

CITY OF MOUNTAIN VIEW  
RESOLUTION NO.  
SERIES 2025

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF MOUNTAIN VIEW  
CONDITIONALLY APPROVING A DEVELOPMENT REVIEW PERMIT TO CONSTRUCT  
A SEVEN-STORY, 80-UNIT RESIDENTIAL CONDOMINIUM BUILDING  
REPLACING AN EXISTING SINGLE-FAMILY HOUSE,  
A HERITAGE TREE REMOVAL PERMIT TO REMOVE SIX HERITAGE TREES ON  
A 0.48-ACRE PROJECT SITE LOCATED AT 294-296 TYRELLA AVENUE  
(APN 160-32-001 AND 160-32-002),  
AND FINDING THE PROJECT TO BE CATEGORICALLY EXEMPT FROM THE  
CALIFORNIA ENVIRONMENTAL QUALITY ACT PURSUANT TO  
SECTION 15332 ("IN-FILL DEVELOPMENT PROJECTS")  
OF THE CALIFORNIA ENVIRONMENTAL QUALITY ACT GUIDELINES

WHEREAS, the California Legislature adopted the Housing Accountability Act (HAA) to "significantly increase the approval and construction of new housing for all economic segments of California's communities by meaningfully and effectively curbing the capability of local governments to deny, reduce the density for, or render infeasible housing development projects...."; and

WHEREAS, it is the policy of the state that the HAA "be interpreted and implemented in a manner to afford the fullest possible weight to the interest of, and the approval and provision of, housing"; and

WHEREAS, the "Builder's Remedy" is a provision of the HAA that is applicable to qualifying housing development projects when a preliminary application is submitted before the City adopted a substantially compliant Housing Element; and

WHEREAS, on February 2, 2023, Forrest Linebarger of Tower Investment, LLC (Applicant), submitted a preliminary application (Application No. PL-2023-102) for a Development Review Permit to construct a seven-story, 85-unit residential condominium building replacing an existing single-family house and a Heritage Tree Removal Permit to remove six Heritage trees on a 0.48-acre site located at 294-296 Tyrella Avenue; and

WHEREAS, on the same date, the Applicant submitted an application (Application No. PL-2023-103) for a Tentative Tract Map for condominium purposes at 294-296 Tyrella Avenue; and

WHEREAS, the preliminary application was submitted before the City adopted a substantially compliant Housing Element, and 20% of the total units will be affordable to lower-

income households. Therefore, the project qualifies as a Builder's Remedy project pursuant to the Builder's Remedy provisions of the HAA effective between January 1, 2024 through December 31, 2024; and

WHEREAS, on March 5, 2025, the Applicant submitted a project revision to reduce the number of residential condominium units from 85 units to 80 units and modify the parking to include a three-level garage instead of parking lifts. Because these revisions do not change the number of residential units or square footage of construction by 20% or more, the City must still apply the standards in effect at the time the preliminary application was submitted; and

WHEREAS, consistent with its intent to facilitate the approval of housing, the HAA limits the City's ability to deny or condition approval of a housing development project for very low-, low-, or moderate-income households in a manner that renders the project infeasible for affordable housing development; and

WHEREAS, the Builder's Remedy provision of the HAA also prohibits the City from relying on inconsistency with zoning and General Plan standards as a basis for denial of a housing development project for very low-, low-, or moderate-income households; and

WHEREAS, the subject property has a General Plan Land Use Designation of Medium High-Density Residential; and

WHEREAS, the subject property is located in the R3-1 (Multiple-Family) Zoning District; and

WHEREAS, the project as currently proposed is inconsistent with numerous arguably "objective, quantifiable, written development standards, conditions, and policies appropriate to, and consistent with, meeting the [City's] share of the regional housing need"; and

WHEREAS, the City has made its best efforts to encourage the Applicant to bring the project into compliance with many of these arguably objective standards, including portions of the City's Inclusionary Housing Ordinance, but the Applicant has asserted that complying with these standards make the project "infeasible"; and

WHEREAS, in an effort to avoid protracted and expensive litigation over Builder's Remedy law, which will only serve to delay this housing project, and to demonstrate the City's commitment to addressing the state and regional housing crisis, the City is conditionally approving the project notwithstanding its noncompliance with certain development standards, and is not imposing conditions of approval requiring Park Land Dedication In Lieu Fees or Transportation Impact Fees; and

WHEREAS, the Zoning Administrator and Subdivision Committee held duly noticed public hearings on November 13, 2024 and March 12, 2025 on said application and recommended the City Council conditionally approve the Development Review Permit, Heritage Tree Removal Permit, and Tentative Tract Map, subject to findings and conditions of approval; and

WHEREAS, the City Council held a duly noticed public hearing on April 8, 2025 on said application and received and considered all evidence presented at said hearing, including the recommendation from the Zoning Administrator, the City Council report, and project materials; and

WHEREAS, on that same date, the City Council adopted a companion Resolution to conditionally approve a Tentative Map to create a single lot for 80 residential condominium units and one common lot on the project site; now, therefore, be it

RESOLVED: that, based on substantial evidence in the record, the City Council of the City of Mountain View finds the project to be categorically exempt from review under the California Environmental Quality Act (CEQA) pursuant to CEQA Guidelines Section 15332 ("In-Fill Development Projects") as described in further detail below; and be it

FURTHER RESOLVED: that the City Council hereby makes the following findings regarding the project:

1. Development Review Permit to allow a seven-story, 80-unit residential condominium development, replacing an existing single-family house, 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 Chapter 36 (Zoning) of the City Code, the General Plan, and any City-adopted design guidelines.** The Builder's Remedy provisions of the HAA prohibit local agencies from disapproving or conditioning approval of a housing development project for very low-, low-, or moderate-income households through the use of design review standards. The proposed Builder's Remedy project is consistent with some of these design review standards, such as LUD 6.3 (Street Presence) as the building facade is designed in a manner that emphasizes the more active lobby area to improve the ground-floor appearance at the street. Additionally, the project complies with LUD 10.7 (Beneficial Landscaping Options) as the proposed plant palette primarily utilizes low-water-use plantings; with LUD 3.5 (Diversity) as the project encourages residential developments serving a range of diverse households and incomes; and with LUD 3.9 (Parcel Assembly) as the project supports the assembly of smaller parcels to encourage infill development that meets City standards and spurs neighborhood reinvestment. Where the project is inconsistent, such inconsistencies are not a basis for disapproval of the project;

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.** The Builder's Remedy provisions of the HAA prohibit local agencies from disapproving or conditioning approval of a housing development project for very low-, low-, or moderate-income households through the use of design review standards. The architectural design of structures, including colors, materials, and design elements (i.e., awnings, exterior lighting, screening of equipment, signs, etc.), is somewhat compatible with surrounding

development because the project uses stucco and lap siding, which are the prevalent building material used in the surrounding buildings. Where the project is inconsistent, such inconsistencies are not a basis for disapproval of the project;

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.** The Builder's Remedy provisions of the HAA prohibit local agencies from disapproving or conditioning approval of a housing development project for very low-, low-, or moderate-income households through the use of design review standards. A multi-modal transportation analysis (MTA) was completed for the project and identified on-site and off-site modifications to improve vehicular and pedestrian circulation. The proposed Builder's Remedy project is consistent with some of these design recommendations provided in the MTA, such as a single driveway entrance to the project site from Tyrella Avenue and incorporation of on-site loading spaces. Where the project is inconsistent, such inconsistencies are not a basis for disapproval of the project;

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.** The Builder's Remedy provisions of the HAA prohibit local agencies from disapproving or conditioning approval of a housing development project for very low-, low-, or moderate-income households through the use of design review standards. The proposed Builder's Remedy project is consistent with some of these design review standards. For example, the project is consistent with the total open area requirement, and the proposed landscape design complies with the Council policies that encourage a minimum of 75% native landscaping and increases to the tree canopy coverage. Additionally, the proposed landscape design includes screening trees along the perimeter to provide visual relief to the adjacent neighbors. Where the project is inconsistent, such inconsistencies are not a basis for disapproval of the project;

e. **The design and layout of the proposed project will result in well-designed vehicular and pedestrian access, circulation, and parking.** The Builder's Remedy provisions of the HAA prohibit local agencies from disapproving or conditioning approval of a housing development project for very low-, low-, or moderate-income households through the use of design review standards. The design and layout of the proposed project will result in well-designed vehicular and pedestrian access, circulation, and parking by locating the vehicular access to the three-level parking garage on Tyrella Avenue as recommended by the MTA. The site design also includes direct pedestrian access from Tyrella Avenue and a secondary pedestrian access to the project site located off of Middlefield Road. Where the project is inconsistent, such inconsistencies are not a basis for disapproval of the project; and

f. **The approval of the Development Review Permit complies with the California Environmental Quality Act (CEQA).** The approval of the 80-unit residential condominium development project complies with CEQA because it qualifies as a categorically exempt project per CEQA Guidelines Section 15332 ("In-Fill Development Projects") as the project is consistent

with the following findings, and none of the exceptions in CEQA Guidelines Section 15300.2 apply:

(1) ***The project is consistent with the applicable General Plan designation and all applicable General Plan policies as well as with applicable zoning designation and regulations.*** The Applicant submitted a preliminary application before the City adopted a substantially compliant Housing Element for a housing development project that proposes 20% of its total units to be affordable to lower-income households; therefore, the project qualifies as a Builder's Remedy project pursuant to the Builder's Remedy provisions in effect between January 1, 2024 and December 31, 2024. The Builder's Remedy provision of the HAA prohibits the City from relying on inconsistencies with zoning and General Plan standards as a basis for denial of a housing development project for very low-, low-, or moderate-income households. Therefore, any existing zoning requirements and development standards that the project is not in compliance with are not "applicable" to the project within the meaning of CEQA Guidelines Section 15332, subdivision (a). The project is consistent with applicable designations and policies. Development of a residential development project is consistent with the R3 (Multiple-Family) Zoning Designation and applicable zoning regulations, such as pavement coverage, total open area, and bicycle parking requirements. The proposed project is also consistent with the Medium-High Density Residential designation in the General Plan and applicable General Plan policies, such as LUD 3.5 (Diversity), as the project encourages residential developments serving a range of diverse households and incomes. The proposed project is a residential development that supports a range of incomes as the project proposes 20% affordable units. The project also supports LUD 3.9 (Parcel Assembly) as the project supports the assembly of smaller parcels to encourage infill development that meets City standards and spurs neighborhood reinvestment;

(2) ***The proposed development occurs within City limits, on a project site of no more than five acres, substantially surrounded by urban uses.*** The gross project site is approximately 0.48 acre in size and is located at the southwest corner of Middlefield Road and Tyrella Avenue within the eastern-central portion of the City of Mountain View. The site is located within an urbanized, developed residential area of the City and is surrounded by existing residential uses. Therefore, the proposed project would meet this criterion;

(3) ***The project site has no value as habitat for endangered, rare, or threatened species.*** The project site is developed with existing residential uses and is located within a developed, urban area of the City. Vegetation on the site consists of landscape trees, and the site does not contain habitat for endangered, rare, or threatened species. The project will be required to comply with the City's standard tree replacement requirements outlined in the City Code and the City's Standard Conditions of Approval.

No species identified as a candidate, sensitive, or special-status species are known to occur at the site location, and no sensitive or jurisdictional habitats are present at, or adjacent to, the site. The site is not part of any habitat conservation plan. Therefore, the project site has no value as habitat for endangered, rare, or threatened species, and the project would meet this criterion under CEQA Guidelines Section 15332(c);

**(4) *Approval of the project would not result in any significant effects relating to traffic, noise, air quality, or water quality.***

**Traffic/Transportation:** As the project is residential, it would not exceed the City's transportation impact thresholds. According to the City of Mountain View's Vehicle Miles Traveled (VMT) policy, residential projects located in areas of low VMT, defined as exhibiting VMT that is 15% or greater below the existing nine-county Bay Area regional average VMT, shall be presumed to have a less-than-significant transportation impact. The project site is located in a low VMT area and, therefore, the project would not result in significant transportation impacts.

**Noise:** The project would not exceed the City's applicable significance thresholds related to noise or vibration. The project is not located within the vicinity of a private airstrip or a public airport and would not expose people residing or working in the area to excessive aircraft noise levels.

The project would result in construction noise and vibration at levels similar to other midrise construction projects within the City. There is nothing unique or peculiar about the project or its construction that would suggest that the project would have greater construction noise or vibration impacts than other typical midrise construction projects.

The project would include stationary sources of operational noise, such as mechanical heating, ventilating, and air conditioning (HVAC) equipment, that are standardized for noise reduction as well as an emergency generator for the elevator. Stationary equipment would be located and shielded to operate within the City's Noise Ordinance requirements. As directed by the California Supreme Court in *Make UC A Good Neighbor v. Regents of University of California* (2024), 16 Cal. 5th 43, noise from resident activity at the site is not considered an environmental impact.

Based on the above discussion, the project would not result in significant or unique noise impacts. With implementation of all required standard conditions of approval pertaining to noise (see Section 5.0 of the CEQA Checklist for full text of applicable conditions), the project would not result in significant effects related to noise or vibration. For these reasons, the project would meet the criteria pursuant to CEQA Guidelines Section 15332(d).

**Air Quality:** The project would not exceed the City's applicable significance thresholds related to air quality. The project is consistent with the policies and standards of the City's General Plan and proposes infill residential development within an area that is well served by transit. As such, the project is also considered to be consistent with the Clean Air Plan.

The project would not exceed the screening criteria published by the Bay Area Air Quality Management District (BAAQMD) air quality emissions resulting from construction or operations. Construction-related emissions from the project will be reduced to a less-than-significant level with implementation of required City of Mountain View standard conditions of approval. Given the nature of the proposed residential use, project operations would not be a substantial source of toxic air contaminants and would not pose a health risk to others. Pursuant to the City of Mountain View's standard conditions of approval, the project will be required to install MERV 13 or better HVAC air filters which will remove emissions from indoor air and ensure that the project will not result in significant health risks.

With implementation of the City's standard conditions of approval, the project would not result in significant effects related to air quality and would meet the criteria pursuant to CEQA Guidelines Section 15332(d).

**Water Quality:** The project would not exceed the City's applicable significance thresholds related to water quality. The project site is currently developed and is located within an urbanized environment. There are no lakes, creeks, or other surface waters in the immediate site vicinity. The project site is served by the City's existing stormwater system and downstream conveyance channels that will receive runoff from the project.

Given the location and flat nature of the site, the project would not substantially increase runoff as a source of polluted runoff from the site. The project will be subject to regulatory requirements and the City's standard conditions of approval, which require site design measures to reduce the amount of stormwater runoff and limit pollution in stormwater runoff. With implementation of all required standard conditions pertaining to water, the project would not result in significant impacts related to water quality and would meet the criteria pursuant to CEQA Guidelines Section 15332(d) for an infill exemption; and

**5. The site can be adequately served by all required utilities and public services. As documented in the utility impact study, the project would not exceed the City's applicable significance thresholds related to utilities and public services.** The project site is located within an urbanized residential area of the City which is served by all needed utilities (e.g., water, electricity, sanitary sewer facilities, and storm drain facilities) and all required public services (e.g., Police and Fire services and public schools). The proposed redevelopment will require specific on-site extensions and improvements to existing utility infrastructure to serve the new residential condominium building. Based on the findings and recommendations of the utility study, which also incorporates information from previous studies, the project would not contribute to additional deficiencies in the water system or sewer system.

The project would not result in significant effects related to utilities or public services and would meet the criteria pursuant to CEQA Guidelines Section 15332(d) for an infill exemption.

2. Heritage Tree Removal Permit to remove six Heritage trees (Tree Nos. 4, 5, 6, 7, 8, and 9) pursuant to City Code Section 32.35:

a. **It is 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.** It is 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 Heritage trees to be removed are located within the building footprint, necessitating their removal for project construction. This was identified in the arborist report prepared by Kielty Arborist Report Services, LLC, dated April 18, 2024, and reviewed by the City arborist;

b. **It is 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.** It is 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 the trees are within the building footprint, and it would be infeasible to design the building and parking to avoid conflict with the trees' protection zones given the proposed footprint of the project;

c. **It is appropriate to remove the trees based on the nature and qualities of the trees as Heritage trees, including maturity, aesthetic qualities, such as its canopy, shape and structure, majestic stature, and visual impact on the neighborhood.** It is appropriate to remove the trees based on the nature and qualities of the trees as Heritage trees, including maturity, aesthetic qualities, such as its canopy, shape and structure, majestic stature, and visual impact on the neighborhood because the trees are located within the building footprint, and replacement trees at a minimum 24" box size will be provided to offset the loss of Heritage trees at a 2:1 ratio;

d. **It is appropriate 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.** It is appropriate 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 because the project proposes replacement trees at a minimum 24" box size to offset the loss of Heritage trees at a 2:1 ratio; and

e. **The approval of the Heritage Tree Removal Permit complies with CEQA.** The approval of the Heritage tree removals proposed as part of the 80-unit residential development project complies with CEQA because it qualifies as a categorically exempt project per CEQA



Guidelines Section 15332 (“In-Fill Development Projects”) because the project is consistent with the following findings, and none of the exceptions in CEQA Guidelines Section 15300.2 apply:

(1) ***The project is consistent with the applicable General Plan designation and all applicable General Plan policies as well as with applicable zoning designation and regulations.*** The Applicant submitted a preliminary application before the City adopted a substantially compliant Housing Element for a housing development project that proposes 20% of its total units to be affordable to lower-income households; therefore, the project qualifies as a Builder’s Remedy project pursuant to the Builder’s Remedy provisions of the HAA in effect between January 1, 2024 and December 31, 2024. The Builder’s Remedy provision of the HAA prohibits the City from relying on inconsistencies with zoning and General Plan standards as a basis for denial of a housing development project for very low-, low-, or moderate-income households. Therefore, any existing zoning requirements and development standards that the project is not in compliance with are not “applicable” to the project within the meaning of CEQA Guidelines Section 15332, subdivision (a). The project is consistent with applicable designations and policies. Development of a residential development project is consistent with the R3 (Multiple-Family) Zoning Designation and applicable zoning regulations, such as pavement coverage, total open area, and bicycle parking requirements. The proposed project is also consistent with the Medium-High Density Residential designation in the General Plan and applicable General Plan policies, such as LUD 3.5 (Diversity), as the project encourages residential developments serving a range of diverse households and incomes. The proposed project is a residential development that supports a range of incomes as the project proposes 20% affordable units. The project also supports LUD 3.9 (Parcel Assembly) as the project supports the assembly of smaller parcels to encourage infill development that meets City standards and spurs neighborhood reinvestment;

(2) ***The proposed development occurs within City limits, on a project site of no more than five acres, substantially surrounded by urban uses.*** The gross project site is approximately 0.48 acre in size and is located at the southwest corner of Middlefield Road and Tyrella Avenue within the eastern-central portion of the City of Mountain View. The site is located within an urbanized, developed residential area of the City and is surrounded by existing residential uses. Therefore, the proposed project would meet this criterion;

(3) ***The project site has no value as habitat for endangered, rare, or threatened species.*** The project site is developed with existing residential uses and is located within a developed, urban area of the City. Vegetation on the site consists of landscape trees, and the site does not contain habitat for endangered, rare, or threatened species. The project will be required to comply with the City’s standard tree replacement requirements outlined in the City Code and the City’s Standard Conditions of Approval.

No species identified as a candidate, sensitive, or special-status species are known to occur at the site location, and no sensitive or jurisdictional habitats are present at or adjacent to the site. The site is not part of any habitat conservation plan. Therefore, the project

site has no value as habitat for endangered, rare, or threatened species, and the project would meet this criterion under CEQA Guidelines Section 15332(c);

**(4) *Approval of the project would not result in any significant effects relating to traffic/transportation, noise, air quality, or water quality.***

**Traffic/Transportation:** As the project is residential, it would not exceed the City's transportation impact thresholds. According to the City of Mountain View's VMT policy, residential projects located in areas of low VMT, defined as exhibiting VMT that is 15% or greater below the existing nine-county Bay Area regional average VMT, shall be presumed to have a less-than-significant transportation impact. The project site is located in a low-VMT area and, therefore, the project would not result in significant transportation impacts.

**Noise:** The project would not exceed the City's applicable significance thresholds related to noise or vibration. The project is not located within the vicinity of a private airstrip or a public airport and would not expose people residing or working in the area to excessive aircraft noise levels.

The project would result in construction noise and vibration at levels similar to other midrise construction projects within the City. There is nothing unique or peculiar about the project or its construction that would suggest that the project would have greater construction noise or vibration impacts than other typical midrise construction projects.

The project would include stationary sources of operational noise, such as mechanical heating, ventilating, and air conditioning (HVAC) equipment that is standardized for noise reduction as well as an emergency generator for the elevator. Stationary equipment would be located and shielded to operate within the City's Noise Ordinance requirements. As directed by the California Supreme Court in *Make UC A Good Neighbor v. Regents of University of California* (2024), 16 Cal. 5th 43, noise from resident activity at the site is not considered an environmental impact.

Based on the above discussion, the project would not result in significant or unique noise impacts. With implementation of all required standard conditions of approval pertaining to noise (see Section 5.0, CEQA Checklist, for full text of applicable conditions), the project would not result in significant effects related to noise or vibration. For these reasons, the project would meet the criteria pursuant to CEQA Guidelines Section 15332(d).

**Air Quality:** The project would not exceed the City's applicable significance thresholds related to air quality. The project is consistent with the policies and standards of the City's General Plan and proposes infill residential development within an area that is well served by transit. As such, the project is also considered to be consistent with the Clean Air Plan.

The project would not exceed the screening criteria published by the BAAQMD air quality emissions resulting from construction or operations. Construction-related emissions from the project will be reduced to a less-than-significant level with implementation of required City of Mountain View standard conditions of approval. Given the nature of the proposed residential use, project operations would not be a substantial source of toxic air contaminants and would not pose a health risk to others. Pursuant to the City of Mountain View's standard conditions of approval, the project will be required to install MERV 13 or better HVAC air filters, which will remove emissions from indoor air and ensure that the project will not result in significant health risks.

With implementation of the City's standard conditions of approval, the project would not result in significant effects related to air quality and would meet the criteria pursuant to CEQA Guidelines Section 15332(d).

**Water Quality:** The project would not exceed the City's applicable significance thresholds related to water quality. The project site is currently developed and is located within an urbanized environment. There are no lakes, creeks, or other surface waters in the immediate site vicinity. The project site is served by the City's existing stormwater system and downstream conveyance channels that will receive runoff from the project.

Given the location and flat nature of the site, the project would not substantially increase runoff as a source of polluted runoff from the site. The project will be subject to regulatory requirements and the City's standard conditions of approval, which require site design measures to reduce the amount of stormwater runoff and limit pollution in stormwater runoff. With implementation of all required standard conditions pertaining to water, the project would not result in significant impacts related to water quality and would meet the criteria pursuant to CEQA Guidelines Section 15332(d) for an infill exemption; and

(5) ***The site can be adequately served by all required utilities and public services.*** As documented in the utility impact study, the project would not exceed the City's applicable significance thresholds related to utilities and public services. The project site is located within an urbanized residential area of the City, which is served by all needed utilities (e.g., water, electricity, sanitary sewer facilities, and storm drain facilities) and all required public services (e.g., Police and Fire services and public schools). The proposed redevelopment will require specific on-site extensions and improvements to existing utility infrastructure to serve the new residential condominium building. Based on the findings and recommendations of the utility study, which also incorporates information from previous studies, the project would not contribute to additional deficiencies in the water system or sewer system.

The project would not result in significant effects related to utilities or public services and would meet the criteria pursuant to CEQA Guidelines Section 15332(d)(5) for an infill; and be it

FURTHER RESOLVED: that the City Council hereby approves the Development Review Permit and Heritage Tree Removal Permit for the project at 294-296 Tyrella Avenue (APN 160-32-001 and 160-32-002) (Application No. PL-2023-102), based on the findings above and subject to the Applicant's fulfillment of all the conditions of approval, which are attached hereto as Exhibit A and incorporated by reference as though fully set forth herein; and be it

FURTHER RESOLVED: that, in a good-faith effort to reduce financial constraints on housing development projects for lower-income households, in an effort to avoid protracted and expensive litigation over Builder's Remedy law, which will only serve to delay this housing project, and to demonstrate the City's commitment to addressing the state and regional housing crisis, the City Council will not impose conditions of approval requiring Park Land Dedication In Lieu fees or Transportation Impact Fees for the project; and be it

FURTHER RESOLVED: that, notwithstanding any representations to the contrary in the Applicant's project submittals, this Resolution does not waive the requirement for subsequent City approvals as applicable, including, but not limited to, approvals for building permits, excavation permits, demolition permits, encroachment permits, use permits, licenses, certificates of occupancy, etc.

#### TIME FOR JUDICIAL REVIEW

The time within which judicial review of this decision must be sought is governed by California Code of Civil Procedure Section 1094.6, as established by Resolution No. 13850, adopted by the City Council on August 9, 1983.

#### NOTICE

The conditions of project approval set forth herein include certain fees and other exactions. Pursuant to Government Code Section 66020(d)(1), these conditions constitute written notice of a statement of the amount of such fees and a description of the dedications, reservations, and exactions. The Applicant is hereby further notified that the 90-day appeal period in which the Applicant may protest these fees and other exactions pursuant to Government Code Section 66020(a) has begun. If the Applicant fails to file a protest within this 90-day period complying with all requirements of Section 66020, the Applicant will be legally barred from later challenging such fees or exactions.

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KP/6/RESO  
828-04-08-25r

Exhibit: A. Conditions of Approval

**CONDITIONS OF APPROVAL**  
**APPLICATION NO.: PL-2023-102**  
**294-296 Tyrella Avenue**

The applicant is hereby notified, as part of this application, that the applicant is required to meet the following conditions in accordance with the Mountain View City Code and the State of California. Where approval by a City Department Director or Official 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 the applicant 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 an 80-unit residential condominium development located on Assessor's Parcel Nos. 160-32-001 and 160-32-002. Development shall be substantially as shown on the project materials listed below, except as may be modified by conditions contained herein, which are kept on file in the Planning Division of the Community Development Department:

- a. Project plans prepared by Tower Investment, LLC, dated February 28, 2025.
- b. Arborist Report prepared by Kielty Arborist Report Services, LLC, dated April 18, 2024.

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

Planning Division—650-903-6306 or [planning.division@mountainview.gov](mailto:planning.division@mountainview.gov)

1. **EXPIRATION:** This permit is valid for a period of two years from the date of approval. This permit shall become null and void if building permits have not been issued and construction activity has not commenced within the two-year period or if there has been no significant construction activity for a period of one year following the last building inspection for an issued building permit, unless a permit extension application has been submitted to and approved by the Zoning Administrator at a duly noticed public hearing prior to the expiration date or continuation of construction.
2. **PERMIT EXTENSION:** Zoning permits may be extended for up to two years after an Administrative Zoning public hearing, in compliance with procedures described in Chapter 36 of the City Code. An application for extension must be filed with the Planning Division, including appropriate fees, prior to the original expiration date of the permit(s). An application for a permit extension, in accordance with Section 36.56.65 (Time limits and extensions) of the City Code, shall be approved if the applicant has proceeded in good faith and exercised due diligence to commence construction in a timely manner.
3. **VESTING:** Notwithstanding any extension provided under Condition of Approval No. 2, the project shall only be subject to ordinances, plans, and standards in effect at the time of the preliminary application unless construction is not commenced within two and one-half years following the date of the project's "final approval" as defined by Government Code section 65589.5(o)(2)(D)(ii). In the event that construction is not commenced within two and one-half years following the date of the project's "final approval", the Project may be subject to ordinances, plans, and standards adopted after the preliminary application is submitted. See Government Code § 65589.5(o)(2)(D). **(PROJECT-SPECIFIC CONDITION)**
4. **PLANNING INSPECTION:** Inspection(s) by the Planning Division are required for foundation, framing, application of exterior materials, and final completion of each structure to ensure that the construction matches the approved plans.
5. **AIR QUALITY:** The applicant is 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.
6. **CERTIFICATION OF BUILDING PERMIT PLANS:** In a letter, the project architect shall certify the architectural design shown in the building permit plans match the approved plans. Any changes or modifications must be clearly noted in writing and shown on redlined plan sheets. The project architect shall also certify 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 Division.

7. **ACCESSORY STRUCTURE(S):** Any future accessory structure on-site will require approval by the Planning Division and may require separate City permits.
8. **ZONING INFORMATION:** The following information must be listed on the title sheet of the building permit drawings: (a) zoning permit application number; (b) zoning district designation; (c) total floor area ratio and residential density in units per acre, if applicable; (d) lot area (in square feet and acreage); and (e) total number of parking spaces.

#### PERMIT SUBMITTAL REQUIREMENTS

9. **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 duly noticed public hearing, which can be referred to the City Council.
10. **FLOOR AREA RATIO (FAR) DIAGRAM:** Building permit drawings must include a floor area ratio (FAR) diagram for each structure on-site, clearly identifying each level of the structure(s) and the gross area(s) which count toward floor area per required zoning calculations. The diagram must also clearly identify all areas which are exempt from FAR.
11. **PAINT COLOR-CODING:** At submittal of building plan check, provide color-coded elevations of each side of the building(s) detailing the location of all paint and stain colors, manufacturer, and color names.
12. **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 during building plan check, and the recommendations made in the geotechnical report will be implemented as part of the project and included in building permit drawings and civil drawings as needed. 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 build-up of hydrostatic pressure; considerations for design of excavation shoring system; excavation monitoring; and seismic design.
13. **TOXIC ASSESSMENT:** A toxic assessment report shall be prepared and submitted as part of the building permit submittal. 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's Fire Department (Fire and Environmental Protection Division); 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 a site toxics mitigation plan has been approved.
14. **SIGNAGE:** Signs shown on Sheets A0.3, A1.2, A1.4, A3.1, and A4.3 are not approved and must comply with the objective standards in City Code Section 36.36.25. **(PROJECT-SPECIFIC CONDITION)**

#### OPERATIONS

15. **ROOF DECK OPERATION:** The approved hours of operation for the rooftop common area shall be limited to 8:00 a.m. to 10:00 p.m. and shall not allow amplified music in excess of City of Mountain View standards as established in the City Code as measured in decibels at the property boundaries by a professional sound engineer.
16. **PARKING MANAGEMENT PLAN:** Prior to building permit issuance, the applicant shall develop a parking management plan describing parking allocation for residents, guests, and/or commercial uses on the project site.

17. **LOADING/DELIVERY PLAN:** Prior to building permit issuance, the applicant shall develop a plan specifying measures to manage on-site deliveries and loading, which may include measures to tailor delivery hours and/or days to limit conflicts with peak traffic times or adjacent land uses.
18. **UNBUNDLED PARKING:** All parking spaces for the project shall be unbundled and must be offered for sale or lease separately from the residential units pursuant to Assembly Bill 1317. **(PROJECT-SPECIFIC CONDITION)**

#### SITE DEVELOPMENT AND BUILDING DESIGN

19. **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.
20. **TRIM MATERIALS:** Details of the specific placement, utilization, and finish of the trim materials shall be provided with the building permit drawings.
21. **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.
22. **WINDOWS:** Type, design, material, and installation details for all windows within the project shall be specified for each unit in the building permit drawings.
23. **MOCK-UP:** The applicant shall set up a large material and color mock-up on-site, prior to building permit issuance and purchase of the finish materials. At a minimum, the mock-up shall include stucco, cementitious siding, fabric awning and paint samples. Proposed primary and secondary (accent) paint colors should be painted next to each other on the mock-up for purposes of inspection.
24. **ROOFTOP EQUIPMENT SCREEN:** All rooftop equipment must be concealed behind opaque screening designed to complement the building design. Details of the rooftop equipment and roof screens shall be included in the building permit drawings.
25. **MECHANICAL EQUIPMENT (GROUND SCREENING):** All mechanical equipment, such as air condenser (AC) units or generators, shall be concealed behind opaque screening or landscaping. No mechanical equipment is permitted on front porches or balconies but may be located in the fenced yard area or building rooftops.
26. **OUTDOOR STORAGE:** There is to be no outdoor storage without specific Development Review approval by the Planning Division.
27. **FENCE(S)/WALL(S):** All fencing and walls are to be shown on building plan drawings, including details on height, location, and material finish. No fence or wall shall exceed 6' in height, measured from adjacent grade to the top of the fence or wall. The design and location must comply with all setback requirements.
28. **PARKING SPACE DESIGN:** All parking spaces must be double-striped with 4" wide stripes. Double stripes shall be 18" apart, from outside edge to outside edge of the stripes, or 10" from inside edge to inside edge of the stripes. 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'. For parallel parking spaces, only single-striped or tic-mark is required between spaces. Single stripes shall be measured from interior edge to interior edge of the stripe, such that the space between stripes is 24'.
29. **LIGHTING PLAN:** The applicant shall submit a lighting plan in building permit drawings. 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, which is demonstrated with photometric contours extending beyond the project property lines.
30. **ROOFTOP DECK LIGHTING:** Proposed lighting fixtures on the rooftop decks and courtyards shall not emit direct light onto the ground level on adjacent public streets. Any string lighting shall be designed to include shades to avoid light spillover and be

screened so they are not visible from off-site. Limited pedestrian-scale/building-mounted lighting along pathways may be permitted subject to review and approval of photometric lighting plan submitted as part of the building permit drawings or as required for safety per California Building Code requirements.

31. **BIKE PARKING FACILITIES:** The applicant shall provide the following bike parking on the project site, which must be shown on building permit drawings:
- Short-term bike parking for visitors, including a minimum of ten (10) bike spaces total. These spaces shall be provided as bike racks which 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 are infeasible. If space is unavailable near building entrances, the racks must be designed so that the lock is protected from physical assault and must include clear and visible signage leading to public bicycle parking if not visible from a street or public path.
  - Long-term bike parking for residents at one (1) bike space per unit, for a total of 80 bike spaces. These spaces shall be in a secure location to protect against theft and may include, but are not limited to, bike lockers, enclosed cages, or other restricted interior areas. Any area used for long-term bike parking shall not be included in zoning calculations for floor area or building coverage.

#### GREEN BUILDING

32. **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 110 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.
33. **ENERGY MONITORING:** To support energy management and identify opportunities for energy savings, the project shall provide submeters or equivalent combinations of sensors to record energy use data (electricity, natural gas, etc.) for each major energy system in the building.

#### TREES AND LANDSCAPING

34. **LANDSCAPING:** Detailed landscape plans encompassing on- and off-site plantable areas out to the street curb must be included in building permit drawings. Minimum plant sizes are flats or one-gallon containers for ground cover, five-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 (forms are available online at [www.mountainview.gov/planningforms](http://www.mountainview.gov/planningforms)). Additional landscaping materials or modifications may be required by the Planning Division at final inspection to ensure adequate planting coverage and/or screening.
35. **LANDSCAPE 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.
36. **STREET TREES:** Install standard City street trees along the street frontage, including where there are gaps in the space of existing street trees. 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 submitted for building permit review. New street trees shall be planted in accordance with Detail F-1 of the Public Works Standard Provisions, a minimum of 10' from sanitary sewer lines, traffic signals, stop and yield signs, and streetlights and 5' from water lines, fire lines, and driveways. Street trees are to be irrigated by the property owner in accordance with Chapter 32 of the City Code.



37. **STREET TREE FORM:** 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 email the original to the Parks Division at [parks@mountainview.gov](mailto:parks@mountainview.gov) and provide a duplicate copy to the Building Division with building permit submittal.
38. **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.
39. **TREE REMOVALS:** Permits to remove, relocate, or otherwise alter Heritage trees cannot be implemented until a project building permit for new construction is secured and the project is pursued.
40. **REPLACEMENT TREES:** The applicant shall offset the loss of each Heritage/street tree with two 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 or street replacement trees.
41. **TREE PROTECTION MEASURES:** The tree protection measures for Tree Nos. 1, 10, and 17 shall be included as notes on the title sheet of all grading, landscape plans, and utility plans. These measures shall follow the City's Tree Technical Manual for tree protection installation, which 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. **(PROJECT SPECIFIC CONDITION)**
42. **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, the tree shall be replaced with a similar tree in size and species.
- NOISE
43. **MECHANICAL EQUIPMENT (NOISE):** 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.
44. **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.
45. **SITE-SPECIFIC BUILDING ACOUSTICAL ANALYSIS:** A qualified acoustical consultant will review final site plans, building elevations, and floor plans prior to construction to calculate expected interior noise levels as required by State noise regulations. Project-specific acoustical analyses are required by the California Building Code (CBC) to confirm that the design results in interior noise levels reduced to 45 dB(A)Ldn or lower. The specific determination of what noise insulation treatments are necessary will be completed on a unit-by-unit basis. Results of the analysis, including the description of the necessary noise control treatments, will be submitted to the City along with the building plans and approved prior to issuance of a building permit. Building sound insulation requirements will include the provision of forced-air mechanical ventilation for all residential units as recommended by the qualified acoustical consultant, so that windows can be kept closed at the occupant's discretion to control noise. Special building techniques (e.g., sound-rated windows and building facade treatments) will be implemented as recommended by the qualified acoustical consultant to maintain interior noise levels at or below acceptable levels. These treatments will include, but are not limited to, sound-rated windows and doors, sound-rated wall construction, acoustical caulking, protected ventilation openings, etc.

## CC&RS AND DISCLOSURES

46. **CC&Rs:** One electronic PDF of the proposed Covenants, Conditions, and Restrictions (CC&Rs) for the homeowners association shall be submitted to the Planning Division that meets all state and federal requirements prior to building permit issuance. The applicant shall provide a completed CC&R checklist at submittal along with associated review fee made payable to the City of Mountain View. The checklist can be obtained by contacting the project planner or by email inquiry to [planning.division@mountainview.gov](mailto:planning.division@mountainview.gov).

## CONSTRUCTION ACTIVITIES

47. **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).
48. **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 plan shall also include a monitoring and enforcement measure and will be monitored by the owner/operator of the property (or primary contractor), and penalties will be enforced by the owner/operator of the property (or primary contractor). The construction parking management plan shall be subject to review and approval by the Zoning Administrator prior to the issuance of building permits.
49. **NOTICE OF CONSTRUCTION:** The applicant shall notify neighbors within 750' 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.
50. **DISTURBANCE COORDINATOR:** The 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.
51. **HEALTH AND SAFETY MEASURES:** The permittee/contractor is responsible for preparing and implementing an appropriate health and safety plan to address the contamination and manage the operations in a safe manner and in compliance with the Cal/OSHA Construction Safety Orders and other state and federal requirements.
52. **HAZARDOUS MATERIALS CONTAMINATION:** To reduce the potential for construction workers and adjacent uses to encounter hazardous materials contamination from asbestos-containing materials (ACM) and lead-based paint, the following measures are to be included in the project:
- In conformance with local, state, and federal laws, an asbestos building survey and a lead-based paint survey shall be completed by a qualified professional to determine the presence of ACMs and/or lead-based paint on the structures proposed for demolition. The surveys shall be completed prior to demolition work beginning on the structures.
  - A registered asbestos abatement contractor shall be retained to remove and dispose of all potentially friable ACMs, in accordance with the National Emissions Standards for Hazardous Air Pollutants (NESHAP) guidelines, prior to building demolition that may disturb the materials. All construction activities shall be undertaken in accordance with Cal/OSHA standards, contained in Title 8 of the California Code of Regulations (CCR), Section 1529, to protect workers from exposure to asbestos. Materials containing more than 1% asbestos are also subject to Bay Area Air Quality Management District (BAAQMD) regulations.

During demolition activities, all building materials containing lead-based paint shall be removed in accordance with Cal/OSHA Lead in Construction Standard, Title 8, CCR 1532.1, including employee training, employee air monitoring, and dust control.

Any debris or soil containing lead-based paint or coatings shall be disposed of at landfills that meet acceptance criteria for the waste being disposed.

53. **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: (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; (f) idling times shall be minimized either by shutting equipment off when not in use or reducing the maximum idling time to five minutes (as required by the California airborne toxics control measures Title 13, Section 2485, of the CCR). Clear signage shall be provided for construction workers at all access points; (g) all construction equipment shall be maintained and properly tuned in accordance with manufacturer's specifications. All equipment shall be checked by a certified mechanic and determined to be running in proper condition prior to operation; and (h) post a publicly visible sign with the telephone number and person to contact at the City of Mountain View regarding dust complaints. This person will respond and take corrective action within 48 hours. BAAQMD's phone number shall also be visible to ensure compliance with applicable regulations.
54. **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) the contractor will stockpile soil during redevelopment activities to allow for proper characterization and evaluation of disposal options; (c) the contractor will monitor area around construction site for fugitive vapor emissions with appropriate field screening instrumentation; (d) the contractor will water/mist soil as it is being excavated and loaded onto transportation trucks; (e) the contractor will place any stockpiled soil in areas shielded from prevailing winds; and (f) the contractor will cover the bottom of excavated areas with sheeting when work is not being performed.
55. **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.
56. **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 their authority, the Coroner 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.

57. **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.
58. **INDOOR FORMALDEHYDE REDUCTIONS:** If the project utilizes composite wood materials (e.g., hardwood plywood, medium density fiberboard, particleboard) for interior finishes, then only composite wood materials that are made with CARB approved, no-added formaldehyde (NAF) resins, or ultra-low emitting formaldehyde (ULEF) resins shall be utilized (CARB, Airborne Toxic Control Measure to Reduce Formaldehyde Emissions from Composite Wood Products, 17 CCR Section 93120, *et seq.*, 2009-2013).
59. **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 as described below shall be performed no more than two days prior to construction activities to locate any active nests.

The applicant shall retain 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. Surveys shall be conducted to the greatest extent practicable, taking into account the potential difficulty of securing the approval of other private landowners to enter their property for surveys. If active nests are observed on either the project site or the surrounding area, the 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.

Housing Department—650-903-6190 or [housing@mountainview.gov](mailto:housing@mountainview.gov)

60. **BMR UNITS:** Government Code Section 65589.5 (effective January 1, 2024 – December 31, 2024), requires at least 20% of the total units within the development to be Below-Market-Rate (BMR) units affordable to households whose income does not exceed 80% of the Area Median Income (AMI). To meet this requirement, Applicant shall provide sixteen (16) studio units for households at 80% of AMI (collectively referred to as “BMR Units”) in accordance with Applicant’s Affordable Housing Compliance plans received March 5, 2025.
61. **BMR UNITS—CONTINUED AFFORDABILITY:** Government Code Section 65589.5 (effective January 1, 2024–December 31, 2024), requires developers to provide sufficient legal commitments to ensure continued availability of units for very low or low-income households for at least 30 years. To meet this requirement, prior to issuance of a certificate of occupancy, Applicant shall: (1) record a deed restriction that ensures the continued availability of the BMR units at 80% AMI for 30 years; and (2) enter into a regulatory agreement with the City of Mountain View (City), that sets forth the affordability requirements for the BMR units and authorizes a third party administrator to complete annual compliance monitoring and submit annual reports to City staff sufficient to ensure continued compliance with maximum rents and housing costs for residential units at 80% of AMI and to ensure occupants of all BMR Units qualify for the income-restricted units. Applicant shall contact the Housing Department at 650-903-6190 for preparation of the regulatory agreement.
62. **BMR RENTAL UNIT MIX:** The plan set, dated February 28, 2025 and submitted March 5, 2025, labels Floor Plan “E” classified as studio units. For this reason, units labeled Floor Plan “E” will be considered studio units and in any affordable housing agreements with the City and will be priced as studio units for rental or ownership purposes. **(PROJECT-SPECIFIC CONDITION)**
63. **CONDOMINIUM CONVERSION:** The conversion of a BMR Unit from a rental unit (apartment) to an ownership unit (condominium) shall have no impact on the units’ designation as a BMR Unit during the 30-year period in which the unit is

deed-restricted, and the unit shall remain affordable whether through sale or rent to households whose income does not exceed 80% of AMI during the 30-year period. Applicant shall comply with all applicable federal and state laws requiring the provision of relocation assistance to tenants displaced by a condominium conversion or requiring that displaced tenants be provided a right of first refusal to purchase their converted unit. Prior to the sale of a BMR Unit, the Applicant shall work with City staff to update the regulatory agreement required by COA No. 61 as necessary to allow City staff to monitor compliance with restrictions on the sale price and ownership of affordable units.

Building Division—650-903-6313 or [building@mountainview.gov](mailto:building@mountainview.gov)

Entitlement review by the Building Division is preliminary. Building and Fire plan check reviews are separate permit processes applied for once the zoning approval has been obtained and appeal period has concluded; a formal permit submittal to the Building Division is required. Plan check review shall determine the specific requirements and construction compliance in accordance with adopted local, state, and federal codes for all building and/or fire permits. For more information on submittal requirements and timelines, contact the Building Division online at [www.mountainview.gov/building](http://www.mountainview.gov/building). It is a violation of the MVCC for any building occupancy or construction to commence without the proper building and/or fire permits and issued Certificate of Occupancy.

64. **BUILDING CODES:** Construction plans must meet all applicable codes, including, without limitation, Building, Residential, Fire, Electrical, Mechanical, Plumbing, CALGreen, and CAEnergy Codes, in conjunction with the City of Mountain View Local Amendments, and the Mountain View Green Building Code (MVGBC) adopted by the Building Division, in effect at the time of building permit submittal, except that the project shall not be required to comply with the 100% photovoltaic requirements (including as reflected in current City Code Sections 8.20.8, 8.20.9, 8.20.10, 8.20.12, and 8.20.14 or as may be amended or newly adopted in the future).

The project submittal dated February 28, 2025 includes a three-level parking garage and a new at-grade dwelling unit. Preliminary review of the submittal indicates that the proposed at-grade dwelling unit does not meet code requirements. During the formal building plan check process, applicant shall work with Building Division staff to make any modifications necessary to ensure code compliance. **(PROJECT-SPECIFIC CONDITION)**

65. **USE AND OCCUPANCY CLASSIFICATION:** Provide proposed use(s) and occupancy(ies) for the proposed project per the CBC, Chapter 3.
66. **SPECIAL REQUIREMENTS BASED ON OCCUPANCY AND USE:** Project shall comply with the requirements per the CBC, Chapter 4.
67. **DWELLING UNIT SEPARATION:** Private garage separation required per the CBC, Section 406.3.2.
68. **OPENING PROTECTION:** Openings from a private garage directly into a room used for sleeping purposes shall not be permitted per the CRC, Section R302.5.1.
69. **BUILDING HEIGHT AND NUMBER OF STORIES:** The project shall comply with the requirements per the CBC, Chapter 5, Section 504.
70. **BUILDING AREA:** The project shall comply with the requirements per the CBC, Chapter 5, Section 506.
71. **MIXED USE AND OCCUPANCY:** The project shall comply with the requirements per the CBC, Chapter 5, Section 508.
72. **OCCUPANCY SEPARATION:** Proper separation is required to be provided between occupancies per the CBC, Table 508.4.
73. **TYPE OF CONSTRUCTION:** Provide the type of proposed construction per Chapter 6 of the CBC.
74. **FIRE AND SMOKE PROTECTION FEATURES:** The project shall comply with the requirements per the CBC, Chapter 7.

75. **MINIMUM DISTANCE OF PROJECTIONS:** The project shall comply with the requirements per the CBC, Chapter 7 (Table 705.2).
76. **FIRE-RESISTANCE RATING FOR EXTERIOR WALLS BASED ON FIRE SEPARATION DISTANCE:** The project shall comply with the requirements per the CBC, Chapter 7 (Table 705.5).
77. **MAXIMUM AREA OF EXTERIOR WALL OPENINGS BASED ON FIRE SEPARATION DISTANCE AND DEGREE OF OPENING PROTECTION:** The project shall comply with the requirements per the CBC, Chapter 7 (Table 705.8).
78. **FIRE WALLS:** Provide the required Fire Wall Resistance Ratings per CBC, Chapter 7, Table 706.4(c), as amended in MVCC Section 8.10.24.
79. **MEANS OF EGRESS:** The project is required to comply with the requirements per the CBC, Chapter 10, Means of Egress.
80. **OCCUPANT LOAD:** The project shall comply with Table 1004.5, Maximum Floor Area Allowance per Occupant, per the CBC, Chapter 10, Section 1004.
81. **ACCESSIBLE MEANS OF EGRESS:** The site must meet accessible means of egress per the CBC, Chapter 10, Section 1009.
82. **ACCESSIBILITY REQUIREMENTS:**
- **Chapter 11A:** The project will be required to comply with the accessibility requirements in the CBC, Chapter 11A.
  - **Parking (Chapter 11A):** The project will be required to comply with the accessible parking requirements in the CBC, Chapter 11A.
  - **Assigned Accessible Parking Spaces (Chapter 11A):** When assigned parking spaces are provided, at least 2% of the assigned parking spaces are required to be accessible per the CBC, Chapter 11A, Section 1109A.4.
  - **Unassigned and Visitor Parking Spaces (Chapter 11A):** When parking is provided, at least 5% of the parking spaces are required to be accessible per the CBC, Chapter 11A, Section 1109A.5.
83. **PLUMBING FIXTURES:** The project shall comply with Table 422.1 of the California Plumbing Code (CPC), Section 4.
84. **DUAL PLUMBING:** New buildings and facilities shall be dual-plumbed for potable and recycled water systems for toilet flushing when recycled water is available, per California Green Building Standards Code, Appendix A5, A5.303.5.
85. **PLUMBING:** The project will be subject to the submetering requirements per Senate Bill 7 (Housing: Water Meters for Multi-Unit Structures).
86. **UTILITIES:** No utilities shall cross property lines.
87. **STRUCTURAL CALCULATIONS:** Structural calculations may be required once the application for a building permit is submitted.
88. **ADDRESSES:** All street names, street numbers, residential apartment numbers, ADU numbers, and suite numbers will be processed by the Building Division prior to permit issuance.
89. **SURVEY REQUIRED:** Structures within 6' of a property line, or required setback, shall provide a site survey certificate and obtain approval from the City prior to concrete pour.
90. **SCHOOL IMPACT FEE:** The project is subject to school impact fees. To obtain information, fee estimates, and procedures, please contact the following local school districts: Mountain View Los Altos Union High School District at [www.mvla.net](http://www.mvla.net) or 650-940-4650; *and* Mountain View Whisman School District at [www.mvwdsd.org](http://www.mvwdsd.org) or 650-526-3500; or Los Altos School District at [www.lasdschools.org](http://www.lasdschools.org) or 650-947-1150.



91. **DEMOLITION PERMIT(S):** Demolition permit(s) are issued under a separate permit application. Visit the City of Mountain View Building 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.
92. **ELECTRICAL VEHICLE CHARGERS (EVs) AND PHOTOVOLTAIC SYSTEM (PVs) PERMITS:** Proposed EV and PV are to be a deferred submittal under a separate building permit application.
93. **PEDESTRIAN PROTECTION:** Pedestrians shall be protected during construction, remodeling, and demolition; additionally, if required, signs shall be provided to direct pedestrian traffic. Provide sufficient information at the time of building plan submittal of how pedestrians will be protected from construction activity per the CBC, Section 3306.
94. **WORK HOURS/CONSTRUCTION SITE SIGNAGE:** 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. The general contractor, applicant, developer, or property owner shall erect a sign at all construction site entrances/exits to advise subcontractors and material suppliers of the working hours (see job card for specifics) and contact information, including an after-hours contact. Violation of this condition of approval may be subject to the penalties outlined in Section 8.70 of the MVCC and/or suspension of building permits.
95. **RESPONSIBLE CONSTRUCTION:** This project is subject to the City's Responsible Construction Ordinance. For projects covered by this Ordinance, owners, contractors, and/or qualifying subcontractors are required to acknowledge responsibilities and make specified certifications upon completion of a project. The required certifications include that: (a) employees are provided written wage statements and notice of employers' pay practices as required under State law (or, alternatively, are covered by a valid collective bargaining agreement); and (b) they have no unpaid wage theft judgements. Acknowledgement forms are required to be submitted at building permit application, which is available online at [www.mountainview.gov/building](http://www.mountainview.gov/building). More information is available at [www.mountainview.gov/wagetheft](http://www.mountainview.gov/wagetheft).

Fire Department—650-903-6343 or [fire@mountainview.gov](mailto:fire@mountainview.gov)

#### FIRE PROTECTION SYSTEMS AND EQUIPMENT

96. **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. Shop-quality drawings shall be submitted electronically for review and approval. The underground fire service system shall be approved prior to approval of the automatic fire sprinkler system. All work shall conform to NFPA 13, NFPA 24, NFPA 72, and Mountain View Fire Department specifications. (MVCC Sections 14.10.30 and 14.10.31 and California Fire Code Section 903.)
97. **STANDPIPE SYSTEM:** Provide a Class I standpipe system. (MVCC Sections 14.10.32, 14.10.33, 14.10.34, and 14.10.35 and California Fire Code Section 905.)
98. **FIRE PROTECTION DURING CONSTRUCTION:** Every building four stories or more in height shall be provided with no fewer than one 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. On each floor, there shall be provided a 2.5" valve outlet for Fire Department use. (California Fire Code, Chapter 33.)
99. **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. Installation shall be complete, and the system shall be tested prior to combustible construction.

100. **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 the start of combustible construction. The wharf hydrant shall be capable of providing a combination flow of 500 GPM with two 2.5" outlets flowing. Shop-quality drawings shall be submitted electronically for review and approval. (NFPA 24 and Mountain View Fire Department requirements.)
101. **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. (CCR, Title 19, Chapter 3, and California Fire Code, Section 906.)
102. **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. Shop-quality drawings shall be submitted electronically 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. (California Fire Code, Section 907, and MVCC Sections 14.10.36 and 14.10.37.)
103. **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 907.2.11.)
104. **CARBON MONOXIDE ALARMS:** All residential occupancies shall be provided with carbon monoxide alarms. Carbon monoxide alarms shall be installed in accordance with the California Building Code and the approved manufacturer's instructions. (California Fire Code, Section 915.)

#### FIRE DEPARTMENT ACCESS

105. **LOCKBOX:** Install an approved key lockbox per the Fire Protection Engineer's directions. (California Fire Code, Section 506.)
106. **KEYSWITCH:** Install an approved keyswitch per the Fire Protection Engineer's directions. Contact the Building Division at 650-903-6313 or [building@mountainview.gov](mailto:building@mountainview.gov) for instructions. A keyswitch shall be required when there are interior electronically controlled doors (card readers, etc) that prevent rapid Firefighter deployment throughout the building (this does not include electronically controlled doors to individual dwelling units). The keyswitch shall be located in the main entrance lobby and shall automatically unlock all electronically controlled doors upon activation. Contact the FPE for more information.
107. **STRETCHER REQUIREMENTS:** In all structures with one or more passenger service elevators, 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. (CBC, Section 3002.4.)

#### EGRESS AND FIRE SAFETY

108. **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 plan sheets in the drawing sets. (CBC, Section 1008.)
109. **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. (CBC, Section 1013.)
110. **EXIT DOORS IN GROUPS A, E, H, AND I OCCUPANCIES:** Exit doors shall be provided with approved panic hardware. (CBC, Section 1010.2.9.)



111. **GROUP A OCCUPANCIES:** Buildings or portions of buildings used for assembly purposes shall conform to all requirements of Title 19 and the Uniform Building Code. This shall include, but not be limited to: (1) two exits; (2) fire-retardant drapes, hangings, Christmas trees, or other similar decorative material; and (3) posting of a maximum occupant load sign. (CCR, Title 19, Sections 3.08, 3.21, and 3.30.)
112. **GROUP A, E, I, AND R1 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. (CCR, Title 19, Sections 3.08 and 3.21.)
113. **INTERIOR WALL AND CEILING FINISHES:** Interior finishes shall have a flame-spread rating in accordance with the California Building Code, Chapter 8, and CCR, Title 19, Section 3.21.
114. **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. (CBC, Section 1004.9.)
115. **ON-SITE DRAWINGS:** Submit electronic (.pdf) drawing files according to Fire Department specifications prior to final Certificate of Occupancy.
116. **STAIRWAY IDENTIFICATION SIGNS:** For stairs connecting three 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. (CBC, Section 1023.9.)
117. **TWO-WAY COMMUNICATION:** A two-way communication system shall be provided at the landing serving each elevator or bank of elevators on each accessible floor that is one or more stories above or below the level of exit discharge. (CBC, Section 1009.8.)

#### HAZARDOUS CONDITIONS

118. **ELECTRICAL ENERGY STORAGE SYSTEMS:** Electrical Energy Storage Systems shall comply with the California Fire Code, Section 1207.

#### EXTERIOR IMPROVEMENTS

119. **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 and a minimum of 0.5" in width. (MVCC Section 14.10.18.)

#### OTHER

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

Public Works Department—650-903-6311 or [public.works@mountainview.gov](mailto:public.works@mountainview.gov)

#### OWNERSHIP AND PROPERTY

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

The applicant shall provide an updated title report to the Public Works Department upon request. All required materials shall be submitted electronically (i.e., flattened, reduced-size PDFs).

122. **SUBDIVISION:** The project site is a subdivision of existing parcels. Any combination or division of land for sale, lease, or financing purposes requires the filing and approval of a tentative map, completion of all conditions of subdivision approval, and the recordation of the parcel, all prior to the issuance of the building permit. In order to place the approval of a final map on the City Council agenda, all related materials must be completed and approved a minimum of 40 calendar days prior to the Council meeting date.

#### RIGHTS-OF-WAY

123. **STREET DEDICATION:** The existing half-street widths are 50' for Middlefield Road and 30' for Tyrella Avenue. No street dedication in easement or fee shall be dedicated on the map.
124. **PRIVATE UTILITY AND ACCESS EASEMENTS:** Dedicate private utility and/or access easements on the face of the map, as necessary, for the utility improvements.
125. **PLAT AND LEGAL DESCRIPTION:** For any new easement, submit to the Public Works Department for review and approval a legal description (metes and bounds), plat (drawing), and other required documents per the Legal Description and Plat Requirements handout. The handout is available online at: [www.mountainview.gov/landdevelopment](http://www.mountainview.gov/landdevelopment). The legal description and plat must be prepared and stamped by a California-registered civil engineer or land surveyor. All required materials shall be submitted electronically (i.e., flattened, reduced-size PDFs).

#### FEES AND PARK LAND

126. **MAP PLAN CHECK FEE:** Prior to the issuance of any building permits OR prior to approval of the first final map, as applicable, the applicant shall pay the map plan check fee in accordance with Sections 28.7.b and 28.6.b of the City Code per the rates in effect at time of application. The map plan check fee shall be paid at the time of the first map plan check submittal per the adopted fee in effect at time of application subject to any annual adjustments authorized by State law.
127. **PLAN CHECK AND INSPECTION FEE:** Prior to the issuance of any building permits OR prior to approval of the first final map, the applicant shall pay the plan check and inspection fee in accordance with Sections 27.60 and 28.36 of the City Code per the adopted rates in effect at time of application subject to any annual adjustments authorized by State law.

An initial plan check fee based on the Public Works fee schedule shall be paid at the time of the first improvement plan submittal based on the initial cost estimate (Infrastructure Quantities) 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.

128. **WATER AND SEWER CAPACITY CHARGES:** The applicant shall pay the water and sewer capacity fees for the development per the master fee schedule at the time of application subject to any annual adjustments authorized by State law. The water and sewer capacity charges for residential connections are based on the number and type of dwelling units. Separate capacity charges apply for different types of residential categories to 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, building area, and building use, respectively. Credit is given for the existing site use(s) and meter size(s), as applicable. Fees shall be paid pro-rata per unit, before occupancy of the units.

#### STREET IMPROVEMENTS

129. **PUBLIC IMPROVEMENTS:** Install or reconstruct standard public improvements as shown on Sheets A1.1 and C-3 including: construction of new storm, sewer, and water connections; replace damaged curb, gutter, and sidewalk; install new landscape

with street trees on Tyrella Avenue and Middlefield Road; reconstruct of a new driveway on Tyrella Avenue; construct a new curb ramp at the project corner of Middlefield Road and Tyrella Avenue; and pavement restoration on utility trench excavation on Middlefield Road and Tyrella Avenue.

- a. **Improvement Agreement:** Prior to the issuance of the building permit OR approval of the first final map, the property owner must sign a Public Works Department improvement agreement for the installation of the public improvements.
  - b. **Bonds/Securities:** Prior to the issuance of any building permits OR approval of the first final map, the property owner must sign a Public Works Department faithful performance bond (100% of Infrastructure Quantities) and materials/labor bond (100% of Infrastructure Quantities), or provide a cash deposit (100% of Infrastructure Quantities), or provide a letter of credit (150% of Infrastructure Quantities) securing the installation and warranty of the off-site improvements. 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 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.
  - c. **Insurance:** Prior to the issuance of any building permits OR approval of the first final map, the property owner must provide a Certificate of Insurance and endorsements for Commercial General Liability and Automobile Liability naming the City as an additional insured from the entity that will sign the improvement agreement. 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, One Million Dollars (\$1,000,000) Contractors' Pollution Liability, and One Million Dollars (\$1,000,000) Workers' Compensation. The insurance requirements are available from the Public Works Department.
130. **INFRASTRUCTURE QUANTITIES:** For projects with any work within the public right-of-way, upon first submittal of the building permit and improvement plans, submit a construction cost estimate indicating the quantities of street and utility improvements. Construction cost estimate shall include private common street and utility improvements for Common Green and Townhouse-Type Condominium developments. 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. The construction cost estimate is to be prepared by the civil engineer preparing the improvement plans.
131. **EXCAVATION PERMIT:** For projects with any work within the public right-of-way, upon first submittal of the building permit and improvement plans, submit a complete Excavation Permit Application for all applicable work within the public right-of-way to the Public Works Department. Permit applications are available online from the Public Works Department website at: [www.mountainview.gov/landdevelopment](http://www.mountainview.gov/landdevelopment). All work within the City right-of-way must be consolidated on the site, off-site, and/or utility plans. Plans of the work, traffic control plans for work within the public roadway and/or easement, insurance certificate and endorsements, and permit fees are required with the Excavation Permit Application.
132. **OFF-SITE IMPROVEMENT PLANS:** Prepare off-site public 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 California-registered civil engineer and shall show all public improvements and other applicable work within the public right-of-way. An Excavation Permit to allow for the work shown on the Off-Site Improvement Plans shall be approved and issued by the Public Works Department within 30 days after the submittal of the approved Plans. The review of the Off-Site Improvement Plans shall follow the city published timelines.

Traffic control plans for each phase of construction shall be prepared in accordance with the latest edition of the California Manual of Uniform Traffic Control Devices (CA MUTCD) for work that impacts traffic on existing streets. Construction management plans of on-site parking for construction equipment and construction workers and on-site material storage areas must be submitted for review and approval and shall be incorporated into the off-site improvement plans identified "For Reference Only."

Off-site improvement plans, an initial plan check fee and map 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 and final map. All required materials shall be submitted electronically (i.e., flattened, reduced-size PDFs).

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, two full-size and two half-size blackline set, one PDF of the signed/stamped plan set, and a USB flash drive with CAD file and PDF must be submitted to the Public Works Department prior to the issuance of the building permit.

133. **TRAFFIC CONTROL PLANS:** Upon first submittal of the building permit and improvement plans, the applicant shall submit 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. Traffic control plans shall show and identify, at a minimum, work areas, delineators, signs, and other traffic-control measures required for work that impacts traffic on existing streets and shall be prepared in accordance with the latest edition of the California Manual of Uniform Traffic Control Devices (CA MUTCD). A completed Traffic Control Checklist shall be included with each traffic control plan submittal. Traffic-control plans shall be prepared, stamped, and signed by a California-registered Traffic Engineer (T.E.).
134. **CONSTRUCTION MANAGEMENT PLAN:** Upon first submittal of the building permit and improvement plans, the applicant shall provide a construction traffic and parking management plan with the building plans and within the improvement plans identified "For Reference Only—See Building Permit Plans." The plan must be approved prior to the issuance of a building permit, including demolition permits. The plan must show the following:
1. **Truck Route:** Truck route (to and from project site) for construction and delivery trucks pursuant to MVCC Sections 19.58 and 19.59, and which does not include neighborhood residential streets;
  2. **Construction Phasing, Equipment, Storage, and Parking:** Show and identify construction vehicle and equipment parking area, material storage and lay-down area, sanitation facilities, and construction trailer location for each phase of construction. All construction vehicles, equipment, and trailers shall be located so as not to obstruct traffic or the safe use of roads. Any use of the public street for construction staging shall require an Encroachment Agreement;
  3. **Sidewalks:** Sidewalk closure or narrowing may be allowed during any on-site construction activities as necessary for the construction of the project but shall be minimized and removed as soon as practicable; and
  4. **Traffic Control and Detour Plans:** Traffic control plans, including detour plans, shall be submitted to the Public Works Department for review and approval for any on-site improvements and work related to the phases of the construction management plan, which requires temporary roadway closure, lane closure, shoulder closure, and/or bike lane closure. Pedestrian detour plans shall be provided when necessary.

Traffic control plans shall be prepared in accordance with the latest edition of the California Manual of Uniform Traffic Control Devices (CA MUTCD). A completed Traffic Control Checklist shall be included with each traffic control plan submittal. A separate Excavation Permit from the Public Works Department will be required prior to the issuance of the building permit.

135. **NOTIFICATION OF ADJACENT/AFFECTED PROPERTIES:** During improvement plan design, the applicant shall provide advance written notification(s) to owners and tenants of adjacent and affected properties describing the nature of the proposed public improvements and estimated project duration, as determined necessary by the Public Works Department. The notice(s) shall be approved by the City prior to distribution.
136. **ENCROACHMENT RESTRICTIONS:** Private facilities, including, but not limited to, structures, steps, doors (including door swing), handrails, backflow preventers, signs, fences, retaining curbs, and retaining walls shall not encroach into the public right-of-way and/or street easement.

137. **SPECIAL PAVERS AND CONCRETE:** Pavers, colored concrete, and textured concrete shall not be installed within the public street or sidewalk.
138. **CORNER STREET SIGHT TRIANGLE:** At street corners of controlled and/or uncontrolled intersections, the site shall be compliant with Corner Triangles of Safety per the Public Works Standard Details. The project will be required to remove or modify all objects, that are not compliant with safety triangle height and clearance requirements, except those shown on the approved plans.
139. **DRIVEWAY SIGHT TRIANGLE:** Within the pedestrian and/or vehicle traffic safety sight triangle(s), for the project site and adjacent properties, the site shall be compliant with height and clearance requirements per the Public Works Standard Details. The project is required to remove or modify all objects, that are not compliant with safety triangle height and clearance requirements. The structural column and other items as shown on the approved plans are allowed within the Sight Triangle.
140. **STREET OVERLAY AND/OR PAVEMENT RECONSTRUCTION:** Pavement restoration is required on utility trench excavation on Middlefield Road and Tyrella Avenue project street frontage. The specific areas of work shall be clearly identified and shown on the plans.
141. **ROADWAY SIGNING, STRIPING, AND PAVEMENT MARKINGS:** Signing and striping plans shall be prepared in accordance with the latest edition of the California Manual of Uniform Traffic Control Devices (CA MUTCD). All new striping and pavement markings shall be thermoplastic. All striping and markings damaged and/or removed as part of construction and pavement work shall be replaced with thermoplastic striping. The specific areas of work shall be clearly identified and shown on the plans to the satisfaction of the City Traffic Engineer.
142. **RED CURB AT CROSSWALKS:** Street curbs adjacent to a public crosswalk shall be painted red a minimum of 20' in each direction, as determined and approved by the City Traffic Engineer. The specific areas of work shall be clearly identified and shown on the plans.
143. **RED CURB AT DRIVEWAY ENTRANCES:** Street curbs adjacent to driveway entrances, including entrances to underground parking garages, shall be painted red a minimum of 10' in each direction, as determined and approved by the City Traffic Engineer. The specific areas of work shall be clearly identified and shown on the plans.
144. **ON-STREET PARKING RESTRICTIONS:** Parking shall be prohibited along Tyrella Avenue and Middlefield Road along the project frontage. A painted red curb shall be installed to discourage on-street parking in the interim of bike lane improvements and to provide improved sight visibility from the project driveway. The painted red curb shall be installed along the project frontage. The specific areas of work shall be clearly identified and shown on the plans.
145. **STOP-CONTROLLED SITE EGRESS:** All egress points to public streets or public easements shall be stop-controlled to address conflict points with pedestrians, bicyclists, and vehicles as they enter a public roadway. Stop-controlled egress shall include STOP signs, a limit line, and "STOP" pavement marking(s). The specific areas of work shall be clearly identified and shown on the plans.

#### CURBS, SIDEWALKS, AND DRIVEWAYS

146. **ADA RAMP REQUIREMENTS:** All new access ramps shall comply with the Americans with Disabilities Act (ADA) requirements. Existing nonconforming access ramps shall be reconstructed to comply with the ADA requirements. The specific ramp case type, ramp design, and limits of work shall be clearly identified and shown on the plans.
147. **DRIVEWAY REMOVAL:** Replace abandoned driveways with standard curb, gutter, and sidewalk. The specific areas and limits of replacement work shall be clearly identified and shown on the plans.

## STREET TREES

148. **STREET TREES:** Install standard City street trees along the street frontage on Middlefield Road and Tyrella Avenue, as shown on Sheets L-1, L-4, and L-5.
149. **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 shall be planted in accordance with Detail F-1 of the Standard Provisions a minimum of 10' from sanitary sewer lines, traffic signals, stop and yield signs, and streetlights and 5' from water lines, fire lines, and driveways. New street tree species must be selected from the City's adopted Master Tree list or be an approved alternate by the City arborist. The applicant shall complete the "Proposed Street Tree" form available from the Planning Division online at [www.mountainview.gov/planningforms](http://www.mountainview.gov/planningforms). Once completed, the applicant shall email the original to the Parks Division at [parks@mountainview.gov](mailto:parks@mountainview.gov) and provide a duplicate copy to the Building Division with building permit submittal.
150. **STREET TREE IRRIGATION:** Street trees are to be irrigated by the property owner(s) in accordance with Chapter 32 of the City Code.

## UTILITIES

151. **POTHOLING:** Potholing shall be completed prior to the first submittal of the building plans and improvement plans. Utilities shall be potholed to determine the depths and locations of existing subsurface utilities where improvements are proposed for construction, including, but not limited to, new utility crossings and installation of signal and streetlight pole foundations. Proposed pothole locations for signal pole foundations shall be approved by the City Traffic Engineer prior to potholing. Existing pavement sections shall also be recorded for all potholes. Obtain an Excavation Permit from the Public Works Department prior to performing potholing. Incorporate pothole data on the first submittal of improvement plans, including, but not limited to, pothole location, depth of utility, and pavement sections.
152. **UTILITY RELOCATION:** Existing utilities to be relocated as a result of the streetscape improvements, including, but not limited to, traffic signal poles, streetlights, utility boxes and structures, storm drains, and any other conflicts shall be resolved during the design of off-site improvements in accordance with City Standards and design guidelines.
153. **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 MVCC Section 35.38.
154. **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.
155. **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.
156. **UTILITY SERVICES:** The size and location of all existing and new water meters, backflow preventers, potable water services, recycled water services, fire services, sewer laterals, sewer cleanouts, storm drain laterals, storm cleanouts/inlets, gate valves, manholes, and utility mains shall be shown on the plans. Sewer laterals, potable water services, and fire services shall have a minimum 5' horizontal separation from each other. Recycled water and potable water shall have a minimum 10' horizontal separation from each other. New potable water and recycled water services shall have a minimum 5' clearance from trees, and new sewer laterals shall have a minimum 10' clearance from trees. Angled connections within service lines shall not be allowed. Utility profiles shall be required for all new services.

Existing water services shall be shown to be disconnected and abandoned at the main in accordance with City standards, unless they are satisfactory for reuse, as determined by the Public Services Division. Water services 4" or larger that are not reused

shall be abandoned 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.

157. **BACKFLOW PREVENTER:** Aboveground reduced-pressure backflow preventers are required for all new and existing City potable water and recycled 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. 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. A minimum 3' clearance shall be provided around each assembly for accessibility and maintenance. Protective covers and/or enclosures must be preapproved by the Cross-Connection Control Specialist prior to installation.
158. **CATHODIC PROTECTION:** Cathodic protection shall be required in areas of soil corrosivity.
159. **SANITARY SEWER CLEANOUT OR MANHOLE:** A one-way sanitary sewer cleanout OR manhole shall be installed in accordance with City standards.
160. **WATER AND SEWER APPLICATIONS:** Upon first submittal of the building permit and improvement plans, the applicant shall submit complete applications for water and sewer service to the Public Works Department if new water services, water meters, fire services, or sewer laterals are required. Any unpaid water and sanitary sewer fees must also be paid prior to the issuance of any permits.
161. **ON-SITE UTILITY MAINTENANCE:** On-site water, sanitary sewer, and storm drainage facilities shall be privately maintained by the property owner(s) and shall be noted on the plans.
162. **UNDERGROUNDING OF OVERHEAD SERVICES:** All new and existing electric and telecommunication laterals serving the site are to be placed underground, if feasible. The undergrounding of the new and existing overhead electric and telecommunication lateral lines is to be completed prior to the issuance of a Certificate of Occupancy for any new buildings within the site. Aboveground transformers, power meters, and pedestals shall be located so they are screened in the least visible location from the street or to the general public.
163. **JOINT UTILITY PLANS:** Upon first submittal of the building permit and improvement plans, the improvement plans shall include joint utility plans showing the location of the proposed electric, gas, and telecommunication conduits and associated facilities, including, but not limited to, vaults, manholes, cabinets, pedestals, etc. Appropriate horizontal and vertical clearances in accordance with PG&E requirements shall be provided between gas transmission lines, gas service lines, overhead utility lines, street trees, streetlights, and building structures. These plans shall be combined with and made part of the improvement plans. Joint trench intent drawings will be accepted at first improvement plan submittal. All subsequent improvement plan submittals shall include joint trench design plans. During joint trench design, the applicant shall provide advance written notification(s) to owners and tenants of adjacent and affected properties describing the nature of the proposed improvements and estimated project duration, as determined necessary by the Public Works Department. The notice(s) must be approved by the City prior to distribution.

#### GRADING AND DRAINAGE IMPROVEMENTS (ON-SITE)

164. **DRAINAGE PLANS:** On-site drainage plans shall be included in the building plans.
165. **DRAINAGE REQUIREMENTS:** On-site parking lots and driveways (other than single-family residential) shall not surface-drain across public sidewalks or driveway aprons. Storm drain laterals from the site shall be installed with a property line inlet or manhole and connect to existing storm drain manholes or curb inlets if at all possible.
166. **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. Show and identify path of surface water release on the grading and drainage plans.

167. **RECOLOGY MOUNTAIN VIEW:** The applicant/contractor must be in compliance and shall include the following as a note on the building permit and improvement plans: "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 MVCC Sections 16.13 and 16.17 and result in code enforcement action."
168. **MOUNTAIN VIEW GREEN BUILDING CODE/CONSTRUCTION AND DEMOLITION ORDINANCE:** If this project is subject to the requirements of the Mountain View Green Building Code, a Construction and Demolition Waste Management Plan shall be submitted with the building permit application and approved by the Public Works Solid Waste and Recycling Division prior to the issuance of a building permit. A Final Construction and Demolition Waste Management Plan shall be submitted and approved prior to final inspection.
169. **TRASH ROOMS AND/OR ENCLOSURES:** Trash rooms and/or enclosures shall be used only for trash, recycling, and compost containers and shall not be used for storage at any time. Access door to the trash facility shall be clearly labeled "Trash Room."
170. **TRASH ENCLOSURE DESIGN AND DETAILS:** Include trash plan sheet and enclosure details on a separate sheet in the initial building plans.

The property must have trash, recycling, and organics/composting service. Display on plans trash room layout, location, and dimensions to scale with minimum service levels indicated below.

This up to 80-unit residential property will require the following minimum service levels:

	Qty.	Size Yds./Gal.	Type	Frequency	Total Yds.
Trash	3	3	bin	2x/week	13
Paper Recycling	2	3	bin	2x/week	6
Containers Recycling	1	3	bin	1x/week	3
Compost	3	64	cart	1x/week	0.96
					22.96

- The resident vestibules require a three-chute system consisting of one trash chute and two recycling chutes (containers and paper collected in different chutes) and sufficient space for compost receptacles (e.g., slim jims) or carts. Property maintenance must empty the compost receptacles into the compost collection carts located at the ground floor trash room each week.
- All trash rooms and chute vestibules must have signage with sorting instructions according to the City's programs and all signage approved by the Solid Waste Program Manager prior to installation.
- Any trash room light switch shall be above the height of a three-yard bin (5'2") so it is accessible.
- The trash room requires an 8' wide door with keypad access.
- Maintain 1' between bins, interior curbs, and walls in trash rooms. If no interior berm or curb, it shall have bumpers on the walls to avoid damage from bins hitting it.
- Trash room chutes require locking mechanism to secure closed at ground level when bins removed from underneath for servicing (note on building plans). On collection days, remove all bins scheduled for pick-up from under chutes and place in the trash staging rooms in such a way as to allow easy access by the hauler. The hauler will not move bins out of the way to access the ones they are collecting.



- The trash room shall have a staging area for the six (6) bins with footprints showing where maintenance staff will line up to stage the bins in front of the roll-up door for hauler access each service day.
- The path of travel to roll out the trash bins to the street for servicing must be flat and smooth. Bins will not be rolled over pavers or stamped surfaces. Provide a minimum 6' wide pathway for the hauler to pull bins from the trash room to/from the street for service.
- The three compost carts will not be rolled out by the hauler. These carts shall be transported each week by the property maintenance staff to the red curb at Tyrella Avenue and removed promptly after service.
- Trash rooms are for collection containers only and not for other storage; label "Trash Room."
- Any movement of bins over 30' is subject to hauler rollout fees. Current rollout fee is \$0.75 per foot per container per month.
- Maintain overhead clearances of 15' in the travelway and 22' at the point of collection.
- Applicant shall install a commercial flared driveway instead of a standard driveway at Tyrella Avenue to provide a wider entry for trash collection vehicles to minimize running over curbs when entering or exiting the property.
- There shall be 40' of red curb paint and "No Parking" signage extending along Tyrella Avenue from the driveway towards Middlefield Road shown on all relevant building permit plans (architectural, civil, landscape). Include dimensions and vehicle approach to service containers on collection day. **(PROJECT-SPECIFIC CONDITION)**

#### OTHER PUBLIC WORKS NOTES

171. **SANTA CLARA VALLEY WATER DISTRICT WELLS:** Santa Clara Valley Water District (Valley Water) requires the following note to be labeled on the building and improvement plans: "While the Santa Clara Valley Water District (Valley Water) has records for most wells located in the County, it is always possible that a well exists that is not in Valley Water's records. If previously unknown wells are found on the subject property during development, they must be properly destroyed under permit from Valley Water or registered with Valley Water and protected from damage."
172. **STREET CLEANING:** The owner/developer shall comply with and include the following note on the off-site, or grading/drainage, or utility plans: "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 designated representative."
173. **OCCUPANCY RELEASE (RESIDENTIAL):** The owner/developer shall comply with and include the following note on the off-site or grading/drainage or utility plans: "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 as well as trash rooms and/or enclosures, are substantially complete per the City of Mountain View Standard Provisions for Public Works construction. The Public Works Director shall make the determination of what public improvements are substantially complete."

Fire and Environmental Protection Division—650-903-6378 or [FEPD@mountainview.gov](mailto:FEPD@mountainview.gov)

#### ENVIRONMENTAL SAFETY

For more information, guidelines, design criteria, or materials about urban runoff conditions, contact the Fire and Environmental Protection Division (FEPD) of the Fire Department at 650-903-6378 or online at [www.mountainview.gov/fep](http://www.mountainview.gov/fep). "Stormwater Quality Guidelines for Development Projects" can be accessed on the Fire Department website at [www.mountainview.gov/fepforms](http://www.mountainview.gov/fepforms).

174. **STORM DRAIN/SANITARY SEWER PLAN CHECK SHEET:** Complete a "Storm Drain/Sanitary Sewer Discharges" check sheet. All applicable items in the check sheet should be completed and shown on the building plan submittal.
175. **CONSTRUCTION BEST MANAGEMENT PRACTICES:** All construction projects shall be conducted in a manner which prevents the release of hazardous materials, hazardous waste, polluted water, and sediments to the storm drain system.
176. **CONSTRUCTION SEDIMENT AND EROSION CONTROL PLAN:** The applicant shall submit a written plan acceptable to the City which shows controls that will be used at the site to minimize sediment runoff and erosion during storm events. The plan should include installation of the following items where appropriate: (a) silt fences around the site perimeter; (b) gravel bags surrounding catch basins; (c) filter fabric over catch basins; (d) covering of exposed stockpiles; (e) concrete washout areas; (f) stabilized rock/gravel driveways at points of egress from the site; and (g) vegetation, hydroseeding, or other soil stabilization methods for high-erosion areas. The plan should also include routine street sweeping and storm drain catch basin cleaning.
177. **SWIMMING POOLS, SPAS, AND FOUNTAINS:** Swimming pools, spas, and fountains shall be installed with a sanitary sewer cleanout in a readily accessible nearby area to allow for draining.
178. **LOW-USE ACCESS AREA DRAINAGE:** Low-use public access areas, such as overflow parking, emergency access roads, and alleys, shall be designed to increase stormwater infiltration and decrease runoff by one or more of the following methods: (a) porous pavement; (b) pavers; (c) uncompacted bark/gravel; or (d) drain to landscaped areas or vegetative strips.
179. **LANDSCAPE DESIGN:** Landscape design shall minimize runoff and promote surface filtration. Examples include: (a) no steep slopes exceeding 10%; (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.
180. **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 irrigation 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.
181. **FIRE SPRINKLERED BUILDINGS:** New buildings that will have fire sprinkler systems shall be provided with a sanitary sewer drain in a protected area, which can adequately accommodate sprinkler water discharged during sprinkler system draining or activation of the inspector test valve. Show the location and provide a detail of the fire sprinkler drain on the plans.
182. **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.
183. **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.
184. **PARKING GARAGES:** For multiple-level parking garages, interior levels shall be connected to an approved wastewater treatment system discharging to the sanitary sewer.
185. **STORMWATER TREATMENT (C.3):** This project will create or replace more than five thousand (5,000) 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.” Runoff from portions of the public right-of-way (e.g., sidewalks, curb extensions, pavement replacement, and curb and gutter replacement in the street frontage) that are constructed or reconstructed as part of Regulated Projects will also need to be treated using LID measures. 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.

186. **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: <https://scvurppp.org/wp-content/uploads/2022/12/SCVURPPP-Qualified-Consultants-List-Memo-December-2022.pdf>
187. **BUILDING DEMOLITION PCB CONTROL:** Nonwood frame buildings constructed before 1981 that will be completely demolished are required to conduct representative sampling of priority building materials that may contain polychlorinated biphenyls (PCBs). If sample results of one or more priority building materials show PCBs concentrations  $\geq 50$  ppm, the applicant is required to follow applicable federal and state notification and abatement requirements prior to demolition of the building. Submit a completed “Polychlorinated Biphenyls (PCBs) Screening Assessment Applicant Package” with the building demolition plans for the project. A demolition permit will not be issued until the completed “PCBs Screening Assessment Applicant Package” is submitted and approved by the City Fire Department and FEPD. Applicants are required to comply with applicable federal and state regulations regarding notification and abatement of PCBs-containing materials. Contact the City’s FEPD at 650-903-6378 to obtain a copy of the “PCBs Screening Assessment Applicant Package” and related guidance and information.

**NOTE:** As required by California Government Code Section 66020, the applicant is hereby notified that the 90-day period has begun as of the date of approval of this application, in which the applicant may protest any fees, dedications, reservations, or other exactions imposed by the City as part of this approval or as a condition of approval. The fees, dedications, reservations, or other exactions are described in the approved plans, conditions of approval, and/or the adopted City fee schedule.