

CITY OF MOUNTAIN VIEW  
RESOLUTION NO.  
SERIES 2018

A RESOLUTION CONDITIONALLY APPROVING A  
PLANNED UNIT DEVELOPMENT PERMIT AND A  
DEVELOPMENT REVIEW PERMIT TO CONSTRUCT A 15-UNIT  
ROWHOUSE AND TOWNHOUSE DEVELOPMENT AND A  
HERITAGE TREE REMOVAL PERMIT TO REMOVE SIX HERITAGE TREES  
LOCATED AT 2005 ROCK STREET

WHEREAS, an application was received from Dividend Homes for a Planned Unit Development and Development Review Permit to construct a 15-unit rowhouse and townhouse development to replace a 20-unit apartment complex and a Heritage Tree Removal Permit to remove six Heritage trees at 2005 Rock Street (Application No. PL-2018-022); and

WHEREAS, the Zoning Administrator held a public hearing on August 22, 2018 on said application and recommended the City Council conditionally approve the Planned Unit Development, Development Review Permit, and Heritage Tree Removal Permit subject to the recommended findings and conditions of approval; and

WHEREAS, the City Council held a public hearing on November 13, 2018 on said applications and received and considered all evidence presented at said hearing, including the City Council report and materials;

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

1. The Planned Unit Development for 2005 Rock Street is conditionally approved based upon the conditions contained herein and upon the following findings pursuant to Section 36.46.95 of the City Code:

a. The proposed land use is allowed within the R3-2.2 (Multiple-Family Residential) Zoning District.

b. The site is physically suitable for the type and intensity of the land use being proposed since the site is currently a residential development of similar size and units and is a flat lot with no sensitive or endangered species within an urban environment.

c. The project would be harmonious and compatible with existing and future developments within the zoning district and surrounding area because its height and setbacks are similar to surrounding developments and its design is traditional and residential in nature and consistent with the Rowhouse Development Standards, but some exceptions to the Townhouse Development Standards are requested.

d. The residential project will constitute a residential environment of sustained desirability and stability and will result in an intensity of land utilization no higher than, and standards of open space no less than, that permitted for a similar development within the zoning district because the project is a for-sale rowhouse and townhouse project, meets the requirements for the intensity on the site, and provides more than the minimum requirement for open space across the site. Given the project's for-sale nature, the proposed development will bring more ownership housing to Mountain View, increasing the possibility of long-term residents and the neighborhood stewardship that comes with that demographic. The project is within the required density range and maximum intensity allowed for the site. The FAR for the townhomes is 0.58 with the maximum being 0.60 and the FAR for the rowhomes is 0.90 with the maximum being 0.90. R3-2.2 zoning allows for 13 to 25 development units to the acre, and this project provides 14 units to the acre. Open space is short 157 square feet of the requirement on the townhome portion of the site while the rowhome portion is 2,303 square feet above the required amount, making a project that meets the overall intent of providing useful and aesthetically pleasing open space.

e. The approval of the Planned Unit Development Permit for the proposed project complies with the California Environmental Quality Act (CEQA) because the project qualifies as categorically exempt per Section 15332 ("In-Fill Development Projects"). The project is consistent with the General Plan Land Use Designation and policies and is consistent with all zoning regulations and designation; it occurs within the City limits; is located on a project site of no more than five acres, and is substantially surrounded by urban uses; the site has no known habitat for endangered, rare, or threatened species; the project would not result in any significant impacts relating to traffic, noise, or air quality; and the site can be served by all required utilities and public services.

f. The proposed project is consistent with the General Plan and the Medium-Density Residential (13 to 25 du/acre) Land Use Designation of the General Plan because the development is 14 du/acre and is compatible with existing neighborhood character. The project is in compliance with the following General Plan Policies:

- **LUD 6.1: Neighborhood character.** Ensure that new development in or near residential neighborhoods is compatible with neighborhood character.

- **LUD 6.3: Street presence.** Encourage building facades and frontages that create a presence at the street and along interior pedestrian paseos and pathways.

- **LUD 10.1: Sustainable design and materials.** Encourage high-quality and sustainable design and materials.

g. The location, size, design, and operating characteristics of the proposed project are not detrimental to the public interest, health, safety, convenience, or welfare of the community because the project is located in an urban area well served by road transportation networks, adjacent to housing developments of similar scale and design, and nearby services such as schools, shopping, and parks. The project is not increasing the intensity of the use that is currently at the site, so there will be no negative impacts to traffic, health, or safety.

h. The proposed project is in substantial compliance with the intent of requirements of the R3-2.2 Zoning District, and implementation of the proposed harmonious and integrated Planned Unit Development design is superior to standard development in the underlying zone and, therefore, justifies the exceptions to the requirements of Chapter 36 because the site has a unique shape that requires exceptions to provide development that is compatible with the neighborhood and which meets the intent of the City's design guidelines.

2. The Development Review Permit to construct a 15-unit rowhouse and townhouse development to replace an existing 20-unit apartment complex is conditionally approved based upon the conditions of approval contained herein and upon the following findings per Section 36.44.70:

a. The project complies with the general design considerations as described by the purpose and intent of the Zoning Ordinance, the General Plan, and any City-adopted design guidelines with exceptions to front and rear setbacks, open space, and paving. The proposed side and rear setbacks for the townhome portion of the project are 15'. The Townhome Zoning District requires a minimum of 15' or the height of the wall plane, whichever is greater. The wall plane measures 29'8.5". The requested setback exception can be supported because the project site is uniquely shaped and constrains development. In order to make viable development work on the site, the site was broken into two portions—a rowhouse side and a townhouse side. The rowhouse portion meets all of the required setbacks, but the townhouse side has greater setback requirements. Even though the two portions of the property are architecturally harmonious, the additional constraints on the townhouse portion create nonconforming setbacks. The development meets the intent of the Townhouse and Rowhouse Design Guidelines by blending in with the neighborhood context. Three-story, multi-family residential projects are common in the neighborhood. One area

where setback exceptions are located is adjacent to a property that is also three stories in height. The front of the property is along a public sidewalk so there are no neighbors impacted. The property across the street from the front setback is three stories in height as well. Attention was paid to designing the project in a more traditional Spanish-style architecture that integrates well into the design presence of the neighborhood. The proposed open space for the townhome portion of the project is 11,044 square feet. The requirement (a minimum of 45 percent of the site) is 11,201 square feet, making this portion of the project short by 157 square feet. The requested open space exception can be supported because the odd parcel shape led the portion of the site designated for townhomes to include the private drive leading into the site to the rowhouses. This drive limits the amount of open space available on this portion of the site. However, the rowhouse portion of the site provides 2,303 square feet of open space above its required amount, so when calculated as an entire site, the project meets the open space requirement. As for the paving exception, the Townhouse Development Standards allow for a maximum of 25 percent paving coverage, but the townhome portion of the project has 34.5 percent paving coverage. There are no paving requirements for the rowhome portion. The requested paving coverage exception can be supported since the odd shape of the lots requires that the portion of the site designated for townhomes encompasses the private drive leading into the site to the rowhouses. This skews pavement calculations. The paving is required to make the site viable. Planning has worked with the applicant to increase landscaping along the private drive to make the paving area as comfortable as possible.

b. The architectural design of structures, including colors, materials, and design elements (i.e., awnings, exterior lighting, screening of equipment, signs, etc.), is compatible with surrounding development because the development is designed in a Spanish style which is contextual to surrounding developments. The colors are earth tones, and the stucco and wood materials add to the traditional look and feel.

c. The location and configuration of structures, parking, landscaping, and access are appropriately integrated and compatible with surrounding development, including public streets and sidewalks and other public property, by maintaining existing public sidewalks and street trees, providing sidewalks through the site and access to the public sidewalks, and provide the required amount of parking.

d. The general landscape design ensures visual relief, complements structures, provides an attractive environment, and is consistent with any adopted landscape program for the general area by providing trees above the required mitigation requirements and using landscaping in an aesthetically pleasing manner, especially along the public rights-of-way of Middlefield Road and Rock Street. Landscaping was added into the townhouse driveways (grasscrete) to minimize the look of pavement on the site. Landscaping will be used to create a sense of entry as well

as screen air conditioning units from public view. The project landscaping also meets the City's water-efficient landscaping requirements.

e. The design and layout of the proposed project will result in well-designed vehicular and pedestrian access, circulation, and parking by making the private drives surrounded by landscaping and accessible sidewalks while still allowing for automobile circulation to access both townhome development and rowhome development with the required amount of automobile and bicycle parking.

f. The approval of the Development Review Permit for the proposed use is in compliance with the California Environmental Quality Act (CEQA) because the project is determined to be exempt pursuant to Section 15332 ("In-Fill Development Projects") of the CEQA Guidelines. The project is an infill development replacing an existing multi-family development of a similar intensity. The project is proposed in a residential neighborhood which is consistent with the applicable General Plan Land Use Designation and Zoning District regulations; is on a project site of less than five acres; contains no value as habitat for endangered, rare, or threatened species; would not result in any significant effects related to traffic, noise, air quality, or water quality; and the site can be adequately serviced by all required utilities and public services.

3. The Heritage Tree Removal Permit to remove six 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 because the trees are in poor condition or in the footprint of the proposed development which cannot be reasonably modified while providing a site design that meets the City's guidelines for development. The City arborist reviewed the Arborist Report submitted by the developer and the removal of the Heritage trees is recommended for the above reasons.

b. It is appropriate and necessary to remove the trees in order to construct the improvements and allow reasonable and conforming use of the property when compared to other similarly situated properties. Based on the City arborist review of the proposed project's Arborist Report, the proposed project is maintaining all trees it can with the new development, removing trees in very poor health, and fully mitigating all tree removal throughout the site through the replanting of new trees. The landscaping program keeps some of the largest trees on-site and its long-term canopy projection as newly planted trees reach maturity is significantly net-positive (15.4 percent existing to 37.5 percent at maturity).

c. The nature and qualities of the tree as a heritage tree, including its maturity, its aesthetic qualities such as its canopy, its shape and structure, its majestic stature and its visual impact on the neighborhood.

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

NOW, THEREFORE, BE IT FURTHER RESOLVED by the City Council of the City of Mountain View that the Planned Community Development Permit, Development Review Permit, and Heritage Tree Removal Permit for said project are hereby granted subject to the developer's fulfillment of all the conditions which are attached hereto as Exhibit A and incorporated herein by reference.

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835-11-13-18r-1

Exhibit: A. Conditions of Approval

**CONDITIONS OF APPROVAL  
APPLICATION NO.: PL-2018-022  
2005 ROCK STREET**

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

This approval is granted to 2005 Rock Street, located on Assessor Parcel No. 153-09-007. 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 for Dividend Housing dated June 8, 2018.
- b. Color and materials board prepared by Dahlin Group for Dividend Housing dated March 21, 2018, 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:** The Planned Unit Development Permit, Development Review Permit, and Heritage Tree Removal Permit shall be valid for a period of two years from the date of the City Council approval. Building permits for the project shall be issued within this two-year period or the permits shall become null and void unless an extension is granted by the Zoning Administrator.
2. **PERMIT EXTENSION:** 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.

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**

3. **ZONING INFORMATION:** The following information must be listed on the lower right-hand corner of the title sheet of the building permit drawings: (a) zoning permit application number; (b) zoning designation; (c) floor area ratio or density in units per acre; (d) lot area (in square feet); and (e) total number of parking spaces.
4. **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.

5. **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.
6. **PLANNING INSPECTION:** Inspection(s) by the Planning Division are required for the framing, application of exterior materials, and final completion of each structure to ensure that the construction matches the approved plans.
7. **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

8. **BUILDING DESIGN MODIFICATIONS:** The applicant shall submit revised plans addressing architectural design, building materials, colors, landscaping, and/or other site or building design details as identified below, based on direction from the Development Review Committee (DRC), and subject to review and approval by the Zoning Administrator prior to issuance of a building permit:
  - a. In order to increase greenery along the townhomes, the City would like the landscape plan modified to show the use of grasscrete rather than artificial turf.
  - b. Additional special paving is needed. In addition to adding special paving to Parking Space 5, special paving in two other areas should be extended to meet the edges of the households. This applies to the middle paving area extending both north and south; and extending the southern special paving area near the larger open space further north.
  - c. Work with staff to ensure the rowhouse landscaping program creates integrated entries with A/C units sufficiently screened.
  - d. Unit E has greatly improved but final touches are needed. The fully wood-paneled exterior on the portion of the third floor needs to be stucco instead. This would make it feel more integrated still. The windows need heavier trim and the window on the second floor needs tiling around it to match the other two windows on the side.
  - e. Unit H has a large, blank wall on the second and third floors where the staircase is located. This space needs a window and/or decorative elements for greater visual appeal, especially being the unit most visible from Rock Street.
  - f. Unit H has another blank wall on the ground floor as well. Add a decorative tiled base to this area. This base could wrap around to the portion of the house fronting Rock Street as well.
  - g. The awnings do not yet feel in character with the rest of the building. Work with staff to arrive at an awning of high-quality materials that is better integrated with the architecture.
9. **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.
10. **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.
11. **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.



12. **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.
13. **PAINT SAMPLES:** The applicant shall paint a portion of the building with the proposed color scheme for inspection. Proposed primary and secondary (accent) paint colors should be painted next to each other on the building, to the extent feasible, for purposes of inspection. The color(s) shall not be considered approved until after inspection and approval by the Zoning Administrator.
14. **COLOR AND MATERIALS:** Color and materials of the proposed addition are to be shown on permit drawings to match the rest of the 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 issuance.
18. **BIKE RACKS:** The applicant shall provide at least one bicycle space per unit in the garage and one guest bicycle parking space per 10 units (two spaces required). The guest parking bicycle racks shall be an "inverted U," or equivalent as approved by the Zoning Administrator, and must secure the frame and both wheels. Racks should be located near the building entrance (i.e., within constant visual range) unless it is demonstrated that they create a public hazard or locating them there is otherwise infeasible. If space is unavailable near building entrances, the racks must be designed so that the lock is protected from physical assault. There is not space for guest bicycle parking racks at the entrance of the proposed development but the rack is proposed to be placed adjacent to the communal open space which is a visible and secure location.

#### GREEN BUILDING AND SUSTAINABILITY MEASURES

19. **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

20. **LANDSCAPING:** Proposed landscaping shall be shown on the site plan and submitted with the building permit

drawings for review and approval by the Zoning Administrator prior to building permit issuance. Additional landscaping materials or modifications may be required by the Planning Division at final inspection to ensure adequate planting coverage and/or screening.

21. **CERTIFICATION:** Prior to occupancy, the Landscape Architect shall certify in writing the landscaping has been installed in accordance with all aspects of the approved landscape plans and final inspection(s), subject to final approval by the Zoning Administrator.
22. **STREET TREE:** The applicant shall complete the "Proposed Street Tree" form available in the Planning Division or online at [www.mountainview.gov/planningforms](http://www.mountainview.gov/planningforms). Once completed, the applicant shall return the original to the Parks Division, located at 235 North Whisman Road, and provide a duplicate copy to the Building Inspection Division with building permit submittal.
23. **MONTHLY ARBORIST INSPECTIONS:** Throughout demolition and construction, a qualified arborist must conduct monthly inspections to ensure tree protection measures and maintenance care are provided. A copy of the inspection letter, including recommendations for modifications to tree care or construction activity to maintain tree health, shall be provided to the Planning Division.
24. **LANDSCAPE SCREENING:** All utility meters, lines, transformers, backflow preventers, etc., on-site or off-site, must be shown on all site plan drawings and landscape plan drawings. All such facilities shall be located so as to not interfere with landscape material growth and shall be screened in a manner which respects the building design and setback requirements. Additional landscaping materials or modifications may be required by the Planning Division at final inspection to ensure adequate plant screening.
25. **IMPLEMENTATION:** Permits to remove, relocate, or otherwise alter Heritage trees cannot be implemented until a project building permit is secured and the project is pursued.

#### HERITAGE TREES

26. **REPLACEMENT:** The applicant shall offset the loss of each Heritage tree with 2 replacement trees, for a total of 12 replacement trees. Each replacement tree shall be no smaller than a 24" box and shall be noted on the landscape plan as Heritage replacement trees.
27. **TREE PROTECTION MEASURES:** The tree protection measures listed in the arborist's report prepared by Ray Morneau and dated October 18, 2017, 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.
28. **TREE MITIGATION AND PRESERVATION PLAN:** The applicant shall develop a tree mitigation and preservation plan to avoid impacts on regulated trees and mitigate for the loss of trees that cannot be avoided. Routine monitoring for the first five years and corrective actions for trees that consistently fail the performance standards will be included in the tree mitigation and preservation plan. The tree mitigation and preservation plan will be developed in accordance with Chapter 32, Articles I and II, of the City Code, and subject to approval of the Zoning Administrator prior to removal or disturbance of any Heritage trees resulting from project activities, including site preparation activities.

The project arborist is to review the most current civil plans to ensure that trees identified for preservation can indeed be preserved and continue to thrive on the site after project completion. The arborist should pay attention to underground utilities, overexcavation for foundations, and grading. Tree Nos. include 14, 15, 32, and off-site trees along the west property line, which are not shown on the survey or plans.

The arborist shall update the report to include the following:

- a. A description of the work and an evaluation of impacts to trees based on the most current site, civil, demolition, and landscape plans available (reference plan(s) name and date in the report).
  - i. Include approximate distance of work/impacts from trees.
  - ii. Include off-site Coast redwoods (located over the west property line) in this evaluation as they will be impacted by site developments.
  - iii. The arborist shall determine if camphor Tree No. 32 will survive root impacts and canopy loss from development. If so, include root/canopy loss treatments.
- b. A list of trees recommended for preservation and removal, with reasons for removal.
- c. Tree protection and preservation guidelines that are specific to the project (no “boilerplate” guidelines please).

For example, for redwood Tree No. 14, the report should discuss tree protection measures during demolition of the existing structure and hardscape, as well as root preservation/root mitigation treatments during excavation of the biotreatment area.

29. **IRREVOCABLE DAMAGE TO HERITAGE TREES:** In the event one or more of the preserved Heritage tree(s) are not maintained and irrevocable damage or death of the tree(s) has occurred due to construction activity, a stop work order will be issued on the subject property and no construction activity shall occur for two working days per damaged tree.

#### SIGNS

30. **SIGNAGE:** No signs are approved as part of this application. Any new signage will require a separate Planning and/or building permit. Application form and submittal requirements are available online at [www.mountainview.gov/planningforms](http://www.mountainview.gov/planningforms).

#### NOISE

31. **MECHANICAL EQUIPMENT:** The noise emitted by any mechanical equipment shall not exceed a level of 55 dB(A) during the day or 50 dB(A) during the night, 10:00 p.m. to 7:00 a.m., when measured at any location on the adjoining residentially used property.
32. **INTERIOR NOISE LEVELS:** Construction drawings must confirm that measures have been taken to achieve an interior noise level of 45 dB(A)Ldn that shall be reviewed and approved by a licensed acoustical engineer prior to building permit submittal.
33. **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

34. **SINGLE-PHASE DEVELOPMENT:** Construction of the project shall be done in a single phase unless a phased construction project schedule is approved by the Zoning Administrator (or City Council).

35. **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.
36. **CONSTRUCTION PARKING:** The applicant shall prepare a construction parking management plan to address parking demands and impacts during the construction phase of the project by contractors or other continued operations on-site. The construction parking management plan shall be subject to review and approval by the Zoning Administrator prior to the issuance of building permits.
37. **NOTICE OF CONSTRUCTION:** The applicant shall notify neighbors within 500' of the project site of the construction schedule in writing, prior to construction. For multi-phased construction, separate notices may be required for each phase of construction. A copy of the notice and the mailing list shall be submitted for review prior to issuance of building permits.
38. **DISTURBANCE COORDINATOR:** The project applicant shall designate a "disturbance coordinator" who will be responsible for responding to any local complaints regarding construction noise. The coordinator (who may be an employee of the general contractor) will determine the cause of the complaint and will require that reasonable measures warranted to correct the problem be implemented. A telephone number of the noise disturbance coordinator shall be conspicuously posted at the construction site fence and on the notification sent to neighbors adjacent to the site. The sign must also list an emergency after-hours contact number for emergency personnel.
39. **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.
40. **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.
41. **DISCOVERY OF CONTAMINATED SOILS:** If contaminated soils are discovered, the applicant will ensure the contractor employs engineering controls and Best Management Practices (BMPs) to minimize human exposure to potential contaminants. Engineering controls and construction BMPs will include, but not be limited to, the following: (a) contractor employees working on-site will be certified in OSHA's 40-hour Hazardous Waste Operations and Emergency Response (HAZWOPER) training; (b) contractor will stockpile soil during redevelopment activities to allow for proper characterization and evaluation of disposal options; (c) contractor will monitor area around construction site for fugitive vapor emissions with appropriate field screening instrumentation; (d) contractor will water/mist soil as it is being excavated and loaded onto transportation trucks; (e) contractor will place any stockpiled soil in areas shielded from prevailing winds; and (f) contractor will cover

the bottom of excavated areas with sheeting when work is not being performed.

42. **DISCOVERY OF ARCHAEOLOGICAL RESOURCES:** If prehistoric or historic-period cultural materials are unearthed during ground-disturbing activities, it is recommended that all work within 100' of the find be halted until a qualified archaeologist and Native American representative can assess the significance of the find. Prehistoric materials might include obsidian and chert-flaked stone tools (e.g., projectile points, knives, scrapers) or tool-making debris; culturally darkened soil ("midden") containing heat-affected rocks and artifacts; stone milling equipment (e.g., mortars, pestles, handstones, or milling slabs); and battered-stone tools, such as hammerstones and pitted stones. Historic-period materials might include stone, concrete, or adobe footings and walls; filled wells or privies; and deposits of metal, glass, and/or ceramic refuse. If the find is determined to be potentially significant, the archaeologist, in consultation with the Native American representative, will develop a treatment plan that could include site avoidance, capping, or data recovery.
43. **DISCOVERY OF HUMAN REMAINS:** In the event of the discovery of human remains during construction or demolition, there shall be no further excavation or disturbance of the site within a 50' radius of the location of such discovery, or any nearby area reasonably suspected to overlie adjacent remains. The Santa Clara County Coroner shall be notified and shall make a determination as to whether the remains are Native American. If the Coroner determines that the remains are not subject to his/her authority, he/she shall notify the Native American Heritage Commission, which shall attempt to identify descendants of the deceased Native American. If no satisfactory agreement can be reached as to the disposition of the remains pursuant to this State law, then the landowner shall reinter the human remains and items associated with Native American burials on the property in a location not subject to further subsurface disturbance. A final report shall be submitted to the City's Community Development Director prior to release of a Certificate of Occupancy. This report shall contain a description of the mitigation programs and its results, including a description of the monitoring and testing resources analysis methodology and conclusions, and a description of the disposition/curation of the resources. The report shall verify completion of the mitigation program to the satisfaction of the City's Community Development Director.
44. **DISCOVERY OF PALEONTOLOGICAL RESOURCES:** In the event that a fossil is discovered during construction of the project, excavations within 50' of the find shall be temporarily halted or delayed until the discovery is examined by a qualified paleontologist, in accordance with Society of Vertebrate Paleontology standards. The City shall include a standard inadvertent discovery clause in every construction contract to inform contractors of this requirement. If the find is determined to be significant and if avoidance is not feasible, the paleontologist shall design and carry out a data recovery plan consistent with the Society of Vertebrate Paleontology standards.
45. **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.

## TECHNICAL REPORTS

46. **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.

## CC&RS AND DISCLOSURES

47. **NOTICE TO TENANTS AND TENANT RELOCATION ASSISTANCE:** The applicant shall comply with the provisions of the City's Tenant Relocation Assistance Ordinance. This includes, but is not limited to, consulting with the City's Neighborhood Preservation Division and retained relocation consultant to provide: (1) all required notices to tenants; (2) information to the relocation consultant for tenant eligibility determination; (3) funding for the relocation consultant services; and (4) relocation assistance payments to eligible tenants.
48. **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 along with associated review fee made payable to the Mountain View City Attorney's Office. The checklist can be obtained in the Planning Division Lobby or call at 650-903-6306.
49. **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 R3-2.2 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.
50. **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.

## LEGAL AGREEMENTS AND FEES

51. **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.
52. **BMR OWNERSHIP, IN-LIEU FEES:** Prior to issuance of building permits, the applicant shall enter into written agreements with the City that will require the applicant to pay a Below-Market-Rate (BMR) Housing In-Lieu Fee to the City consistent with City Code Sections 36.80 through 36.89 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.

53. **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, if applicable, a 10 percent deposit of the required BMR fees must be paid to the City.

54. **INDEMNITY AGREEMENT:** Prior to the issuance of any building permits, the applicant shall agree, in writing, to defend, indemnify, and hold harmless the City and its officers, agents, and employees in any action brought by a third party to void this Planned Unit Development, Development Review 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.
55. **NOTICE OF DEVELOPMENT RESTRICTIONS:** A Notice of Development Restrictions indicating the related development permit conditions that are to be completed with the development of the property is required for all planned developments and common-interest developments. The notice shall be in a form approved by the Planning Division and City Attorney's Office and shall be signed and notarized by the subdivider. The approved and executed Notice of Development Restrictions must be recorded on the land of the subdivision before the approval of the parcel or final map.

Public Works Department – 650-903-6311

56. **PG&E WRITTEN APPROVAL:** Prior to the first plan check submittal, the applicant shall provide a letter from PG&E indicating PG&E has reviewed the proposed improvement plans and approves of the proposed utilities, including utility crossings, landscape planting and irrigation plans, joint trench plans, bollard lighting, and streetlight locations and foundations. The PG&E letter must specifically state they have reviewed and approved each of the proposed utility crossings of the 24" high-pressure gas main within the existing 15' PG&E easement. **(PROJECT-SPECIFIC CONDITION)**

RIGHTS-OF-WAY

57. **PUBLIC UTILITY EASEMENT (PUE) DEDICATION:** Dedicate a 10' wide public utility easement (PUE) along project street frontage(s) for such use as sanitary sewer, water, storm drains, and other public utilities, including gas, electric, communication, and cable television facilities. The property owner or homeowners association (HOA) shall maintain the surface improvements over the easement and must not modify or obstruct the easement area in a manner contrary to the intent of the easement. The dedication statement shall specify that the PUE be kept free and clear of buildings and other permanent structures/facilities, including, but not limited to the following:
- Garages, sheds, carports, and storage structures;
  - Any projections/overhang such as balconies, porches, building overhangs, cantilevers, or bay windows;
  - Retaining walls;
  - C.3 bioretention systems; and
  - Private utility lines running longitudinally within the PUE.

Exceptions to these PUE requirements may be considered by the Public Works Director in conjunction with the review and approval of the off-site improvement plans and building permit plans for the project.

58. **PRIVATE UTILITY AND ACCESS EASEMENTS:** Dedicate private utility and access easements, as necessary, for the common private improvements.

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

#### FEES

61. **PLAN CHECK AND INSPECTION FEE:** Prior to issuance of any building permits and prior to approval of the final map as applicable, the applicant shall pay the plan check and inspection fee in accordance with Section 27.60 and 28.36 of the City Code per the rates in effect at time of payment.

An initial plan check fee based on the Public Works fee schedule shall be paid at the time of initial improvement plan check submittal based on the initial cost estimate for constructing street improvements and other public facilities; public and private utilities and structures located within the public right-of-way; and utility, grading, and driveway improvements for common green and townhouse-type condominiums.

Once the plans have been approved, the approved cost estimate will be used to determine the final bond amounts, plan check fees, and inspection fees. Any paid initial plan check fee will be deducted from the approved final plan check fee.

62. **PARK LAND DEDICATION FEE:** Prior to issuance of any building permits and prior to approval of the final map as applicable, the applicant shall pay the Park Land Dedication Fee (approximately \$20,000 to \$40,000 per unit) for each new residential unit in accordance with Chapter 41 of the City Code prior to the issuance of the building permit. No credit against the Park Land Dedication Fee will be allowed for private open space and recreational facilities. Provide the most current appraisal or escrow closing statement of the property with the following information to assist the City in determining the current market value of the land: (1) a brief description of the existing use of the property; (2) square footage of the lot; and (3) size and type of each building located on the property at the time the property was acquired.

63. **PUBLIC AND COMMON IMPROVEMENTS:** Install or reconstruct standard public and private improvements that are required for the project and as required by Chapters 27 and 28 of the City Code. These public improvements on West Middlefield Road and Rock Street include, but are not limited to, new curb, gutter, (monolithic) sidewalk, driveways; relocation of existing utility boxes out of sidewalk; new water, sewer, and storm drain utility services; street overlay to existing median on West Middlefield Road project frontage; full street overlay on Rock Street project frontage; red curb installation on West Middlefield Road and Rock Street. The on-site improvements include, but are not limited to, the private common driveway; underground utility services for domestic water, irrigation water, sewer, and storm drain; underground utility services for gas, electrical, cable, telephone.

- a. **IMPROVEMENT AGREEMENT:** The property owner must sign a Public Works Department improvement agreement for the installation of the public improvements prior to the approval of the final map. Sign a Public Works Department faithful performance bond (100 percent) and materials/labor bond (100 percent) or provide a cash deposit (100 percent) or provide a letter of credit (150 percent) securing the installation and warranty of the off-site and on-site common improvements in a form approved by the City Attorney's Office.



The surety (bond company) must be listed as an acceptable surety on the most current Department of the Treasury's Listing of Approved Sureties on Federal Bonds, Department Circular 570. This list of approved sureties is available through the Internet at: [www.fiscal.treasury.gov/fsreports/ref/suretyBnd/c570\\_a-z.htm](http://www.fiscal.treasury.gov/fsreports/ref/suretyBnd/c570_a-z.htm). The bond amount must be below the underwriting limitation amount listed on the Department of the Treasury's Listing of Approved Sureties. The surety must be licensed to do business in California. Guidelines for security deposits are available at the Public Works Department. Any changes to the standard agreement will require an additional one- to three-week processing time with the City Attorney's Office.

- b. **INSURANCE:** Provide a certificate of insurance and endorsement naming the City an additional insured from the entity that will sign the improvement agreement prior to the approval of the building permit. The insurance coverage amounts are a minimum of Two Million Dollars (\$2,000,000) Commercial General Liability, One Million Dollars (\$1,000,000) Automobile Liability, and One Million Dollars (\$1,000,000) Workers' Compensation. The insurance requirements are available from the Public Works Department.

#### STREET IMPROVEMENTS

- 64. **OFF-SITE IMPROVEMENT PLANS:** Prepare off-site improvement plans in accordance with Chapter 28 of the City Code, the City's Standard Design Criteria, Submittal Checklist, Plan Review Checklist, and the conditions of approval of the project. 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, but not limited to, the work areas, delineators, signs, and other traffic control measures is required for work that impacts traffic on an existing street. Locations of on-site parking for construction equipment and construction workers must be submitted for review and approval. Off-site plans (10 sets), an initial plan check fee based on the Public Works fee schedule, Improvement Plan Checklist, and items noted within the checklist must be submitted together as a separate package concurrent with the first submittal of the building plans. The off-site plans must be approved and signed by the Public Works Department. After the plans have been signed by the Public Works Department, 10 black-line sets, one Xerox Mylar (4 mil) set of the plans, and CD with CAD file and PDF must be submitted to the Public Works Department prior approval of the final map. CAD files shall meet the City of Mountain View's Digital Data Submission Standards.
- 65. **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 (10 sets), Improvement Plan Checklist, and items noted within the checklist must be submitted together as a separate package concurrent with the first submittal of the building plans. The 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, 1 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. CAD files shall meet the City's Digital Data Submission Standards. Where both public and common improvement plans are required, the plans shall be combined into one set of plans.
- 66. **INFRASTRUCTURE QUANTITIES:** Submit a construction cost estimate form indicating the quantities of the street and utility improvements with the initial submittal of the improvement plans. The construction cost estimate is used to estimate the cost of street and utility improvements and to determine the Public Works plan check and inspection fees.
- 67. **POTHOLE PERMIT:** Obtain an Excavation Permit from the Public Works Department to conduct potholing in order to determine the depths and locations of existing subsurface utilities. Potholing shall be completed prior to the first submittal of the building plans as required by the Project's Land Development Engineer.

68. **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 Covenants, Conditions, and Restrictions (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.”
69. **SPECIAL PAVERS AND CONCRETE REPLACEMENT:** The homeowners association shall be responsible for replacing the proposed pavers or textured concrete that is removed by the City to repair, replace, or maintain the City’s underground utilities within the common driveway. This requirement shall be stated in the Covenants, Conditions, and Restrictions (CC&Rs). A copy of the CC&Rs with this provision marked or highlighted shall be submitted to the Public Works Department for review and approval.
70. **STREET OVERLAY:** Full street overlay (minimum 2” grind and overlay) on Rock Street project frontage shall be required. Half-street overlay (minimum 2” grind and overlay) to existing median on West Middlefield Road project frontage shall be required. **(PROJECT-SPECIFIC CONDITION)**
71. **DRIVEWAY SIGHT TRIANGLE:** Within the pedestrian and/or vehicle sight triangle(s), fences, signs, shrubs, bushes or hedges shall not exceed 3’ in height while tree canopies shall maintain a minimum 6’ vertical clearance at the driveway location.

UTILITIES

72. **WATER AND SEWER SERVICE:** Each dwelling, townhouse, apartment house, restaurant, or place of business shall have its own water meter and sanitary sewer lateral in accordance with City Code Section 35.38.
73. **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.
74. **PRIVATE LOOPED WATER SYSTEM:** The on-site private water system shall be looped through the development between West Middlefield Road and Rock Street with property line gate valves at both ends of the private water main. **(PROJECT-SPECIFIC CONDITION)**
75. Cross sections of all utility crossings (on- and off-site) shall be provided on the Improvement Plans. **(PROJECT-SPECIFIC CONDITION)**
76. **WATER AND SEWER APPLICATIONS:** Upon submittal of the initial building permit and improvement plans, the applicant shall submit 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.
77. **EXCAVATION PERMIT:** Upon submittal of the initial building permit and improvement plans, the applicant shall submit a complete Excavation Permit Application to the Public Works Department for all applicable work within the public right-of-way. Permit applications are available from the Public Works Department. All work within City right-of-way must be consolidated on the site, off-site improvement, or utility plans. Plans of the work, traffic control plans for work within the public roadway, insurance certificate and endorsement, and permit fees are required with the Excavation Permit Application.
78. **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, unless they are satisfactory for reuse as determined by the Public Services Division. Water services 4" or larger that are not reused 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 that are not reused shall be abandoned, and existing face-of-curb drains that are not reused shall be removed.

79. **BACKFLOW PREVENTER:** Aboveground reduced-pressure backflow preventers are required for all new irrigation water services. Backflow preventers shall be located directly behind the water meter or as reasonably close as possible at a location preapproved by the Public Services Division and screened from view with landscaping. Backflow prevention assemblies shall be conveniently located as close to the meter as feasible outside of buildings and are not allowed within buildings' utility closets or basements. Protective covers and/or enclosures must be preapproved by the Cross-Connection Control Specialist prior to installation.
80. **UNDERGROUND SERVICES:** All new and existing electric, telephone, and cable television services serving the site are to be placed underground (including transformers). The undergrounding of the new and existing electric, telephone, and cable television services is to be completed prior to issuance of a Certificate of Occupancy for any new buildings within the site. (Aboveground transformers shall be located so they are screened or not visible from the street or to the general public as approved by the Community Development and Public Works Departments.)
81. **JOINT UTILITY PLANS:** Upon submittal of the initial building permit and improvement plans, the applicant shall submit joint utility plans showing the location of the proposed electric, gas, telephone, cable television, and telecommunication 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

82. **ADA SIDEWALK REQUIREMENTS:** A minimum 4' wide Americans with Disabilities Act-compliant public sidewalk shall be provided behind new driveway approach. Tapers (conforms) can be provided to connect the proposed public sidewalk on each side of the proposed driveway.
83. **DAMAGED SIDEWALK IMPROVEMENTS:** New curbs, gutters, sidewalks, and driveways on Rock Street shall be provided. New curbs, gutters, and sidewalks on West Middlefield Road shall be provided. Monolithic sidewalk is acceptable on Rock Street to save existing street trees and on West Middlefield Road to match existing conditions. **(PROJECT-SPECIFIC CONDITION)**
84. **UTILITY BOX RELOCATION OUT OF SIDEWALK:** Relocate existing utility boxes on West Middlefield Road and Rock Street behind and out of sidewalk. **(PROJECT-SPECIFIC CONDITION)**
85. **DRIVEWAY REMOVAL:** Replace abandoned driveways on West Middlefield Road with standard curb, gutter, and sidewalk and show the replacement work on the plans.
86. **RED CURB ALONG PROJECT STREET FRONTAGES:** Street curbs along project frontages of West Middlefield Road and Rock Street shall be painted red. **(PROJECT-SPECIFIC CONDITION)**

#### RECYCLING

87. **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 City Code Sections 16.13 and 16.17 and result in Code Enforcement action.

88. **CONSTRUCTION AND DEMOLITION ORDINANCE:** This project must comply with the City's Construction and Demolition Ordinance (City Code Chapter 16, Article III).
89. **CART PLACEMENT:** Containers must be set out a minimum distance of 1' in front of the garage door and must not block the 20' wide drive aisle and/or sidewalk on collection day. Show set out location of individual trash, recycle, and compost cards on collection day. This requirement shall be stated in the Covenants, Conditions, and Restrictions (CC&Rs). A copy of the CC&Rs with this provision marked or highlighted shall be submitted to the Public Works Department for review and approval.
90. **CART STORAGE:** Carts will be required to be stored inside garage at all times with the exception of 24 hours prior to and 24 hours after designated collection day, when carts may be set out in front of garage. This requirement shall be stated in the Covenants, Conditions, and Restrictions (CC&Rs). A copy of the CC&Rs with this provision marked or highlighted shall be submitted to the Public Works Department for review and approval.

#### STREET TREES

91. **STREET TREES:** Install standard City street trees along the street frontage, including where there are gaps in the space of existing street trees.
92. **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 available online at [www.mountainview.gov/planningforms](http://www.mountainview.gov/planningforms).
93. **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)

94. **GRADING, DRAINAGE, AND UTILITY PLANS:** Prepare on-site drainage, grading, and utility plans in accordance with Chapter 28 of the City Code and the Standard Design Criteria for Common Green and Townhouse-Type Condominiums. The plans are to be drawn on 24"x36" sheets at a minimum scale of 1" = 30'. Drainage, grading, and utility 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 drainage, grading, and utility 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 and 1 Xerox Mylar (4 mil) set of the plans must be submitted to the Public Works Department prior to approval of the final map. Where both off-site improvement plans and on-site drainage, grading, and utility plans are required, the plans shall be combined into one set. For on-site common driveway improvements, utility improvements, and public improvements, the developer shall sign an improvement agreement prepared by the City, submit bonds, cash security or letter of credit in a form approved by the City Attorney's Office, provide a Certificate of Insurance and endorsement naming the City an additional insured, and pay plan check and inspection fees for the work, prior to approval of the final map.
95. **DRAINAGE REQUIREMENTS:** On-site parking lots and driveways (other than single-family residential) shall not surface-drain across public sidewalks or driveway aprons. A 2'x2' inlet/cleanout box is required at or near the property line for connections to the City storm drains. For developments that do not require a subdivision map, a connection to the City's storm main requires: (1) a written request to the Public Works Director; (2) payment of storm drainage fees; and (3) approval from the Public Works Department, unless the storm drainage fees were paid in the past for the property. A face-of-curb inlet/outlet is required to drain into the curb of the street.

96. **SURFACE WATER RELEASE:** Provide a surface stormwater release for the lots, driveways, alleys, and private streets that prevents the buildings from being flooded in the event the storm drainage system becomes blocked or obstructed.
97. **LOT DRAINAGE:** Each residential lot shall be designed to drain toward the streets, alleys, common driveways, or common areas. The drainage paths for the privately owned lots shall be designed such that the drainage paths do 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

98. **CONSTRUCTION PLAN:** Upon submittal of the initial building permit and all subsequent building permit submittals, the applicant shall provide a construction traffic and parking management plan with the building plans showing the following:
  1. Truck route for construction and delivery trucks pursuant to City Code Section 19.58 and 19.59 and which does not include neighborhood residential streets;
  2. Building construction phasing/construction equipment storage/construction parking plans: Show construction vehicles and equipment parking area and construction trailer location. All construction vehicles/equipment and trailer shall be located on-site or at a site nearby (not on a public street or public parking) arranged by the contractor. No construction equipment or vehicles shall be stored or parked on residential streets or public parking lots. Construction contractors/workers are required to park on-site or at a private property arranged by the contractor and shall not be allowed to use neighboring residential streets for parking/storage; and
  3. Sidewalk closure or narrowing is not allowed during any on-site construction activities.

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

99. **TRAFFIC CONTROL PLANS:** Upon submittal of the initial building permit and all subsequent building permit submittals, the applicant shall provide Traffic Control plans for any off-site and on-site improvements or any work that requires temporary lane closure, shoulder closure, bike lane closure, and/or sidewalk closure for review and approval. Sidewalk closures are not allowed unless reconstruction of sidewalk necessitates temporary sidewalk closure. In these instances, sidewalk detour should be shown on the Traffic Control plans.
100. **WELLS:** No wells were found within property boundary. While the Santa Clara Valley Water District has records for most wells located in the County, it is always possible that a well exists that is not in the District's records. If previously unknown wells are found on the subject property during development, they must be properly destroyed under permit from the District or registered with the District and protected from damage.
101. **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."

102. **OCCUPANCY RELEASE:** The owner/developer shall comply with, and the off-site and grading drainage and utility plans shall include, a general note as follows: “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.”
103. **PRELIMINARY TITLE REPORT:** Submit a current preliminary title report or land deed indicating the exact name of the current legal owners of the property, their type of ownership (individual, partnership, corporation, etc.), and legal description of the property involved to the Public Works Department. This information is required for the preparation of Public Works agreements and documents. Include all easements and agreements referenced in the title report.
104. **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.

Building Inspection Division – 650-903-6313

105. **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 any appeal period has passed. To submit for building permits, please refer to the Building Inspection Division’s “Submittal Requirements” for document requirements and project review times online at [www.mountainview.gov/submitbuildingpermit](http://www.mountainview.gov/submitbuildingpermit).

No construction work can commence without the appropriate building permit(s) and no new occupancy shall commence without a Certificate of Occupancy. Please visit City of Mountain View – Building & Fire Division online at [www.mountainview.gov/building](http://www.mountainview.gov/building) or by phone at 650-903-6313 to obtain information and submittal requirements.

106. **BUILDING CODES:** Construction plans will need to meet the current codes adopted by the Building Inspection Division upon submittal. Current codes are the 2016 California Codes: Building, Fire, Electrical, Mechanical, Plumbing, CALGreen, CALEnergy, in conjunction with the City of Mountain View Amendments, and the Mountain View Green Building Code (MVGBC).
107. **ACCESSIBILITY REQUIREMENTS:** The project is required to comply with:
- **CHAPTER 11A:** Project will be required to comply with the accessibility requirements in the 2016 CBC, Chapter 11A.
  - **PARKING (CHAPTER 11A):** Project will be required to comply with the accessible parking requirements in the 2016 CBC, Chapter 11A.

- **PARKING REDUCTIONS (CHAPTER 11A):** Parking reductions granted through a Planning/ Zoning permit do not reduce the amount of required accessible spaces. The project will be required to comply with the accessible parking requirements in the 2016 CBC, Chapter 11A.
  - **CHAPTER 11A SEC R320:** Project will be required to comply with the accessibility requirements in the 2016 CBC, Chapter 11A, and CRC Section R320.
  - **GUEST PARKING:** At least 5 percent of the guest parking spaces are required to be accessible per the 2016 CBC, 1109A.5 and 1109A.8.6.
108. **ELECTRIC VEHICLE STATIONS:** Project is required to provide electric vehicle (EV) charging facilities per the 2016 CalGreen Section 5.106.5.3 and MVCC Sections 8.20.42 to 8.20.45.
  109. **ADDRESSES:** All street names, street numbers, and residential apartment numbers will be processed prior to the Building Inspection Division approval of the project. Commercial suite numbers are issued by the United States Postal Service (USPS).
  110. **TYPE OF CONSTRUCTION:** Provide type of proposed construction per Chapter 6 of the 2016 CBC.
  111. **FIRE PROTECTION (PROJECTIONS):** Overhangs and other projections will not be permitted to cross property lines, including any property lines between units.
  112. **FIRE SPRINKLERS:** An automatic sprinkler system shall be installed for structures identified with Group R occupancy per 2016 CBC, Section 903.2.8.
  113. **FIRE WALLS:** Provide the required Fire Wall Resistance Ratings per 2016 CBC Table 706.4c as amended in MVCC Section 8.10.22.
  114. **OCCUPANCY SEPARATION:** Proper separation to be provided between occupancies per 2016 CBC, Chapter 5.
  115. **PEDESTRIAN PROTECTION:** Public sidewalks are required to remain open during the course of construction. Please provide sufficient information at the time of building plan submittal to show how pedestrians will be protected per 2016 CBC, Section 3306.
  116. **PHOTOVOLTAIC:** Photovoltaic systems are to be a deferred submittal under separate building permit application.
  117. **SEPARATION:** Openings from a private garage directly into a room used for sleeping purposes shall not be permitted per the 2016 CBC, Section 406.3.4.
  118. **SURVEY:** A survey will be required to be completed to verify structure placement.
  119. **SCHOOL IMPACT FEE:** Project will be subject to School Impact fees. To obtain information, fee estimates, and procedures, please contact the following local school districts: Mountain View Los Altos High School District *and* Mountain View Whisman School District or Los Altos Elementary School District.
  120. **DEMOLITION PERMIT(S):** Demolition permit(s) are issued under a separate permit application. Please visit City of Mountain View – Building & Fire Division online at [www.mountainview.gov/building](http://www.mountainview.gov/building) or contact by phone at 650-903-6313, to obtain information and submittal requirements.

FIRE PROTECTION SYSTEMS AND EQUIPMENT

121. **RESIDENTIAL FIRE SPRINKLER SYSTEM:** Provide an approved automatic fire sprinkler system designed in accordance with NFPA 13D (2016 Edition) and Mountain View Fire Department specifications. Call the Building Inspection Division at 650-903-6313 for a copy of specifications and submittal requirements or visit online at [www.mountainview.gov/firerequirements](http://www.mountainview.gov/firerequirements). (California Residential Code Section R313.)
122. **FIRE HYDRANTS:** Hydrants in accordance with the Department of Public Works Standard Provisions shall be located every 300' apart, and within 150' of all exterior walls.
123. **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

124. **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 City Code Sections 14.10.15, 14.10.16 and 14.10.17.)
125. **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.)
126. **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 or visit online at [www.mountainview.gov/firerequirements](http://www.mountainview.gov/firerequirements). (California Fire Code Section 503.)
127. **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

128. **ON-SITE DRAWINGS:** Submit CAD (.dwg) drawing files according to Fire Department specifications prior to final Certificate of Occupancy.

EXTERIOR IMPROVEMENTS

129. **REFUSE AREAS:** Refuse areas within 5' of combustible construction or building openings shall be protected with automatic fire sprinklers. A maximum of two (2) sprinkler heads are permitted off a 1" domestic water service. Approved accessible shutoff valves shall be provided. Call the Building Inspection Division at 650-903-6313 for



specifications or view online at [www.mountainview.gov/firerequirements](http://www.mountainview.gov/firerequirements). (California Fire Code Section 304.3.)

130. **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. (City Code, Section 14.10.19.)

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/civicax/filebank/blobdload.aspx?BlobID=13392>

131. **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.
132. **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.
133. **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.
134. **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.
135. **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.
136. **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").
137. **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.

138. **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.

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

NOTE: The applicant shall file a tentative 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 tentative map. Failure to obtain an approved subdivision shall render the PUD invalid.

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.