

CITY OF MOUNTAIN VIEW
RESOLUTION NO.
SERIES 2016

A RESOLUTION CONDITIONALLY APPROVING A
DEVELOPMENT REVIEW PERMIT AND PLANNED COMMUNITY PERMIT
FOR A FOUR-STORY, 144-UNIT MULTI-FAMILY RESIDENTIAL PROJECT
WITH TWO LEVELS OF UNDERGROUND PARKING, A
PROVISIONAL USE PERMIT FOR ROOFTOP AMENITIES ABOVE
THE THIRD FLOOR, AND A HERITAGE TREE REMOVAL PERMIT FOR
THE REMOVAL OF 10 HERITAGE TREES AT 394 ORTEGA AVENUE

WHEREAS, an application was received from Anton Development Company for a Development Review Permit and Planned Community Permit to construct a 144-unit multi-family residential project, a Provisional Use Permit for rooftop amenities above the third floor, and a Heritage Tree Removal Permit to remove 10 Heritage trees at 394 Ortega Avenue (Application No. 399-15-PCZA); and

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

WHEREAS, the City Council held a public hearing on September 20, 2016 on said applications and received and considered all evidence presented at said hearing, including the findings from the Environmental Planning Commission and City Council report;

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

1. The Development Review Permit for the construction of a four-story, 144-unit apartment development with two levels of underground parking is conditionally approved based upon the conditions contained herein and upon the following findings pursuant to Section 36.44.70 of the City Code:

a. The project complies with the general design considerations as described by the purpose and intent of the Zoning Ordinance, the General Plan, and any City-adopted design guidelines since the parking, setbacks, floor area ratio, open area, and other standards comply with the San Antonio Precise Plan and Zoning

Ordinance; and the development advances General Plan policies related to design, including *LUD 6.3 (Street presence)* and *LUD 9.3 (Enhanced public space)*, as described in the staff report;

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's materials, including stucco and fiber cement, are commonly used in the area, and contemporary colors are appropriate to the surrounding area's mix of modern, contemporary, and traditional elements; and the project was formally reviewed by the Development Review Committee (DRC), which is responsible for making design recommendations and comments on architecture and site design, and which recommended approval of the project with minor design modifications incorporated herein as conditions of approval;

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, because the parking will be underneath the building where it will not affect the aesthetics or pedestrian accessibility of the development; the backyard creates an appropriate transition between the residential development and the existing commercial loading area next door; and the building facades create varied and interesting forms that frame the adjacent public streets;

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 using trees to soften the north and west street-facing facades and using a variety of native and drought-tolerant landscaping materials which meet the Water Conservation in Landscaping Regulations;

e. The design and layout of the proposed project will result in well-designed vehicular and pedestrian access, circulation, and parking by locating the entrance to the parking lot roughly aligned with the intersection of Oaktree Drive; by locating the main pedestrian entrances near and comfortably accessible from the public sidewalk; and by including a public pedestrian pathway along the north edge of the property where it will help integrate the project with the greater San Antonio area; and

f. The approval of the Development Review Permit for the proposed use is in compliance with the California Environmental Quality Act (CEQA) because an Initial Study of Environmental Significance was prepared pursuant to Section 15168 of the CEQA Guidelines and found, with implementation of the San Antonio Precise Plan standards and guidelines, standard City Conditions of Approval, State regulations, and mitigation measures identified in the San Antonio Precise Plan EIR and the 2030

General Plan and Greenhouse Gas Reduction Program EIR, the proposed 144-unit residential development would not result in any new environmental impacts beyond those evaluated in these EIRs.

2. The Planned Community Permit for the construction of a four-story, 144-unit apartment development with two levels of underground parking is conditionally approved based upon the conditions contained herein and upon the following findings pursuant to Section 36.50.55 of the City Code:

a. The proposed use or development is consistent with the provisions of the San Antonio Precise Plan since it complies with the Plan's height, floor area ratio, open area, parking, and other direction; and it advances the Plan's guiding principles related to revitalization, increased housing, and improved connectivity;

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

c. The proposed uses and development will not be detrimental to the public interest, health, safety, convenience, or welfare because the existing conditions are underutilized and the additional population will support the vibrancy and success of Mountain View businesses and employers; the development includes amenities and a comfortable living environment for future residents; and the project is an infill development with good access to commercial, transportation, and public services;

d. The proposed project promotes a well-designed development that is harmonious with existing and planned development in the surrounding area because it provides a public pedestrian path that connects with the larger San Antonio area; the building has been designed to preserve privacy for the adjacent condominiums; the fourth floor is stepped back from the street to reduce the building mass, and providing transition from higher-intensity uses on the west side of the site to two-story residential areas on the east side; and the project was formally reviewed by the DRC, which is responsible for making design recommendations and comments on architecture and site design, and which recommended approval of the project with minor design modifications incorporated herein as conditions of approval; and

e. The approval of the Planned Community Permit for the proposed project complies with CEQA because an Initial Study of Environmental Significance was prepared pursuant to Section 15168 of the CEQA Guidelines and found, with implementation of the San Antonio Precise Plan standards and guidelines, standard City Conditions of Approval, State regulations, and mitigation measures identified in the San Antonio Precise Plan EIR and the 2030 General Plan and Greenhouse Gas Reduction Program EIR, the proposed 144-unit residential development would not result in any new environmental impacts beyond those evaluated in these EIRs.

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

a. The proposed use, outdoor amenities above the third floor, is conditionally permitted within the San Antonio Precise Plan and complies with all of the applicable provisions of the Zoning Ordinance, including the minimum building setbacks from the property lines;

b. The proposed use is consistent with the Mixed-Use Corridor Land Use Designation of the General Plan, which allows residential uses;

c. The location, size, design, and operating characteristics of the proposed use are compatible with the site and building character and environmental conditions of existing and future land uses in the vicinity since the fourth-floor deck faces Klein Park and California Street, so there are no privacy impacts; and it is 200' from the nearest residential property (across California Street), limiting the effect of noise;

d. Any special structure or building modifications necessary to contain the proposed use would not impair the architectural integrity and character of the Precise Plan in which it is to be located because the building is multi-family residential, which is the intended use for the property in the Precise Plan, and decks and balconies are customarily included on multi-family residential structures; and the deck is part of an upper-floor step-back that is appropriate to the building and the neighborhood; and

e. The approval of the Provisional Use Permit for the proposed use complies with CEQA because an Initial Study of Environmental Significance was prepared pursuant to Section 15168 of the CEQA Guidelines and found, with implementation of the San Antonio Precise Plan standards and guidelines, standard City Conditions of Approval, State regulations, and mitigation measures identified in the San Antonio Precise Plan EIR and the 2030 General Plan and Greenhouse Gas Reduction Program EIR, the proposed 144-unit residential development would not result in any new environmental impacts beyond those evaluated in these EIRs.

4. The Heritage Tree Removal Permit for the removal of 10 Heritage trees is conditionally approved based upon the conditions contained herein and upon the following findings 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 Tree Nos. 1, 5, 7, 9, 10, 17, 18, and 19 have been identified as “low suitability for preservation” according to the arborist report prepared by HortScience, dated March 3, 2016, meaning that they are likely to decline even with treatment; and Tree No. 1 is within planned public sidewalk improvements;

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 Tree Nos. 5, 6, 7, 8, 9, 10, 18, and 19 are fully within the footprint of the proposed parking garage and building; and the trees will be replaced at least two to one;

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. Tree Nos. 1, 9, 17, 18, and 19 have minimal canopy and no visual effect 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; and

h. The approval of the Heritage Tree Removal Permit for the removal of 10 Heritage trees complies with CEQA because an Initial Study of Environmental Significance was prepared pursuant to Section 15168 of the CEQA Guidelines and found, with implementation of the San Antonio Precise Plan standards and guidelines, standard City Conditions of Approval, State regulations, and mitigation measures identified in the San Antonio Precise Plan EIR and the 2030 General Plan and Greenhouse Gas Reduction Program EIR, the proposed 144-unit residential development would not result in any new environmental impacts beyond those evaluated in these EIRs.

5. That the Development Review Permit, Planned Community Permit, Provisional Use Permit, and Heritage Tree Removal Permit are recommended for approval subject to the developer's fulfillment of all of the conditions which are attached hereto in Exhibit A and incorporated herein by reference.

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

EA/7/RESO
899-09-20-16r-E

CONDITIONS OF APPROVAL
APPLICATION NO.: 399-15-PCZA
394 Ortega Avenue

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

This approval is granted to construct a four-story, 144-unit multi-family development project located on Assessor Parcel No. 148-29-024. 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 TCA Architects for Anton Development Company dated August 10, 2016.
- b. Color and materials binder prepared by TCA Architects for Anton Development Company, 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 Community Permit, Development Review Permit, and Heritage Tree Removal Permit shall be valid for a period of two years from the date of 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.
- 3. **PUBLIC BENEFIT PACKAGE:** In compliance with the San Antonio Precise Plan, the applicant is required to provide a public benefit with an estimated value of \$708,077 in exchange for additional development intensity and to advance the goals and policies of the Precise Plan in regard to pedestrian and bicycle comfort and safety. The applicant has proposed a raised crosswalk and associated improvements on Escuela Avenue between California Street and Latham Street, and to provide the remainder of the \$708,077 as funds to the City for future improvements serving the San Antonio area~~The applicant has proposed to provide a public benefit program, including sidewalk, crosswalk, and bicycle lane improvements along Escuela Avenue south of California Street and north of, and inclusive of, Latham Street, with an estimated value of \$708,077.~~ Final details of the public benefit package must be reviewed and approved during building permit review and completed prior to building occupancy.

PLANS AND SUBMITTAL REQUIREMENTS

4. **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.
5. **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.
6. **REVISIONS TO THE APPROVED PROJECT:** Minor revisions to the approved plans shall require approval by the Zoning Administrator. Major modifications as determined by the Zoning Administrator shall require a public hearing, which can be referred to City Council.
7. **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.
8. **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. Based on direction from the Development Review Committee, the color palette should be lighter. Final colors are subject to Planning Division review and approval prior to building permit issuance.
9. **BICYCLE ACCESS:** The applicant shall submit a bicycle access plan showing how residents will access the underground bicycle parking. The applicant shall design the access route to minimize obstructions, difficult turns, and other features discouraging access.

SITE DEVELOPMENT AND BUILDING DESIGN

- ~~9.10.~~ **PUBLICLY ACCESSIBLE OPEN SPACE/FACILITIES:** This project includes a privately owned pedestrian path along the north side of the property, which shall be publicly accessible. The applicant shall have the right to establish and enforce reasonable rules and regulations for the use of the path, but shall not restrict access with fencing or other design/operational barriers.
- ~~10.11~~ **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.
- ~~11.12~~ **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.
- ~~12.13~~ **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.

- | ~~13-14~~ **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.
- | ~~14-15~~ **RECESSED WINDOWS:** All windows in the stucco facades shall be recessed from the face of the building up to 2".
- | ~~15-16~~ **MOCK-UP:** The applicant shall set up one or more large material and color mock-up(s) on-site, prior to building permit issuance, for final selection and approval by the Zoning Administrator. At a minimum, the mock-up(s) shall include stucco, fiber cement siding and panel, composite wood siding, sample window with sun shade, and paint samples.
- | ~~16-17~~ **COLOR SCHEME:** The applicant shall paint a portion of the building with the proposed color scheme for inspection. Proposed primary and secondary (accent) paint colors should be painted next to each other on the building, to the extent feasible, for purposes of inspection. The color(s) shall not be considered approved until after inspection and approval by the Zoning Administrator.
- | ~~17-18~~ **ROOF EQUIPMENT:** All roof equipment must be concealed behind opaque (solid) screening designed to complement the building. Details of the roof equipment and roof screens shall be included in the building permit drawings and approved by the Zoning Administrator.
- | ~~18-19~~ **FENCE/WALL:** All fencing and walls are to be shown on construction plans submitted for building permit review and shall not exceed 8' 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.
- | ~~19-20~~ **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'.
- | ~~20-21~~ **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.
- | ~~21-22~~ **BIKE RACKS:** The applicant shall provide at least 15 bicycle parking spaces for guests (Class II/III at 10 percent of units). The 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.
- | ~~22-23~~ **BIKE LOCKERS:** The applicant shall provide at least 144 bike lockers (Class I at 100 percent of units), or equivalent, as approved by the Zoning Administrator.
- | ~~23-24~~ **STUCCO:** The stucco sample titled "30/30 sand finish" is the approved finish.
- | ~~24-25~~ **FIBER CEMENT:** No faux grain shall be used on the building's fiber cement.

26. **CARGO BICYCLE PARKING:** The resident bicycle parking area shall be designed to support parking for cargo bicycles.

GREEN BUILDING AND SUSTAINABILITY MEASURES

25-27 **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

26-28 **LANDSCAPING:** Detailed landscape plans encompassing on- and off-site plantable areas out to the curb must be included in the Building Inspection Division application. Minimum plant sizes are flats or 1-gallon containers for ground cover, 5-gallon for shrubs, and 24" box for trees. The drawings must be approved by the Zoning Administrator prior to building permit issuance and implemented prior to occupancy. All plans should be prepared by a licensed Landscape Architect and should comply with the City's Landscape Guidelines, including the Water Conservation in Landscaping Regulations. Additional landscaping materials or modifications may be required by the Planning Division at final inspection to ensure adequate planting coverage and/or screening.

27-29 **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.

28-30 **STREET TREE:** The applicant shall complete the "Proposed Street Tree" form available in the Planning Division. Once completed, the applicant shall return the original to the Parks Division, located at 235 North Whisman Road, and provide a duplicate copy to the Building Inspection Division with building permit submittal.

29-31 **LANDSCAPE SCREENING:** All utility meters, lines, transformers, backflow preventers, etc., on-site or off-site, must be shown on all site plan drawings and landscape plan drawings. All such facilities shall be located so as to not interfere with landscape material growth and shall be screened in a manner which respects the building design and setback requirements. Additional landscaping materials or modifications may be required by the Planning Division at final inspection to ensure adequate plant screening.

HERITAGE TREES

30-32 **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.

31-33 **REPLACEMENT:** The applicant shall offset the loss of each Heritage tree with at least two replacement trees, for a total of at least 20 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.

32-34 **TREE PROTECTION MEASURES:** The tree protection measures listed in the arborist's report prepared by HortScience, Inc., and dated March 3, 2016, shall be included as notes on the title sheet of all grading and landscape plans. These measures shall include, but may not be limited to, 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.

SIGNS

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

NOISE

34.36 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.

35.37 INTERIOR NOISE LEVELS: Construction drawings must confirm that measures have been taken to achieve an interior noise level of 45 dB(A) L_{dn} that shall be reviewed and approved by a licensed acoustical engineer prior to building permit submittal.

36.38 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

37.39 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.

38.40 CONSTRUCTION PARKING MANAGEMENT PLAN: The applicant shall prepare a construction parking management plan to address parking demands and impacts during the construction phase of the project. The construction parking management plan shall be subject to review and approval by the Zoning Administrator prior to the issuance of building permits.

39.41 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.

40.42 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.

41.43 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.

42.44 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.

43-45 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.

44-46 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.

45-47 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.

46-48 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.

- | **47-49 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.

- | **48-50 BAT INSPECTION:** Prior to demolishing the barn, the applicant shall submit results of a site survey by a qualified biologist, stating that no bats are in residence. **(PROJECT-SPECIFIC CONDITION)**

TECHNICAL REPORTS

- | **49-51 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.

- | **50-52 TOXIC ASSESSMENT:** A toxic assessment report shall be prepared and submitted as part of the building permit application. The applicant must demonstrate that hazardous materials do not exist on the site, or that construction activities and the proposed use of this site are approved by: the City of Mountain View Hazardous Materials Division of the Fire Department; the State Department of Health Services; the Regional Water Quality Control Board; and any Federal agency with jurisdiction. No building permits will be issued until each agency and/or department with jurisdiction has released the site as clean or an approved site toxics mitigation plan has been approved.

LEGAL AGREEMENTS AND FEES

- | **51-53 RENTAL HOUSING IMPACT FEE:** The building permit submittal shall identify the aggregate net new habitable square footage of all residential rental units in the project. Prior to the issuance of the first Final Certificate of Occupancy for the development, the applicant shall pay a Rental Housing Impact Fee as defined by the City fee schedule (currently \$17.39 per net new habitable square foot) for all market-rate rental housing development, unless the applicant offers an alternative to mitigate the impacts of the residential rental project development through the construction of affordable rental housing units.

52-54 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 Community and Provisional Use 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. PL-128 [LEGAL AGREEMENTS AND FEES]

AFFORDABLE RENTAL HOUSING UNITS: The applicant has offered an alternative to payment of the Rental Housing Impact Fee and has submitted a request to mitigate the impacts of the residential rental project development through the construction of five (5) affordable rental housing units. The applicant shall enter into an agreement with the City consistent with the Costa-Hawkins Act to provide five (5) on-site affordable rental housing units and pay an impact fee of up to \$965,993 for the remainder units. Such an agreement shall be executed prior to issuance of the first building permit for the project. As a consideration of providing affordable units on-site, the City shall agree to defer payment of the Park Land Dedication Fee to the first Final Certificate of Occupancy for the development, where the fee is traditionally required to be paid prior to issuance of building permits.

The affordable monthly rent shall be based on rents that are affordable to households earning a gross annual income of 65 percent of the median household income for Santa Clara County as published by the California Department of Housing and Community Development. Affordable rents are calculated as 30 percent of the average monthly income of a household earning 65 percent of the median household income and rents for the two-bedroom units shall be based on incomes for a three-person household. The rental housing shall be provided for a period of 55 years.

TRANSIT-RELATED PROGRAMS AND OFF-SITE IMPROVEMENTS

53-56 ALTERNATIVE TRANSPORTATION BENEFITS: The applicant/owner is required to offer the following commute benefits and transportation alternatives to residents of the project. These alternatives are to encourage use of public transit, increase bike ridership within the City, provide alternatives to single-occupancy vehicle trips within the City, and aid residents in getting to and from key destinations within the City. The transportation benefits for residents include:

- a. Transportation information packets for residents at move-in.
- b. Space for Zipcar or similar car-sharing service within the parking garage.
- c. No-cost secure bicycle parking and use of the bicycle maintenance facility.
- d. Free trial memberships to Bay Area Bike Share or similar program.
- e. Transit information provided in a centralized location.
- f. An on-site commute coordinator shall be appointed to manage and monitor commute alternative programs.
- g. The project shall provide a VTA Eco Pass for each resident for the first three years of building operation. The Eco Pass will provide residents with unlimited rides on VTA Bus and Light Rail seven days a week.

Any modification to this transportation benefits program requires review and approval by the Zoning Administrator. **(PROJECT-SPECIFIC CONDITION)**

54-57 UNBUNDLED PARKING: To support alternative modes of travel and reduced car ownership, the applicant is permitted to offer unbundled parking to residents. Should street parking impacts arise as a result of this project, the Zoning Administrator may hold a public hearing to review the parking impacts and require the applicant to

implement appropriate means to resolve them. The public hearing shall be in accordance with Chapter 36, Article XVI, Division 6, of the City Code. **(PROJECT-SPECIFIC CONDITION)**

MITIGATION MEASURES

55-58 SAN ANTONIO PRECISE PLAN MM NOISE-1: Construction Noise. In conformance with the San Antonio Precise Plan EIR Mitigation Monitoring and Reporting Program, the following additional noise- and vibration-reduction measures shall be incorporated into construction plans and implemented by the contractor:

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

Public Works Department – 650-903-6311

RIGHTS-OF-WAY

56-59 There are a number of inconsistencies within the Planning application; therefore, the conditions of approval shall govern whenever there is a conflict between the two documents.

57-60 ~~The existing crosswalk at Castro/Mistral School on Escuela Avenue shall be converted to a raised crosswalk with high-visibility pavement markings. The crosswalk shall also be upgraded with solar-powered, pedestrian-actuated push buttons and LED-enhanced warning signs. The crosswalk shall be enhanced to the satisfaction of the Public Works Director. (PROJECT-SPECIFIC CONDITION) proposed Escuela Avenue bicycle and pedestrian improvements as shown on Planning documents is not consistent with the City's requirements. The improvement plans shall include, but are not limited to:~~

~~1. Streetlights shall be installed on Escuela Avenue as recommended by the California/Escuela/Shoreline Complete Streets Feasibility Study and as required by the Public Works Director. (PROJECT-SPECIFIC CONDITION)~~

~~2. "Deep lift" asphalt repair shall be implemented on damaged areas of the asphalt pavement. Repair shall be completed to the satisfaction of the Public Works Director. (PROJECT-SPECIFIC CONDITION)~~

~~3. Green bike lanes shall be installed at driveways, conflict areas, and near intersections. (PROJECT-SPECIFIC CONDITION)~~

~~4. New slurry seal and striping shall be placed along Escuela Avenue between California Street and Latham Street and on all legs of the Escuela Avenue intersections at Latham Street, Camel Way, and Mount Vernon Court~~

~~to the satisfaction of the Public Works Director. (PROJECT-SPECIFIC CONDITION)~~

~~5. Roadway slurry seal and striping improvements shall extend to the edge of the California Street/Escuela Avenue intersection. (PROJECT-SPECIFIC CONDITION)~~

~~6. "No Stopping Anytime" signs shall be installed along the east side of Escuela Avenue from Latham Street to California Street. (PROJECT-SPECIFIC CONDITION)~~

~~7. Conforms shall be constructed as required by the Public Works Department. (PROJECT-SPECIFIC CONDITION)~~

~~8. Install and relocate drainage facilities as required by the installation of bulb-outs and a raised crosswalk. (PROJECT-SPECIFIC CONDITION)~~

58.61 PEDESTRIAN ACCESS EASEMENT (SIDEWALKS): Dedicate a 6' wide pedestrian access easement on private property (near the northern property line) that connects the western property line to the sidewalk on Ortega Avenue. The proposed walkway shall comply with City sidewalk standards and the easement shall be dedicated to the satisfaction of the Public Works Director.

59.62 PLAT AND LEGAL DESCRIPTION: For the proposed dedication(s), per the City's Legal Description and Plat Requirements, submit an 8.5"x11" plat (drawing), legal description stamped by a registered civil engineer or land surveyor, and a copy of the current preliminary title report or property deed of the owner's property.

FEES

60.63 WATER AND SEWER CAPACITY CHARGES: Prior to issuance of any building permits, 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.

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

62.65 PARK LAND DEDICATION FEE: Prior to issuance of any building permits, the applicant shall pay the Park Land Dedication Fee (approximately \$15,000 to \$30,000 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.

STREET IMPROVEMENTS

63.66 PUBLIC IMPROVEMENTS: Install or reconstruct standard public improvements that are required for the project and as required by Chapters 27 and 28 of the Mountain View City Code. These improvements include, but are not limited to, the installation of sidewalks, curb, gutter, driveway, roadway striping, and signage; conforms; pavement restoration; water, sewer, and storm utility improvements; construction of a pedestrian walkway on private property; the conversion of an existing crosswalk at Castro/Mistral School on Escuela Avenue to a raised crosswalk with solar-powered, pedestrian-actuated push buttons, LED-enhanced warning signs, and high-visibility pavement markings. ~~Escuela Avenue bicycle and pedestrian improvements, including bulb-outs, crosswalks,~~

~~bicycle lanes, roadway striping, streetlights, traffic signage, ADA ramps, a raised crosswalk, pavement repair, slurry seal across the entire width of the street, and drainage installations/relocations.~~

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

64-67 OFF-SITE IMPROVEMENT PLANS: Prepare off-site improvement plans in accordance with 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), Improvement Plan Checklist, and items noted within the checklist must be submitted together as a separate package concurrent with the first submittal of the building plans. The off-site plans must be approved and signed by the Public Works Department. After the plans have been signed by the Public Works Department, 10 black-line sets, one Xerox Mylar (4 mil) set of the plans, and CD with CAD file and PDF must be submitted to the Public Works Department prior to the issuance of the building permit. CAD files shall meet the City of Mountain View's Digital Data Submission Standards.

65-68 INFRASTRUCTURE QUANTITIES: Submit a construction cost estimate form indicating the quantities of the street and utility improvements with the submittal of the improvement plans. The construction cost estimate is used to estimate the cost of street and utility improvements and to determine the Public Works plan check and inspection fees.

66-69 ENCROACHMENT RESTRICTIONS: Private steps, fences, retaining walls, and other nonstandard structures shall not encroach into the public right-of-way.

67-70 TIE-BACK ENCROACHMENTS: Temporary tie-backs or earthen nails for construction purposes require a separate Encroachment Agreement, plat and legal description, and bond (100 percent) or provide a letter of credit (100 percent) or cash security (100 percent) securing the installation and warranty of the temporary tie-backs.

68-71 SPECIAL PAVERS AND CONCRETE: Pavers, colored concrete, textured concrete, or other nonstandard surfacing will not be allowed within the public street, sidewalk, or pedestrian access easements.

69.72 DRIVEWAY SIGHT TRIANGLE: At driveways, no landscaping, structure, or sign over 3' in height shall be located within a vehicle sight triangle formed per the City's Side Street/Driveway Triangle of Safety Design Guidelines.

UTILITIES

70.73 WATER AND SEWER SERVICE: The apartment building shall have its own water meter and sanitary sewer lateral in accordance with City Code Section 35.38. The property owner must sign an agreement for the payment of utility services prior to the approval of the building permit.

71.74 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.

72.75 SEPARATE IRRIGATION SERVICE AND METER: A separate water service and water meter for irrigation will be required.

73.76 WATER AND SEWER APPLICATIONS: Prior to the issuance of the building permit, complete applications for water and sewer service for new water services, water meters, fire services, or sewer laterals. Any unpaid water and sanitary sewer fees must also be paid.

74.77 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. All pothole information shall be shown on the site or utility plans. **(PROJECT-SPECIFIC CONDITION)**

75.78 EXCAVATION PERMIT: Prior to the issuance of the building permit, obtain an Excavation Permit from 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 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.

76.79 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. Any existing sanitary sewer laterals and storm connections shall be abandoned, and existing face-of-curb drains shall be removed.

77.80 BACKFLOW PREVENTER: Aboveground reduced-pressure backflow preventers are required for all new and existing City water services. Backflow preventers shall be located directly behind the water meter or as reasonably close as possible at a location preapproved by the Public Services Division and screened from view with landscaping. Backflow prevention assemblies shall be conveniently located as close to the meter as feasible outside of buildings and are not allowed within buildings' utility closets or basements.

78.81 SUBSTANDARD IMPROVEMENTS: The existing water facilities are not in accordance with current City standards and shall be reconstructed or modified to comply with City standards. This shall include the abandonment of existing water main stub-outs and the removal of the water meter, water service lines, and related appurtenances.

79.82 UNDERGROUND SERVICES: All new electric, telephone, and cable television services serving the site shall be placed underground (including transformers). The undergrounding of the new 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. (Any existing above-ground transformers shall be screened from the street or to the general public as approved by the Community Development and Public Works Departments.)

80-83 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.

SIDEWALKS AND DRIVEWAYS

~~**81. ADA RAMP REQUIREMENTS:** All new access ramps along Escuela Avenue shall comply with the Americans with Disabilities Act (ADA) requirements. Existing nonconforming access ramps shall be reconstructed to comply with the ADA requirements.~~

82-84 ADA SIDEWALK REQUIREMENTS: A minimum 4' wide Americans with Disabilities Act-compliant public sidewalk shall be provided behind new and existing driveway approaches. Tapers (conforms) can be provided to connect the proposed public sidewalk on each side of the proposed driveway.

83-85 DAMAGED SIDEWALK IMPROVEMENTS: Portions of the curbs, gutters, and sidewalks on Ortega Avenue are damaged and must be replaced. The specific areas and limits of the replacement work shall be drawn on the plans.

84-86 DRIVEWAY REMOVAL: Replace abandoned driveways with standard curb, gutter, and sidewalk and show the replacement work on the plans.

85-87 RED CURB AT CROSSWALKS: Street curbs that are located within 15' (or more as required by the Public Works Department) of a public crosswalk along Escuela Avenue shall be painted red.

86-88 RED CURB AT DRIVEWAY ENTRANCE: Street curbs that are located within 10' (or more as required by the Public Works Department) of the driveway entrance to the underground parking garage shall be painted red.

87-89 SUBSTANDARD IMPROVEMENTS: The existing curb drain gutter depression is not in accordance to current City standards and shall be reconstructed or modified to comply with City standards. This shall include the curb drain on Ortega Avenue.

RECYCLING

88-90 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.

89-91 CONSTRUCTION AND DEMOLITION ORDINANCE: This project must comply with the City's Construction and Demolition Ordinance (Mountain View City Code Chapter 16, Article III).

90-92 HOLDING AREA AND ROLL-OUT FEE: Collection vehicles do not enter underground or enclosed structures. All trash, recycling, and compost containers must be transported by the property owner/manager to the approved holding area on service day and removed promptly following service. The final location and dimensions of the holding area must be approved by the Solid Waste and Recycling Section prior to issuance of a building permit. Roll-out fees charged by the City's trash hauler will apply for containers that must be rolled more than 30' from any holding area to the truck.

91-93 TRASH/RECYCLING ROOM: Each trash/recycling room on each floor must have at least one recycling container for the purpose of recycling mixed containers. **(PROJECT-SPECIFIC CONDITION)**

STREET TREES

- | **92.94 STREET TREES:** Install standard City street trees along the street frontage.
- | **93.95 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).
- | **94.96 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)

- | **95.97 DRAINAGE PLANS:** On-site drainage plans shall be included in the building plans.
- | **96.98 DRAINAGE REQUIREMENTS:** On-site lot and driveway 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.
- | **97.99 STORM DRAIN HOLD HARMLESS AGREEMENT:** As portions of the site are or will be lower than the adjacent public street or the surface grade over the City's storm mains, before approval of the building permit, the owner shall sign an agreement to hold the City harmless against storm surcharges or blockages that may result in on-site flooding or damage.
- | **98.10 SANITARY SEWER HOLD HARMLESS AGREEMENT:** If the sanitary sewer connection(s) inside the structure(s) is/are less than 1' above the rim elevation of the upstream sanitary sewer manhole, before approval of the building permit, the owner shall sign an agreement to hold the City harmless against sewer surcharges or blockages that may result in on-site damage.
- | **99.10 SURFACE WATER RELEASE:** Provide a surface stormwater release for the lot and driveway that prevents the building from being flooded in the event the storm drainage system becomes blocked or obstructed.

MISCELLANEOUS

- | **100.1 CONSTRUCTION PLAN:** Submit a construction traffic and parking management plan with the building plans showing the following:
 1. Truck route for construction and delivery trucks that 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.

- | ~~401.1~~ **TRAFFIC CONTROL PLANS:** Submit Traffic Control plans for any off-site and on-site improvements or any work that requires temporary lane 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.
- | ~~402.1~~ **WELL QUESTIONNAIRE:** Complete a Santa Clara Valley Water District (SCVWD) 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.
- | ~~403.1~~ **WELL PROTECTION:** SCVWD records indicate that one active well is located on the site. If the well will continue to be used following construction, it must be protected so that it does not become lost or damaged. If the well will not be used, it must be properly destroyed under permit from the SCVWD. Any required work on the well shall be completed to the satisfaction of the SCVWD and prior to the release of occupancy. **(PROJECT-SPECIFIC CONDITION)**
- | ~~404.1~~ **SAN FRANCISCO PUBLIC UTILITIES COMMISSION (SFPUC) PERMIT:** Apply for an SFPUC Encroachment Permit for all work within City and County of San Francisco jurisdiction. Work within the SFPUC right-of-way must be in accordance with SFPUC requirements.
- | ~~405.1~~ **STREET CLEANING:** The owner/developer shall comply with, and the off-site and grading drainage and utility plans shall include, a general note as follows: "The prime contractor or developer is to hire a street cleaning contractor to clean up dirt and debris from City streets that are attributable to the development's construction activities. The street cleaning contractor is to have the capability of sweeping the streets with both a broom-type sweeper and a regenerative air vacuum sweeper, as directed by the Public Works Director, or his/her designated representative."
- | ~~406.1~~ **OCCUPANCY RELEASE:** The owner/developer shall comply with, and the off-site and grading drainage and utility plans shall include, a general note as follows: "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."
- | ~~407.1~~ **PRELIMINARY TITLE REPORT:** Concurrent with the first building plan submittal, 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.), legal description of the property involved, name of person(s) and their title(s) with authority to sign Public Works agreements, and a document identifying the signature authority of that person(s) 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.

Building Inspection Division – 650-903-6313

- | ~~408-1~~ **BUILDING PERMITS:** A building permit is required for this project. This review by the Building Inspection Division is preliminary and only attempting to identify critical or significant code concerns. Building plan check review will be part of a separate permit application process that can be applied for once the Planning approvals have been obtained and the 10-day appeal period has passed. Submit complete sets of construction drawings at the Building Counter. Please refer to the Building Inspection Division’s current “Submittal Requirements” for document submittal requirements. No construction work can be commenced without an appropriate building permit and no new occupancy shall commence without a Certificate of Occupancy. Please contact the Building Inspection Division for submittal requirements at 650-903-6313.
- | ~~409-1~~ **BUILDING CODES:** Construction plans will need to meet the current codes adopted by the Building Inspection Division upon submittal. Current codes are the 2013 California Codes: Building, Fire, Electrical, Mechanical, Plumbing, CALGreen, and Mountain View Green Building Code.
- | ~~440-1~~ **ACCESSIBILITY:** Project will be required to comply with the accessibility requirements in the 2013 CBC, Chapter 11A, and CRC R320.
- | ~~441-1~~ **ADDRESSES:** All street names, street numbers, and residential apartment numbers will be processed prior to the Building Inspection Division approval of the project. Commercial suite numbers are issued by the United States Post Office.
- | ~~442-1~~ **APPROVALS REQUIRED:** This project requires the approval of the Santa Clara County Environmental Health Department at 408-918-3400, and submitted to the Building Inspection Division.
- | ~~443-1~~ **EGRESS:** Site must meet accessible means of egress, 2013 CBC, Section 1007.
- | ~~444-1~~ **FIRE PROTECTION:** Dwelling and sleeping units shall meet the visible alarm notification requirements of 2013 CBC, Section 907.5.2.3.
- | ~~445-1~~ **PEDESTRIAN PROTECTION:** Public sidewalks are required to remain open during the course of construction. Please provide sufficient information at the time of plan submittal to show how pedestrians will be protected per 2013 CBC, Section 3306.
- | ~~446-1~~ **SURVEY:** A survey will be required to be completed to verify structure placement.

Fire Department – 650-903-6343

FIRE PROTECTION SYSTEMS AND EQUIPMENT

- | ~~447-1~~ **FIRE SPRINKLER SYSTEM:** Provide an automatic fire sprinkler system to be monitored by a central station monitoring alarm company. This monitoring shall include water flow indicators and tamper switches on all control valves. Three (3) sets of shop-quality drawings shall be submitted for review and approval. All work shall conform to NFPA 13 (2013 Edition), NFPA 72 (2013 Edition), and Mountain View Fire Department specifications. Call the Building Inspection Division at 650-903-6313 for a copy of specifications and submittal requirements. (Mountain View City Code, Sections 14.10.27, 14.10.28, and California Fire Code, Section 903.)
- | ~~448-1~~ **STANDPIPE SYSTEM:** Provide a Class III standpipe system. (Mountain View City Code, Sections 14.10.29, 14.10.30, 14.10.31, and 14.10.32 and California Fire Code, Section 905.)
- | ~~449-1~~ **FIRE PROTECTION DURING CONSTRUCTION:** Every building four (4) stories or more in height shall be provided with not less than one (1) standpipe for use during construction. Such standpipe(s) shall be installed

when the progress of construction is not more than 40' in height above the lowest level of Fire Department access. Such standpipe(s) shall be provided with Fire Department hose connections at accessible locations adjacent to usable stairs, and the standpipe outlets shall be located adjacent to such usable stairs. Such standpipe systems shall be extended as construction progresses to within one floor of the highest point of construction having secured decking or flooring. In each floor, there shall be provided a 2.5" valve outlet for Fire Department use. (California Fire Code, Chapter 33.)

- | ~~120.1~~ **ON-SITE WHARF HYDRANTS:** Provide ground-level wet standpipes (wharf hydrants). On-site wharf hydrants shall be so located as to reach any portion of combustible construction with 150' of hose. Installation shall be complete and the system shall be tested prior to combustible construction. The wharf hydrant shall be capable of providing a combination flow of 500 GPM with two 2.5" outlets flowing. Three (3) complete sets of shop-quality drawings shall be submitted for review and approval. (NFPA 24 (2013 Edition) and Mountain View Fire Department requirements.)
- | ~~121.1~~ **FIRE EXTINGUISHERS:** Install one 2-A:10-B:C fire extinguisher for every 50'/75' of travel or every 3,000 square feet. Fire extinguisher locations shall be indicated on the architectural floor plans. (California Code of Regulations, Title 19, Chapter 3 and California Fire Code, Section 906.)
- | ~~122.1~~ **AUTOMATIC/MANUAL FIRE ALARM SYSTEM:** Provide an approved automatic/manual fire alarm system in accordance with California Fire Code and Mountain View Fire Department specifications. Three (3) complete sets of fire alarm system shop-quality drawings shall be submitted for review and approval. Prior to occupancy, the system shall be field-tested, approved, and in service. Provisions shall be made for monthly testing, maintenance, and service. Call the Building Inspection Division at 650-903-6313 for a copy of specifications and submittal requirements. (California Fire Code, Section 907 and Mountain View City Code, Section 14.10.33.)
- | ~~123.1~~ **SMOKE ALARMS:** All residential occupancies shall be provided with California State Fire Marshal-listed smoke alarms. Smoke alarms shall be installed in accordance with the California Building Code and the approved manufacturer's instructions. (California Fire Code, Section 907.)

FIRE DEPARTMENT ACCESS

- | ~~124.1~~ **LOCKBOX:** Install an approved key lockbox per the Fire Protection Engineer's directions. Call the Building Inspection Division at 650-903-6313 for instructions. (California Fire Code, Section 506.)
- | ~~125.1~~ **KEYSWITCH:** Install an approved keyswitch per the Fire Protection Engineer's directions. Call the Building Inspection Division at 650-903-6313 for instructions. (California Fire Code, Section 506.) **Required at gate for parking garage.**
- | ~~126.1~~ **STRETCHER REQUIREMENTS:** In all structures four (4) or more stories in height, at least one elevator shall be provided with a minimum clear distance between walls or between walls and door, excluding return panels, of not less than 80"x54", and a minimum distance from wall to return panel of not less than 51" with a 42" side slide door, unless otherwise designed to accommodate an ambulance-type stretcher 84"x24" in the horizontal position. (California Building Code, Section 3002.)

EGRESS AND FIRE SAFETY

- | ~~127.1~~ **EXIT ILLUMINATION:** Exit paths shall be illuminated any time the building is occupied with a light having an intensity of not less than one footcandle at floor level. Power shall normally be by the premises wiring with battery backup. Exit illumination shall be indicated on the Electrical Plans. (California Building Code, Section 1006.)
- | ~~128.1~~ **EXIT SIGNS:** Exit signs shall be internally or externally illuminated and provided with battery backup per Uniform Building Code Chapter 10. Exit signs shall be posted above each required exit doorway and wherever

otherwise required to clearly indicate the direction of egress. (California Building Code, Section 1011.)

- | ~~129.1~~ **EXIT DOORS IN GROUPS A, E, H, AND I OCCUPANCIES:** Exit doors shall be provided with approved panic hardware. (California Building Code, Section 1008.1.10.)
- | ~~130.1~~ **GROUP A OCCUPANCIES:** Buildings or portions of buildings used for assembly purposes shall conform to all requirements of Title 19 and the Uniform Building Code. This shall include, but is not limited to: (1) two exits; (2) fire-retardant drapes, hangings, Christmas trees, or other similar decorative material; and (3) posting of a maximum occupant load sign. (California Code of Regulations, Title 19, Sections 3.08, 3.21, and 3.30.)
- | ~~131.1~~ **GROUP A, E, I, AND R-1 OCCUPANCIES: Decorative Materials:** All drapes, hangings, curtains, drops, and all other decorative material, including Christmas trees, shall be made from a noncombustible or fire-resistive material or maintained in a flame-retardant condition by means of an approved flame-retardant solution or process approved by the California State Fire Marshal. (California Code of Regulations, Title 19, Sections 3.08 and 3.21.)
- | ~~132.1~~ **INTERIOR WALL AND CEILING FINISH:** Interior finishes shall have a flame-spread rating in accordance with the California Building Code, Chapter 8, and California Code of Regulations, Title 19, Section 3.21.
- | ~~133.1~~ **POSTING OF ROOM CAPACITY:** Any room used for assembly purposes shall have the capacity of the room posted in a conspicuous place near the main exit from the room. (California Building Code, Section 1004.3.)
- | ~~134.1~~ **ON-SITE DRAWINGS:** Submit two (2) 8.5"x11" plot plan drawings according to Fire Department specifications prior to final Certificate of Occupancy.
- | ~~135.1~~ **STAIRWAY IDENTIFICATION SIGNS:** In buildings four (4) or more stories in height, approved stairway identification signs shall be located at each floor level in all enclosed stairways. The sign shall identify the stairway and indicate whether there is roof access, the floor level, and the upper and lower terminus of the stairway. The sign shall be located 5' above the floor landing in a position which is readily visible when the door is in the open or closed position. (California Building Code, Section 1022.9.)

EXTERIOR IMPROVEMENTS

- | ~~136.1~~ **REFUSE AREAS:** Refuse areas within 5' of combustible construction or building openings shall be protected with automatic fire sprinklers. A maximum of two (2) sprinkler heads are permitted off a 1" domestic water service. Approved accessible shutoff valves shall be provided. Call the Building Inspection Division at 650-903-6313 for specifications. (California Fire Code, Section 304.3.)
- | ~~137.1~~ **PREMISES IDENTIFICATION:** Approved numbers or addresses shall be provided for all new and existing buildings in such a position as to be plainly visible and legible from the street or road fronting the property. Address signs shall be a minimum of 6" in height. (Mountain View City Code, Section 14.10.20.)

OTHER

- | ~~138.1~~ **EMERGENCY ESCAPE OPENING ACCESS:** Provide clear space and ladder pads at ground level for emergency escape opening access in R and I-1 occupancies. Ladder pads shall be accessible by fire crews with a three-section, 12' long ladder. Awnings and window shades shall be designed to not interfere with ladder access. (California Building Code, Section 1029.)
- | ~~139.1~~ **EMERGENCY RESPONDER RADIO COVERAGE:** All buildings shall have approved radio coverage for emergency responders within the building. (California Fire Code, Section 510.)

HAZARDOUS MATERIALS

- | ~~140-1~~ **HAZARDOUS MATERIALS:** If hazardous materials will be stored or used on-site (including paints, thinners, compressed gases, propane, diesel, gasoline, etc.), complete an Environmental Compliance Plan (ECP) application. Contact the Fire and Environmental Protection Division of the Fire Department at 650-903-6378 to obtain a copy. Attach a copy of the completed ECP to your submitted building plans.
- | ~~141-1~~ **SITE MANAGEMENT PLAN:** The applicant shall prepare a soil management plan and have it approved by the Santa Clara County Department of Environmental Health prior to Building Permit. **(PROJECT-SPECIFIC CONDITION)**

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>

- | ~~142-1~~ **STORM DRAIN/SANITARY SEWER PLAN CHECK SHEET:** Complete a “Storm Drain/Sanitary Sewer Discharges” check sheet. All applicable items in the check sheet should be completed and shown on the building plan submittal.
- | ~~143-1~~ **STATE OF CALIFORNIA CONSTRUCTION GENERAL STORMWATER PERMIT:** A “Notice of Intent” (NOI) and “Stormwater Pollution Prevention Plan” (SWPPP) shall be prepared for construction projects disturbing one (1) acre or more of land. Proof of coverage under the State General Construction Activity Stormwater Permit shall be attached to the building plans.
- | ~~144-1~~ **CONSTRUCTION SEDIMENT AND EROSION CONTROL PLAN:** The applicant shall submit a written plan acceptable to the City which shows controls that will be used at the site to minimize sediment runoff and erosion during storm events. The plan should include installation of the following items where appropriate: (a) silt fences around the site perimeter; (b) gravel bags surrounding catch basins; (c) filter fabric over catch basins; (d) covering of exposed stockpiles; (e) concrete washout areas; (f) stabilized rock/gravel driveways at points of egress from the site; and (g) vegetation, hydroseeding, or other soil stabilization methods for high-erosion areas. The plan should also include routine street sweeping and storm drain catch basin cleaning.
- | ~~145-1~~ **SWIMMING POOLS, SPAS, AND FOUNTAINS:** Swimming pools, spas, and fountains shall be installed with a sanitary sewer cleanout in a readily accessible nearby area to allow for draining.
- | ~~146-1~~ **LANDSCAPE DESIGN:** Landscape design shall minimize runoff and promote surface filtration. Examples include: (a) no steep slopes exceeding 10 percent; (b) using mulches in planter areas without ground cover to avoid sedimentation runoff; (c) installing plants with low water requirements; and (d) installing appropriate plants for the location in accordance with appropriate climate zones. Identify which practices will be used in the building plan submittal.
- | ~~147-1~~ **EFFICIENT IRRIGATION:** Common areas shall employ efficient irrigation to avoid excess irrigation runoff. Examples include: (a) setting irrigation timers to avoid runoff by splitting irrigations into several short cycles; (b) employing multi-programmable irrigation controllers; (c) employing rain shutoff devices to prevent irrigation after significant precipitation; (d) use of drip irrigations for all planter areas which have a shrub density that will cause excessive spray interference of an overhead system; and (e) use of flow reducers to mitigate broken heads next to sidewalks, streets, and driveways. Identify which practices will be used in the building plan submittal.

- | **148-1 OUTDOOR STORAGE AREAS (INCLUDING GARBAGE ENCLOSURES):** Outdoor storage areas (for storage of equipment or materials which could decompose, disintegrate, leak, or otherwise contaminate stormwater runoff), including garbage enclosures, shall be designed to prevent the run-on of stormwater and runoff of spills by all of the following: (a) paving the area with concrete or other nonpermeable surface; (b) covering the area; and (c) sloping the area inward (negative slope) or installing a berm or curb around its perimeter. There shall be no storm drains in the outdoor storage area.
- | **149-1 PARKING GARAGES:** For multiple-level parking garages, interior levels shall be connected to an approved wastewater treatment system discharging to the sanitary sewer.
- | **150-1 STORMWATER TREATMENT (C.3):** This project will create or replace more than ten thousand (10,000) square feet of impervious surface; therefore, stormwater runoff shall be directed to approved permanent treatment controls as described in the City’s guidance document entitled, “Stormwater Quality Guidelines for Development Projects.” The City’s guidelines also describe the requirement to select Low-Impact Development (LID) types of stormwater treatment controls; the types of projects that are exempt from this requirement; and the Infeasibility and Special Projects exemptions from the LID requirement.

The “Stormwater Quality Guidelines for Development Projects” document requires applicants to submit a Stormwater Management Plan, including information such as the type, location, and sizing calculations of the treatment controls that will be installed. Include three stamped and signed copies of the Final Stormwater Management Plan with the building plan submittal. The Stormwater Management Plan must include a stamped and signed certification by a qualified Engineer, stating that the Stormwater Management Plan complies with the City’s guidelines and the State NPDES Permit. Stormwater treatment controls required under this condition may be required to enter into a formal recorded Maintenance Agreement with the City.

- | **151-1 STORMWATER MANAGEMENT PLAN – THIRD-PARTY ENGINEER’S CERTIFICATION:** The Final Stormwater Management Plan must be certified by a qualified third-party engineer that the proposed stormwater treatment controls comply with the City’s Guidelines and Provision C.3 of the Municipal Regional Stormwater NPDES Permit (MRP). A list of qualified engineers is available at the following link: http://www.scvurppp-w2k.com/consultants_list.shtml

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.

EA/7/CDD
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