)

Fire and Environmental Protection Division – (650) 903-6378

## 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/city\\_hall/fire/programs\\_n\\_services/environmental\\_safety.asp](http://www.mountainview.gov/city_hall/fire/programs_n_services/environmental_safety.asp)

138. **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.
139. **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.
140. **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.
141. **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.
142. **PRIVATE STREET MAINTENANCE:** For residential projects with private streets, the following ongoing maintenance shall be provided: (a) private streets shall be swept at least four times per year; (b) private storm drain inlets shall be cleaned at least once per year prior to October 15; and (c) common area trash management and litter control. Attach a copy of the contract or maintenance agreement identifying the name, address, and phone number of the party carrying out these maintenance activities.
143. **PRIVATE STORM DRAIN INLET STENCILING:** For residential subdivisions with private streets, storm drain inlets shall be labeled in accordance with the City's storm drain inlet label program ("No Dumping, Flows to Bay").

144. **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.
145. **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.

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

~~NOTE: In compliance with the California Environmental Quality Act (CEQA), an Initial Study has been prepared and, pursuant to the mitigation measures identified in the report, a determination of no significant environmental impact was made. Therefore, a Mitigated Negative Declaration is hereby adopted.~~

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.