

CITY OF MOUNTAIN VIEW
RESOLUTION NO.
SERIES 2014

A RESOLUTION CONDITIONALLY APPROVING A PLANNED COMMUNITY PERMIT FOR TWO OFFICE BUILDINGS WITH A FLOOR AREA RATIO OF 1.0, RESULTING IN APPROXIMATELY 364,000 SQUARE FEET OF OFFICE DEVELOPMENT AND TWO NEW PARKING STRUCTURES, AND A HERITAGE TREE REMOVAL PERMIT FOR THE REMOVAL OF 40 HERITAGE TREES AT 2600/2660/2698 MARINE WAY, 2591/2599 GARCIA AVENUE, 2618/2634/2636 BAYSHORE PARKWAY, AND 2551 TO 2601 CASEY AVENUE

WHEREAS, an application was received from Intuit, Inc., for a Planned Community Permit for two 1.0 office buildings with approximately 364,000 square feet and two new parking structures, and a Heritage Tree Removal Permit for the removal of 40 Heritage trees at 2600/2660/2698 Marine Way, 2591/2599 Garcia Avenue, 2618/2634/2636 Bayshore Parkway, and 2551 to 2601 Casey Avenue; and

WHEREAS, the Environmental Planning Commission (EPC) held a public hearing on May 21, 2014 on said applications and recommended that the City Council conditionally approve the Planned Community Permit and Heritage Tree Removal Permit subject to the findings and conditions of approval contained in the Findings Report; and

WHEREAS, on June 10, 2014, the City Council held a public hearing on said applications and received and considered all evidence presented at said hearing, including the Findings Report from the EPC; and

WHEREAS, the proposed project is consistent with the High-Intensity Office General Plan land use designation and the proposed P Zoning District standards; and

WHEREAS, in accordance with the California Environmental Quality Act (CEQA), Public Resources Code Section 21000, *et seq.*, the City has prepared an Environmental Impact Report (EIR) for the project;

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

1. That said project is consistent with the General Plan and Zoning Ordinance; and

2. That the Planned Community Permit and Heritage Tree Removal Permit for said project are hereby granted subject to the developer's fulfillment of all of the conditions which are attached hereto and incorporated herein by reference; and

3. That the City Council has reviewed and considered the Final EIR for the proposed project which identifies mitigation measures that, when implemented, will substantially lessen or avoid the significant effects on the environment caused by the proposed project, with the exception of the significant unavoidable transportation impacts for which a Statement of Overriding Consideration has been adopted.

TIME FOR JUDICIAL REVIEW

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

SW/7/RESO
818-06-17-14r-E

landscaping; a Transportation Demand Management (TDM) Program which will reduce peak-hour trips to the site by 35 percent as well as meet the City's single-occupant vehicle goals; and provide funding for off-site improvements within the North Bayshore Area which will further the City's transportation and ecological goals for the area;

- C. The proposed office development will not be detrimental to the public interest, health, safety, convenience, or welfare because the design of the buildings and proposed office use are compatible with the surrounding office developments;
- D. The proposed office development promotes a well-designed development that is harmonious with existing and planned development in the surrounding area by providing a proposed use that is consistent with office and commercial activities in the area, including design features such as locating the buildings near the street, providing well-designed, region-appropriate landscaping, no at-grade parking, and off-site improvements to the transportation network and ecological sustainability for the area; and
- E. The proposed office development complies with the California Environmental Quality Act (CEQA) because an Environmental Impact Report (EIR) has been prepared and circulated for public comment for the required 45 days, which ended on April 21, 2014. Staff received three comment letters on the Draft EIR and has provided a response to these comments in the Final EIR document. All significant impacts of the project have been mitigated to less than significant with the incorporation of mitigation measures and standard City conditions of approval, with the exception of two significant and unavoidable freeway segment impacts for which a Statement of Overriding Considerations and Mitigation, Monitoring, and Reporting Program will be adopted.

The Heritage Tree Removal Permit to remove 40 Heritage trees is conditionally approved based on the conditions contained herein and the following findings:

- A. It is appropriate and necessary to remove the trees due to the condition of the trees with respect to the age of the trees relative to the life span of that particular species, disease, infestation, general health, damage, public nuisance, danger of falling, proximity to existing or proposed structures, and interference with utility services based on the arborist report prepared for the project by Arbor Resources.
- B. It is appropriate and necessary to remove the trees in order to construct the office development based on the location of the trees in the footprint of the new structures and/or the proximity of the trees to the area of excavation needed for the underground parking garages.
- C. It is appropriate and necessary to remove the trees in order to construct the office development and to allow a reasonable and conforming use of the property when compared to other similarly situated properties based on the location of the trees.
- D. Removal of the trees will not adversely affect the topography of the land or create soil diversion or increased flow of surface waters.
- E. Removal of the trees will not adversely affect the remaining number, species, size, and/or location of existing trees on the site or in the general vicinity.
- F. Removal of the trees will not adversely affect the shade, noise attenuation, protection from wind damage and air pollution, historic value, or scenic beauty of the area, nor shall the removal adversely affect the general health, safety, prosperity, and general welfare of the City as a whole.

This approval is granted to construct two new 4-story office buildings totaling approximately 364,000 square feet and two parking garages with approximately 1,090 spaces located on Assessor Parcel Nos. 116-02-021, 116-02-024, 116-02-046, 116-02-063, 116-02-067, 116-02-075, 116-02-076, 116-02-087, 116-02-090, and 116-02-091. Development shall be substantially as shown on the project materials listed below, except as may be modified by conditions contained herein:

- a. Project drawings prepared by WRNS Studio for Intuit dated January 17, 2014, and consisting of 75 sheets.
- b. Narrative book prepared by WRNS Studio for Intuit dated January 17, 2014.
- c. Color and materials board prepared by WRNS Studio for Intuit dated January 17, 2014, and kept on file in the Planning Division of the Community Development Department.

THIS REQUEST IS GRANTED SUBJECT TO THE FOLLOWING CONDITIONS:

Community Development Department – (650) 903-6306

1. **TRANSPORTATION DEMAND MANAGEMENT (TDM) PROGRAM:** The property owner is required to maintain a TDM program for the life of the project which will achieve a thirty-five percent (35%) reduction in peak-period vehicle trips from the average vehicle trip rates per square foot established by the Institute of Transportation Engineers (ITE) Trip Generation Manual, 9th Edition (2012) for a single-tenant office building land use (ITE land use Code 715) which results in a trip cap of 603 a.m. peak-period trips and 580 p.m. peak-period trips generated by occupants of both buildings. The specific TDM measures to be used in the program can be any combination of measures which achieve the 35 percent peak-period trip reduction and trip-cap numbers, but shall at a minimum include the following mandatory measures:
 - a. Join and maintain ongoing membership in the Mountain View Transportation Management Association (MVTMA) for the life of the project.
 - b. Provide a transit subsidy and/or transit passes to all employees who utilize public transit and desire to have a subsidy or pass for the life of the project.
 - c. Appoint an on-site commute coordinator to manage and monitor commute-alternative programs, including, but not limited to, the following:
 - (1) Develop commute-alternative programs for employees.
 - (2) Create and maintain commuter information, emergency ride-home information, transit subsidy and/or transit pass information, transit schedules, bicycle maps, and 511.org match information and transit alerts.
 - (3) Participate in the BAAQMD Spare the Air Program.
 - (4) Monitor and enforce the TDM program.
 - d. Provide an on-site transportation and commute information desk or kiosk.
 - e. Maintain a minimum of 20 bicycles for employee use to access transit facilities and local amenities.
2. **TDM MONITORING:** The property owner, or tenant, shall prepare an annual TDM report and submit it to the City to document the effectiveness of the TDM program in achieving the goal of thirty-five percent (35%) peak-period vehicle trip reduction from employees within the project and the trip cap. The TDM report shall be prepared by an independent consultant and paid for by the property owner or tenant. The TDM report will include a determination of employee commute methods, which shall be informed by surveying all employees working on the Marine Way and Bayshore Sites and through driveway traffic counts. The driveway traffic counts

shall be prepared and provided by an independent approved consultant and paid for by the property owner or tenant. The driveway counts and resulting data shall be included in the TDM report provided to the City.

- a. **TDM Reporting:** The initial TDM report for the project will be submitted one year after the granting of the Certificate of Occupancy for the Marine Way building and subsequent reports shall be submitted to the City annually thereafter and shall include the Bayshore building after the granting of a Certificate of Occupancy for that building.
- b. **Report Requirements:** The TDM report shall state that the project has: (1) achieved a minimum thirty-five percent (35%) peak-period vehicle trip reduction from ITE average vehicle trip rates per square foot; and (2) the project does not result in more than 603 a.m. peak-period trips and 580 p.m. peak-period trips for both the Marine Way and Bayshore buildings. If the TDM report states that the project has not achieved the required thirty-five percent (35%) peak-period vehicle trip reduction and trip cap of 603 a.m. peak-period trips and 580 p.m. peak-period trips for both buildings, the report shall provide an explanation of how and why the reduction and/or trip cap has not been reached and a description of additional measures that will be implemented by the property owner or tenant in order to attain the goal.
- c. **Penalty for Noncompliance:** If, after the initial TDM report, the second annual report indicates that, in spite of the changes in the TDM program, the thirty-five percent (35%) peak-period vehicle trip reduction and trip cap are still not being achieved, or if the applicant fails to submit such a TDM report at the times described above, the City may assess the property owner a penalty in the maximum amount of \$100,000 for the first percentage point below the thirty-five percent (35%) peak-period vehicle trip reduction and an additional \$50,000 for each additional percentage point below the minimum thirty-five (35%) percent thereafter (“TDM Penalty”).

In determining whether the TDM Penalty is appropriate, the City may consider whether the property owner has made a good-faith effort to meet the TDM goals and allow the property owner a six-month “grace period” to implement additional TDM measures to meet the thirty-five percent (35%) peak-period vehicle trip reduction. If the project does not achieve the thirty-five percent (35%) peak-period reduction after the six-month grace period, the City may require the property owner or tenant to pay a TDM Penalty as shown in the sample table below. Any expenses that are put towards achieving the thirty-five percent (35%) peak-period reduction can be offset against the TDM Penalty. The TDM Penalty shall be paid to the MVTMA and used to promote alternatives to single occupancy vehicle use in the City.

Peak-Hour Trip Reduction	Penalty Amount
35%	-0-
34%	\$100,000
33%	\$150,000
32%	\$200,000
31%	\$250,000
30%	\$300,000
29%	\$350,000
28%	\$400,000
27%	\$450,000
26%	\$500,000
25%	\$550,000
24%	\$600,000
23%	\$650,000
22%	\$700,000
21%	\$750,000
20%	\$800,000

3. **TDM PROGRAM APPLICABILITY:** The TDM program for the project shall be applied to all buildings operated by Intuit on the surrounding properties. The trip cap numbers and penalty provisions shall only apply to the project site, but the TDM monitoring and report requirements shall be done for all Intuit buildings in the vicinity of the project site.
4. **ADDITIONAL SHUTTLE SERVICES:** If nonpeak-hour shuttle services are approved by the MVTMA during the applicant's membership, the property owner or tenant will be required to pay their proportionate share for the shuttle operations and maintenance. The proportionate share cost shall be determined by and paid in a manner acceptable to the MVTMA.
5. **TMA MEMBERSHIP:** Prior to the issuance of a certificate of building occupancy, applicant shall become a member and ongoing participant of the MVTMA.
6. **PARKING REDUCTION:** The maximum vehicle parking ratio shall be 1:300 of gross floor area (which represents a 10 percent reduction from the minimum standard). The reduction is required to reduce overall vehicle trips to the site. Designated parking for carpools and electric vehicles shall be provided in convenient locations.
7. **BICYCLE PARKING:** The minimum bicycle parking ratio shall be 1:3,000 of gross floor area (10 percent of the vehicle parking). Bicycle parking shall be provided in convenient locations throughout the project site.
 - (1) **Bike Storage Room:** A bike storage room inside the building shall be permanently maintained for use by all tenants and employees. The floor area for the bike storage room shall not be included in the calculations for floor area for the development.
 - (2) **Bike Fix-It Area:** A Bike Fix-It Area shall be provided in a secure location on-site near bike storage and include repair tools.
8. **REVISIONS TO THE APPROVED PROJECT:** Minor revisions to the approved plans shall require approval by the Zoning Administrator. Major modifications as determined by the Zoning Administrator shall require a Public Hearing, which can be referred to the City Council.
9. **OPERATIONAL CRITERIA:** In the event that problems with the operational criteria of the business arise, including, but not limited to, parking shortages, delivery truck issues, hours of operation, or noise, the Zoning Administrator may hold a Public Hearing to review the situation and impose new or modified conditions of approval in response to the information received. The Public Hearing shall be conducted and noticed in accordance with Chapter 36 of the City Code.
10. **DEVELOPMENT AGREEMENT:** A Development Agreement (DA) shall be prepared and approved by the City Council for the project which allows a longer permit entitlement period beyond the standard two years. If no DA is approved as part of the project, then the land use permits associated with this project shall be valid for a period of two years from the date of Council approval. Zoning permits may be extended for up to an additional two years after Public Hearing review by the Zoning Administrator in compliance with the procedures described in the Zoning Ordinance. An application for extension must be filed with the Planning Division of the Community Development Department, including appropriate fees, prior to the original expiration date of the permit.

PLANS AND SUBMITTAL REQUIREMENTS

11. **ZONING INFORMATION:** The following information must be listed on the lower right-hand corner of the title sheet of the building permit drawings: (a) zoning permit application number; (b) zoning designation; (c) floor area ratio (or density in units per acre if residential); (d) lot area (in square feet); and (e) total number of parking spaces.
12. **CERTIFICATION OF BUILDING PERMIT PLANS:** The project architect shall certify in writing that the architectural design shown in the building permit plans substantially match the plans approved by the City Council. Any substantial changes must be clearly noted. The project architect shall also certify that the structural

plans are consistent with the architectural plans. In the event of a discrepancy between the structural plans and the architectural plans, the architectural plans shall take precedence on aesthetic matters, and revised structural drawings shall be submitted to the Building Inspection Division if appropriate.

13. **PLANNING INSPECTION:** Inspections by the Planning Division are required for the foundation, framing, application of exterior materials, and final completion of each structure to ensure that the construction matches the approved plans.
14. **COLOR CHIPS:** Color chips shall be attached to the title sheet of two sets of the building permit drawings and the color scheme shall be shown on the elevations.

SITE DEVELOPMENT AND BUILDING DESIGN

15. **EXTERIOR MATERIALS:** High-quality materials and finishes shall be used throughout the project and shall remain in substantial compliance with the materials identified in the approved plans, except as modified by the conditions of approval herein. Details regarding all color and architectural details shall be provided in the building permit plan submittal and shall be subject to review and approval by the Zoning Administrator prior to building permit submittal.
16. **SPECIAL PAVING MATERIALS:** The color, material, design, and product specifications for the special paving materials used on-site shall be submitted with the building permit drawings. Final paving design details shall be subject to review and approval by the Zoning Administrator prior to the issuance of building permits.
17. **WINDOWS:** Manufacturer type, design, material, and installation details for all windows within the project shall be specified in the building permit drawings for review and approval by the Zoning Administrator prior to the issuance of building permits. Glass treatments shall incorporate those features identified in the EIR to reduce bird strikes.
18. **ROOF EQUIPMENT:** All roof equipment must be concealed behind opaque (solid) screening designed to complement the building. Details of the roof equipment and roof screens shall be included in the building permit drawings and approved by the Zoning Administrator.
19. **WIRELESS TELECOMMUNICATION FACILITY:** The existing wireless telecommunications facility on the Bayshore Site which consists of a monopole and ground-mounted equipment shall be removed and new equipment shall be installed in the mechanical penthouse of the new Bayshore building or to another site prior to the issuance of a Certificate of Occupancy for the Bayshore building. A separate Development Review Permit application shall be required for the new facility on the Bayshore site or alternate site.
20. **MATERIALS MOCK-UP:** The applicant shall set up a large material and color mock-up on-site prior to building permit issuance for final selection and approval of the building materials and colors by the Zoning Administrator.
21. **PARKING SPACE DESIGN:** All parking spaces (except parallel spaces) must be double-striped. Double stripes shall be 12" apart, from outside edge to outside edge of the stripe. The 8-1/2' parking space width is measured from the center of one double stripe to the other, such that the space between stripes is 7'. For parallel parking spaces, only single-striped is required. Single stripes shall be measured from interior edge to interior edge of the stripe, such that the space between stripes is 24'. Additionally, the loading stall must be appropriately striped and meet minimum dimensional requirements per Chapter 36 of the City Code.
22. **LIGHTING PLAN:** The applicant shall submit a lighting plan with the application for building permit. This plan should include photometric contours, manufacturer's specifications on the fixtures, and mounting heights. The design and location of outdoor lighting fixtures shall ensure there will be no glare and light spillover to surrounding properties. The lighting plan submitted with building permit drawings must be approved by the Zoning Administrator prior to building permit submittal. The lighting plan shall also incorporate those features identified in the EIR to minimize adverse lighting effects on birds.

23. **SHOWER/CHANGING FACILITY:** Two employee shower and changing room facilities, one each for male and female employees, shall be provided for any new structure constructed or for any addition to or enlargement of any existing structure requiring over 200 employee parking spaces. This requirement is applicable to industrial, research and development, corporate office, and similar high-employment businesses.

GREEN BUILDING AND SUSTAINABILITY MEASURES

24. **GREEN BUILDING – NONRESIDENTIAL NEW CONSTRUCTION:** The project is required to meet the mandatory measures of the California Green Building Standards Code and meet the intent of LEED Platinum certified. All mandatory prerequisite points and minimum point totals per category to attain the required LEED-certified status must be achieved unless specific point substitutions or exceptions are approved by the Community Development Department. Additional points shall target energy efficiencies and water conservation. Formal project registration and certification through the U.S. Green Building Council (USGBC) 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 of the California Building Code.

LANDSCAPING

25. **CERTIFICATION:** Prior to occupancy, the Landscape Architect shall certify in writing the landscaping has been substantially installed in accordance with all aspects of the approved landscape plans, subject to final approval by the Zoning Administrator.
26. **STREET TREE:** The applicant shall complete the “Proposed Street Tree” form available in the Planning Division. Once completed, the applicant shall return the original to the Parks Division, located at 235 North Whisman Road.

HERITAGE TREES

27. **IMPLEMENTATION:** Permits to remove, relocate, or otherwise alter Heritage trees cannot be implemented until a project building permit is secured and the project is pursued.
28. **REPLACEMENT:** The applicant shall offset the loss of each Heritage tree with two new replacement trees (1:2 replacement ratio), for a minimum total of 80 replacement trees. Each replacement tree shall be no smaller than 24” box and shall be noted on the landscape plan as “Heritage replacement trees.”
29. **TREE PROTECTION MEASURES:** The tree protection measures listed in the arborist’s report prepared for the project by Arbor Resources shall be included as notes on the title sheet of all grading and landscape plans. These measures shall include, but may not be limited to, 6’ chain link fencing at the drip line, a continuous maintenance and care program, and protective grading techniques. Also, no materials may be stored within the drip line of any tree on the project site.
30. **TREE MITIGATION AND PRESERVATION PLAN:** The applicant shall develop a tree mitigation and preservation plan to avoid impacts on regulated trees and mitigate for the loss of trees that cannot be avoided. Routine monitoring for the first five years and corrective actions for trees that consistently fail the performance standards will be included in the tree mitigation and preservation plan. The tree mitigation and preservation plan will be developed in accordance with Chapter 32, Articles I and II, of the City Code, and subject to approval of the Zoning Administrator prior to removal or disturbance of any Heritage trees resulting from project activities, including site preparation activities.
31. **MARINE WAY TREES:** The applicant shall revise the landscape plans submitted for building permits to provide large trees (e.g., 80- to 100-gallon trees that are 15’ to 20’ tall at planting) on private property along the western side of the Marine Way building to soften the public view of the long facade, subject to review and approval by the Zoning Administrator prior to the issuance of building permits.

SIGNS

32. **SIGNAGE:** No signage is approved as part of this application. A new Master Sign Program application shall be submitted in compliance with Chapter 36 of the City Code and shall include all signage proposed for the project site.

NOISE

33. **MECHANICAL EQUIPMENT:** The noise emitted by any mechanical equipment shall not exceed a level of 55 dB(A) during the day or 50 dB(A) during the night, 10:00 p.m. to 7:00 a.m., when measured at any location on an adjoining property.
34. **INTERIOR NOISE LEVELS (COMMERCIAL):** Construction drawings must confirm that measures have been taken to achieve an interior noise level of 45 dB(A) L_{dn} for all commercial tenant space.
35. **CONSTRUCTION NOISE REDUCTION:** The following noise reduction measures shall be incorporated into construction plans and contractor specifications to reduce the impact of temporary construction-related noise on nearby properties: (a) comply with manufacturer's muffler requirements on all construction equipment engines; (b) turn off construction equipment when not in use, where applicable; (c) locate stationary equipment as far as practical from receiving properties; (d) use temporary sound barriers or sound curtains around loud stationary equipment if the other noise reduction methods are not effective or possible; and (e) shroud or shield impact tools and use electric-powered rather than diesel-powered construction equipment.

CONSTRUCTION PRACTICES AND NOTICING

36. **WORK HOURS:** No work shall commence on the job site prior to 7:00 a.m. nor continue later than 6:00 p.m., Monday through Friday, nor shall any work be permitted on Saturday or Sunday or any holiday unless prior approval is granted by the Chief Building Official. At the discretion of the Chief Building Official, the general contractor or the developer may be required to erect a sign at a prominent location on the construction site to advise subcontractor and material suppliers of the working hours. Violation of this condition of approval may be subject to the penalties outlined in Section 8.6 of the City Code and/or suspension of building permits.
37. **DISTURBANCE COORDINATOR:** The project applicant shall designate a "disturbance coordinator" who will be responsible for responding to any local complaints regarding construction noise. The coordinator (who may be an employee of the general contractor) will determine the cause of the complaint and will require that reasonable measures warranted to correct the problem be implemented. A telephone number of the noise disturbance coordinator shall be conspicuously posted at the construction site fence.
38. **AIR QUALITY:** The applicant will be required to secure a permit from the Bay Area Air Quality Management District or provide written assurance that no permit is required prior to issuance of a building permit.
39. **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, and building pads will be laid as soon as possible after grading unless seeding or soil binders are used; and (f) post a publicly visible sign with the telephone number and person to contact at the lead agency regarding dust complaints. This person will respond and take corrective action within 48 hours. The BAAQMD's phone number will also be visible to ensure compliance with applicable regulations. Additional measures may be identified by the BAAQMD or contractor as appropriate.

40. **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 wall, 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, consistent with Public Resources Code Section 21083.2. 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 program 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, if any. The report shall verify completion of the mitigation program to the satisfaction of the City's Community Development Director.
41. **DISCOVERY OF HUMAN REMAINS:** In the event of the discovery of human remains during construction or demolition, there shall be no further excavation or disturbance of the site within a 50' radius of the location of such discovery, or any nearby area reasonably suspected to overlie adjacent remains. The Santa Clara County Coroner shall be notified and shall make a determination as to whether the remains are Native American. If the Coroner determines that the remains are not subject to his/her authority, he/she shall notify the Native American Heritage Commission, which shall attempt to identify descendants of the deceased Native American. If no satisfactory agreement can be reached as to the disposition of the remains pursuant to this State law, then the landowner shall reinter the human remains and items associated with Native American burials on the property in a location not subject to further subsurface disturbance. A final report shall be submitted to the City's Community Development Director prior to release of a Certificate of Occupancy. This report shall contain a description of the mitigation programs and its results, including a description of the monitoring and testing resources analysis methodology and conclusions, and a description of the disposition/curation of the resources. The report shall verify completion of the mitigation program to the satisfaction of the City's Community Development Director.
42. **PRECONSTRUCTION NESTING BIRD SURVEY:** To the extent practicable, vegetation removal and construction activities shall be performed from September 1 through January 31 to avoid the general nesting period for birds. If construction or vegetation removal cannot be performed during this period, preconstruction surveys will be performed no more than two days prior to construction activities to locate any active nests. The applicant shall be responsible for the retention of a qualified biologist to conduct a survey of any active nests within the project site and surrounding 100' for nonraptor species and 300' for raptor species – with particular emphasis on nests of migratory birds—if construction (including site preparation) will begin during the bird nesting season, from February 1 through August 31. If active nests are observed on either the project site or the surrounding area, the project applicant, in coordination with the appropriate City staff as identified by the City, 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 14 days or more and then resumes during the nesting season, an additional survey will be necessary to avoid impacts on active bird nests that may be present.

TECHNICAL REPORTS

43. **GEOTECHNICAL REPORT:** The applicant shall have a design-level geotechnical investigation prepared which includes recommendations to address and mitigate geologic hazards in accordance with the specifications of California Geological Survey (CGS) Special Publication 117, *Guidelines for Evaluating and Mitigating Seismic Hazards*, and the requirements of the Seismic Hazards Mapping Act. The report will be submitted to the City prior to the issuance of building permits, and the recommendations made in the geotechnical report will be implemented as part of the project. Recommendations may include considerations for design of permanent below-grade walls to

resist static lateral earth pressures, lateral pressures caused by seismic activity, and traffic loads; method for back draining walls to prevent the buildup of hydrostatic pressure; considerations for design of excavation shoring system; excavation monitoring; and seismic design.

44. **TOXIC ASSESSMENT:** A toxic assessment report shall be prepared and submitted as part of the building permit application. The applicant must demonstrate that hazardous materials do not exist on the site, or that construction activities and the proposed use of this site are approved by any agency with jurisdiction over the handling of hazardous materials, such as: the City of Mountain View Hazardous Materials Division of the Fire Department; the State Department of Health Services; the Regional Water Quality Control Board; and/or the Department of Toxic Substances Control (“DTSC”).
45. **BIRD STRIKE MANAGEMENT PLAN:** A bird strike management plan which provides project design features to reduce bird strikes and a bird strike monitoring plan postconstruction shall be submitted as part of the building permit application and the recommended provisions included in the building permit plan submittal.

LEGAL AGREEMENTS

46. **HOUSING IMPACT FEE FOR NONRESIDENTIAL PROJECTS:** Prior to the issuance of the first building permit, the applicant shall pay a Housing Impact Fee based on the net new floor area and the fees in effect at the time of building permit issuance.
47. **NORTH BAYSHORE IMPROVEMENT FEE:** For the net new square footage created on the property prior to the adoption of an ordinance establishing a rate for the North Bayshore fees, the applicant shall pay to the City fees in the amount of \$10 per net new square foot at the time a building permit is issued for any building on the Property. The net new square footage for the Marine Way site shall be 115,606.5 square feet and the net new square footage for the Bayshore site shall be 115,606.5 square feet; therefore, the amount to be paid at the time a building permit is issued prior to the adoption of an ordinance establishing a rate for the North Bayshore fees for a building on either site shall be \$1,156,065.

Upon adoption of an ordinance establishing a rate for the North Bayshore fees, if the rate exceeds \$10 per net new square foot, then the applicant shall pay the City additional fees for the building for which a building permit was previously issued based on a formula whereby 115,606.5 square feet is multiplied by the difference between \$10 and the lesser of: (i) the rate established by the ordinance; or (ii) \$15 per net new square foot. This additional payment shall be made within 30 days of the effective date of the ordinance. If the rate is less than \$10 per net new square foot, then the applicant shall be entitled to a credit against future impact fees to be assessed for any future building on the property using the same formula.

For building permit applications that are approved after the City’s adoption of an ordinance establishing a rate for the North Bayshore fees, the applicant shall pay all impact fees required by the ordinance. Notwithstanding the previous sentence, the applicant shall not be required to pay any development impact fees adopted for new development within the Precise Plan area at a rate that exceeds \$15 per net new square foot.

The applicant shall be entitled a \$550,000 credit for the cost of constructing off-site infrastructure improvements as part of the project. The applicant shall be entitled to have 50 percent of such credits (\$275,000) applied against the initial payment of \$1,156,065, as stipulated above. The remaining credit shall apply against the payment of additional fees by the applicant prior to the issuance of a subsequent building permit for the project.

48. **PRECISE PLAN REIMBURSEMENT:** The applicant shall pay the City \$0.42 per net new square foot at the time a building permit is issued for the Marine Way Site for the reimbursement of the proportional share of the funds expended for the preparation of the Precise Plan and associated EIR for the North Bayshore Area. The net new square footage for the project shall be 231,213 square feet and, therefore, the amount to be paid shall be \$97,109.
49. **HOLD HARMLESS:** Prior to the issuance of any building permits, the applicant shall agree in writing to defend, indemnify, and hold harmless the City and its officers, agents and employees in any action brought by a third party

to void this land use entitlement. The agreement shall be in a form that is satisfactory to the City Attorney and the Community Development Director. It shall be formally recorded, running with the land, and shall not be amended without prior City consent.

MITIGATION MEASURES

50. **MM HYDRO-4.1:** Construction of the proposed project on-site will comply with the provisions of the City of Mountain View Flood Hazard Ordinance for nonresidential construction, including Section 8.164.1, Standards of Construction. The applicable requirements of the Municipal Code for construction in a flood zone will be required of the project as conditions of approval.
51. **MM HYDRO-4.2:** Construction of the proposed project will comply with the requirements of the Federal Emergency Management Agency for flood hazard areas. These requirements include obtaining a FEMA Floodproofing Certificate, including documentation of certification by a registered professional engineer or architect that the design and methods of construction of the buildings are in accordance with accepted practices for meeting the floodproofing requirements in the City's Floodplain Management Ordinance. This documentation is required for both floodplain management requirements and insurance rating purposes.
52. **MM HAZ-1.1:** Because low levels of petroleum hydrocarbons and volatile organic compounds (VOCs) were detected at the site in the soil and groundwater, a Soil and Groundwater Management Plan (SGMP) and a Health and Safety Plan (HSP) shall be prepared prior to construction. The SGMP will provide recommended measures to mitigate the long-term environmental or health and safety risks caused by the presence of petroleum hydrocarbons and VOCs in the soil and groundwater.
- The SGMP shall be reviewed and approved by the Santa Clara County Department of Environmental Health, the San Francisco Bay Regional Water Quality Control Board (RWQCB), DTSC, or other appropriate agency addressing oversight to establish management practices for handling contaminated soil or other materials (including groundwater) if encountered during demolition and construction activities.
- The details of the SGMP shall include the provision of a vapor barrier (refer to **MM HAZ-1.3**) and details about ventilation systems for the garages and buildings, including air exchange rates and operation schedules for the systems. The SGMP will also contain contingency plans to be implemented during excavation activities if unanticipated hazardous materials are encountered.
53. **MM HAZ-1.2:** The Health and Safety Plan (HSP) will outline proper soil handling procedures and health and safety requirements to minimize worker and public exposure to hazardous materials during construction. Each contractor working at the site shall prepare a health and safety plan that addresses the safety and health hazards of each phase of site operations that includes the requirements and procedures for employee protection. Employees conducting earthwork activities at the site must complete a 40-hour training course, including respirator and personal protective equipment training. Upon construction completion, an environmental regulatory closure report should be prepared demonstrating that the soil and groundwater was handled according to requirements of the SMP.
54. **MM HAZ-1.3:** A vapor barrier shall be installed beneath all structures to mitigate any issues associated with the potential presence of VOCs or petroleum hydrocarbon vapors at the site. The vapor barrier design shall be equivalent to those required for sites with known vapor concerns in Mountain View that are also exposed to groundwater. Specifications for the vapor barrier included in the SMP shall include thickness, type, durability, and diffusion rates for VOCs of concern. The specifications shall also describe the effectiveness of the liner over the life of the building.
55. **MM HAZ-1.4:** Prior to the existing tenants vacating the site, the Mountain View Fire Department shall be contacted to determine facility closure requirements, if any. These requirements could include baseline sampling and analysis and decontamination activities.

56. **MM HAZ-1.5:** Excavated soils will be characterized prior to off-site disposal or reuse on-site. Appropriate soil characterization, storage, transportation, and disposal procedures shall be followed. Contaminated soils shall be disposed of at a licensed facility.
57. **MM HAZ-1.6:** An Operations and Maintenance Plan shall be prepared if contaminated soil (as defined in the SMP) is to be left in place. The purpose of this plan is to notify tenants of the existence and location of this contamination, and to provide protocols for handling this soil if encountered during site maintenance activities.
58. **MM HAZ-1.7:** If utility trenches extend into the top of groundwater, appropriate measures will be implemented to reduce groundwater migration through trench backfill and utility conduits. Such measures shall include placement of low-permeability backfill "plugs" at intervals on-site and where the utility trenches extend off-site. In addition, if utility conduits are placed below groundwater, they will be installed with watertight fittings to reduce the potential for groundwater to migrate into the conduits.
59. **MM HAZ-1.8:** If utility trenches extend into the top of groundwater and, due to the nature of the VOCs and their potential detrimental impacts on utility pipelines, a corrosion study must be performed by a licensed professional engineer to determine protective measures for utilities, which could include wrapping piping with corrosion-resistant tape, applying an epoxy coating, using corrosion-resistant piping materials (including gaskets, flanges, and couplings), and/or installing a cathodic protection system. Contractors working on-site shall implement all recommended protection measures.
60. **MM HAZ-2.1:** To identify and quantify ACMs in the buildings, sampling, and testing for all buildings shall be completed prior to the demolition activities.
61. **MM HAZ-2.2:** All potentially friable ACMs shall be removed in accordance with the National Emissions Standards for Hazardous Air Pollutants (NESHAP) guidelines prior to building demolition or renovation that may disturb the materials.
62. **MM HAZ-2.3:** All demolition activities shall be undertaken in accordance with Cal/OSHA standards, contained in Title 8 of the California Code of Regulations (CCR), Section 1529, to protect workers from exposure to asbestos. Materials containing more than 1 percent asbestos are also subject to Bay Area Air Quality Management District (BAAQMD) regulations.
63. **MM HAZ-3.1:** Surveys and sampling for lead-based paint shall be completed prior to demolition. If lead-based paint is bonded to building materials, removal is not required. If the paint is flaking, peeling, or blistering, it should be removed prior to demolition.
64. **MM HAZ-3.2:** 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.
65. **MM HAZ-3.3:** 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.
66. **MM C-BIO-1:** The project shall pay a Nitrogen Deposition Fee to the Santa Clara Valley Habitat Agency, which is a Joint Powers Authority made up of the cities of San Jose, Gilroy, and Morgan Hill; Santa Clara Valley Water District; Valley Transportation Authority; and Santa Clara County that has been created to implement the Santa Clara Valley Habitat Plan. The fee would be used to protect and enhance sensitive habitat in the Coyote Ridge and South County area that is subject to degradation due to nitrogen deposition (related primarily to vehicle emissions). The payment would be based on a rate of \$3.60 per net new vehicle trip established for projects covered by the SCV Habitat Plan. This Nitrogen Deposition Fee shall be paid prior to issuance of building permits for the project.

Public Works Department – (650) 903-6311

RIGHTS-OF-WAY

67. **STREET DEDICATION:** Dedicate a street easement to widen Bayshore Parkway to 52.5’.
68. **STREET CORNER DEDICATION:** Dedicate a 20’ radius street easement corner return at Bayshore Parkway and Garcia Avenue.
69. **PEDESTRIAN ACCESS EASEMENT:** Dedicate a pedestrian access easement along Bayshore Parkway, Garcia Avenue, and Marine Way to the satisfaction of the Public Works Director.
70. **RIGHT-OF-WAY ABANDONMENT:** Vacate all existing public easements that are or will be no longer needed or conflict with the proposed buildings and structures. All vacations shall be completed and recorded prior to the issuance of a building permit. Submit an 8.5” x 11” plat (drawing) and legal description prepared by a registered civil engineer or land surveyor of the easement to be abandoned, request letter signed by the owner(s) of the property, and processing fee for the easement abandonment to the Public Works Department, Operations Section, or include the vacations on parcel map.

71. **PUBLIC UTILITY EASEMENT:** Dedicate Public Utility Easements for public utilities located behind the property line.

STREET IMPROVEMENTS

72. **PUBLIC IMPROVEMENTS:** Install or reconstruct standard public improvements that are required for the subdivision and as required by Chapters 27 and 28 of the Mountain View City Code. These improvements include curb, gutter, and sidewalks along Marine Way, Bayshore Parkway, and Garcia Avenue, new utility connections (sewer, domestic water, irrigation water, reclaimed water, storm drainage), streetlights, trees, and landscaping.
 - a. **IMPROVEMENT AGREEMENT:** The property owner must sign a Public Works Department improvement agreement for the installation of the public improvements required to be constructed by these conditions of approval prior to the approval of the building permit. Sign a Public Works Department faithful performance bond (100 percent) and materials/labor bond (100 percent) or provide a letter of credit (150 percent) securing the installation and warranty of the off-site and on-site common improvements in a form approved by the City Attorney’s Office. The surety (bond company) must be listed as an acceptable surety on the most current Department of the Treasury’s Listing of Approved Sureties on Federal Bonds, Department Circular 570. This list of approved sureties is available through the Internet at <http://www.fms.treas.gov/c570/index.html>. The bond amount must be below the underwriting limitation amount listed on the Department of the Treasury’s Listing of Approved Sureties. The surety must be licensed to do business in California. Guidelines for certificates of deposit are available at the Public Works Department.
 - b. **INSURANCE:** Provide a certificate of insurance and endorsement naming the City an additional insured from the entity that will sign the improvement agreement prior to the approval of the building permit. The insurance coverage amounts are a minimum of One Million Dollars (\$1,000,000) commercial general liability, automobile liability, and Workers’ Compensation. The insurance requirements are available from the Public Works Department.
73. **OFF-SITE PLANS:** Prepare off-site improvement plans in accordance with the City’s Standard Design Criteria. The plans are to be drawn on 24” x 36” sheets at a minimum scale of 1” = 20’. The plans shall be stamped by a registered civil engineer and shall show all public improvements and other applicable work within the public right-of-way. A traffic control plan indicating the work areas, delineators, signs, and other traffic control measures is required for work that impacts traffic on an existing street. Locations of on-site parking for construction equipment and construction workers must be submitted for review and approval. Off-site plans (nine sets), construction cost estimate, and copy of the current preliminary title report or property deed must be submitted together as a separate

package concurrent with the first submittal of the building plans. The off-site plans must be approved and signed by the Public Works Department. After the plans have been signed by the Public Works Department, 10 black-line sets, one Xerox Mylar (4 mil) set of the plans, and CD with CAD file and PDF must be submitted to the Public Works Department prior to the issuance of the building permit.

74. **INFRASTRUCTURE QUANTITIES:** Submit a construction cost estimate form indicating the quantities of the street and utility improvements with the submittal of the improvement plans. The construction cost estimate is used to estimate the cost of street and utility improvements and to determine the Public Works plan check and inspection fees.
75. **ENCROACHMENT RESTRICTIONS:** Private steps, fences, and retaining walls shall not encroach into the public right-of-way.
76. **SPECIAL PAVERS AND CONCRETE:** The proposed pavers, colored concrete, or textured concrete will not be allowed within the public street or sidewalk, with the exception of the upgraded Garcia Avenue pedestrian crossings.
77. **VISIBILITY SIGHT TRIANGLE:** At street corners of uncontrolled intersections or driveways, no sign, landscaping, or other obstruction over 3' in height shall be located within a vehicle sight triangle formed by measuring 35' along the front and side property lines.
78. **INTERSECTION IMPROVEMENTS:** The Transportation Impact Analysis queuing analysis identifies turn lane capacity deficiencies at three intersections: San Antonio Road/Bayshore Parkway, Rengstorff Avenue/Garcia Avenue, and Shoreline Boulevard/Charleston Road. The following modification shall be included as part of the off-site improvement plans:
- Rengstorff Avenue northbound left-turn lane to Garcia Avenue: The applicant shall extend the turn lane by 125' to provide a 325' turn lane. Three (3) street trees in the median must be removed to provide the extended turn lane.
 - Shoreline Boulevard northbound left-turn lane to Charleston Road: The applicant shall extend the turn lane by 150' to provide a 300' turn lane. Eight (8) street trees in the median must be removed to provide the extended turn lane.
 - Bayshore Parkway westbound left-turn lane to San Antonio Road: The applicant shall extend the turn lane by 50' to provide a 130' turn lane. This is a shorter turn lane than desired; right-of-way constraints prevent additional length.
 - San Antonio Road northbound right-turn lane to Bayshore Parkway: The applicant shall extend the turn lane by 80' to provide a 230' turn lane. This is a shorter turn lane than desired; engineering and permitting constraints limit the feasibility of providing additional length.
 - Due to the shorter than required turn lanes at San Antonio Road and Bayshore Parkway, the applicant shall provide additional improvements to Casey Avenue, including, but not limited to, signing and striping enhancements for vehicular, bicycle, and pedestrian traffic at the Marine Way and San Antonio Road intersections with Casey Avenue.
79. **SUBSTANDARD IMPROVEMENTS:** The existing curb, gutter, and sidewalk on Bayshore Parkway, Garcia Avenue, and Marine Way are not in accordance to current City standards and shall be reconstructed or modified to comply with City standards. This shall include new curb, gutter, and sidewalk.
80. **PUBLIC SIDEWALK:** A 7' public sidewalk and 5' park strip must be provided parallel to Garcia Avenue within the existing right-of-way and the 2' adjacent pedestrian access easement. The 7' public sidewalk along Bayshore Parkway varies from the curb to avoid Heritage trees.

81. **STREETLIGHTS:** Replace the streetlight on the 2698 Marine Way frontage on Marine Way.
82. **MIDBLOCK CROSSING:** Curb inlets must be installed upstream of the crossing with connections to a new manhole in the existing storm drain main. Include LED enhanced crosswalk signs with pedestrian push buttons.
83. **GARBAGE PICKUP:** The configuration of the service area at the Marine Way Site may not be sufficient for the garbage truck. The collection of garbage occurs from the back of the truck, not the front as shown on C.800. Provide a truck-turning exhibit showing the correct orientation.

UTILITIES

84. **WATER AND SEWER SERVICE:** Each dwelling, townhouse, apartment house, restaurant, or place of business shall have its own water meter and sanitary sewer lateral in accordance with City Code Section 35.38.
85. **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.
86. **WATER METER BANK:** The water meters shall be arranged in a bank of meters adjacent to the public sidewalk. The bank of water meters shall not be located next to the main driveway entrance so as not to impact the aesthetics of the entrance.
87. **WATER AND SEWER APPLICATIONS:** Prior to the issuance of the building permit, complete applications for water and sewer service shall be submitted if new water services, water meters, fire services, or sewer laterals are required. Any unpaid water and sanitary sewer fees must also be paid.
88. **UTILITY SERVICES:** The size and location of all existing and new water meters, backflow preventers, water services, fire services, sewer laterals, sewer cleanouts, gate valves, and utility mains are to be shown on the plans. Sewer laterals, water services, and fire services shall have a minimum 5' horizontal separation from each other. Existing water services shall be shown to be disconnected and plugged at the main, unless they are satisfactory for reuse as determined by the Public Services Division. Water services 4" or larger that are not reused shall be plugged at the main by removing the gate valve and installing a blind flange and thrust block at the tee. Existing sanitary sewer laterals and storm connections that are not reused shall be abandoned, and existing face-of-curb drains that are not reused shall be removed.
89. **BACKFLOW PREVENTER:** Aboveground reduced-pressure backflow preventers are required for all new and existing City water services. Backflow preventers shall be located directly behind the water meter or as reasonably close as possible at a location preapproved by the Public Services Division and screened from view with landscaping.
90. **UNDERGROUND SERVICES:** All new and existing electric, telephone, and cable television services serving the site are to be placed underground (including transformers). The undergrounding of the new and existing electric, telephone, and cable television services is to be completed prior to issuance of an occupancy certificate for any new buildings within the site. (Aboveground transformers shall be located so they are screened or not visible from the street or to the general public as approved by the Community Development and Public Works Departments.)
91. **JOINT UTILITY PLANS:** Submit joint utility plans showing the location of the proposed electric, gas, telephone, and cable television conduits and vaults. These plans shall be combined and made a part of the improvement plans. Dedicate utility easements that are necessary for the common utility on the parcel map.
92. **RECYCLED WATER USE REQUIREMENT:** Recycled water use is required for all irrigation within the City's recycled water service area. Recycled water use is also required for all construction activities, including but not

limited to dust control.

93. **RECYCLED WATER USE PERMIT:** Submit a Recycled Water Use Permit application.
94. **RECYCLED WATER PLANS:** Prepare recycled water plans in accordance with the City's Customer Guidelines for Recycled Water Use. The following items shall be shown on the plans: size and location of all existing and new water meters, backflow preventers, new potable and recycled water pipelines, and existing potable and recycled water pipelines (if available); location of irrigation system components (controllers, quick couplers, valves, strainers, and constant pressure main lines); boundaries of the intended potable and recycled water use areas; locations of proposed recycled water advisory signs; a completed Site Information Box; all applicable recycled water standard notes and details.
95. **ADVISORY SIGNS AND TAGS:** Recycled water advisory signs shall be located at water features, ends of streetscapes and medians, vehicular, bicycle, and pedestrian entrances entering recycled water use areas, and in indoor rooms supplied with recycled water. Identification tags are required on all recycled water potable water appurtenances.
96. **PIPELINE MATERIAL:** Recycled water PVC-Constant pressure lines 1-1/2" or smaller shall be Schedule 40, and 2" or larger shall be Class 315 or C900 Class 200 DR14. Recycled water PVC-Intermittent pressure lines shall be Schedule 40 or Class 200. Copper Pipe shall be Type "K."
97. **PIPELINE DEPTH, SEPARATION, AND MARKING:** New parallel potable and recycled water pipelines shall have a minimum 4' horizontal separation, and 10' where possible. New crossing potable and recycled pipelines shall have a minimum 12" vertical separation. All new buried pipelines shall be purple-colored and labeled "CAUTION – RECYCLED WATER." Existing buried pipelines that will be converted to recycled water need not be marked unless the pipelines become exposed.
98. **DUAL PLUMBING PLANS:** Prepare a set of plans with proposed piping system to be used, pipe locations of both recycled and potable systems, type, and location of the outlets and plumbing fixtures that will be accessible to the public, and the methods and devices to be used to prevent backflow of recycled water into the public water system.
99. **DUAL PLUMBING ON-SITE BACKUP:** Sites proposing to use recycled water for toilet and urinal flushing are required by the City to have an on-site backup water supply. If recycled water is used for purposes other than toilet and urinal flushing, then an on-site backup water supply may be installed at the discretion of the customer. The on-site backup must adhere to all applicable codes and regulations, and must be equipped with an air gap to prevent cross-connection between the potable and recycled water systems.
100. **DUAL PLUMBING ENGINEERING REPORT:** Sites proposing to use recycled water for indoor purposes shall submit a Dual Plumbing Engineering Report to the City for approval by the California Department of Public Health. The required contents of the report are defined in CCR Title 22 §60314 and must include a detailed description of intended use area, plans, and specifications of the piping system and on-site backup tank, and the method to be used to assure that cross-connection between the recycled water and potable water piping system will not occur.
101. **SPECIAL INSPECTION:** The following note shall be clearly shown on the first sheet of the recycled water plans: "Any installation for recycled water is required to have a special inspection by the engineer of record to ensure that the on-site recycled water system was constructed per the approved plans and specifications. Engineer of record shall submit a letter to the City verifying that the on-site recycled water system was constructed per the approved plans and specifications." Receipt of letter is required prior to building occupancy.
102. **CROSS-CONNECTION TESTING:** The following note shall be clearly shown on the first sheet of the recycled water plans: "A cross-connection test is required prior to receiving recycled water." The cross-connection test will be performed by the City or its representative and must be performed prior to building occupancy.

SIDEWALKS AND DRIVEWAYS

103. **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.
104. **DRIVEWAYS:** All driveways, including the drop-off along Garcia Avenue, must be City standard driveways, not curb returns. Due to the right-turn-only configuration for the driveway on Bayshore Parkway, a modified City standard detail will be required in this location only. The driveways on Casey Avenue must be modified to be ADA compliant.

RECYCLING

105. **RECOLOGY MOUNTAIN VIEW:** Recology Mountain View is the City's exclusive hauler for recycling and disposal of construction and demolition debris. For all debris boxes, contact Recology. Using another hauler may violate Mountain View City Code Sections 16.13 and 16.17 and result in code enforcement action.
106. **CONSTRUCTION AND DEMOLITION ORDINANCE:** This project must comply with the City's Construction and Demolition Ordinance (Mountain View City Code Chapter 16, Article III).

STREET TREES

107. **REPLACEMENT STREET TREES:** The applicant shall plant 22 replacement street trees (or replacement street trees at a 2:1 ratio) for those street trees removed due to the additional turn lane improvement requirements at locations as determined by the Public Works Director.
108. **STREET TREE LOCATION:** The location of existing trees to remain, existing trees to be removed, and new street trees shall be shown on the grading, utility, and landscaping plans. New street trees are to be planted a minimum of 10' from sanitary sewer lines and 5' from water lines, fire lines, and driveways in accordance with Detail F-1 of the Standard Provisions. New street tree species must be selected from the City's official street tree list and as approved by the City's Parks and Open Space Division per Proposed Street Tree Form (CD-51).
109. **STREET TREE IRRIGATION:** Street trees are to be irrigated by the property owner in accordance with Chapter 32 of the City Code.

GRADING AND DRAINAGE IMPROVEMENTS (ON-SITE)

110. **DRAINAGE PLANS:** On-site drainage plans shall be included in the building plans.
111. **STORM DRAIN HOLD HARMLESS AGREEMENT:** As portions of the site are or will be lower than the adjacent public street or the surface grade over the City's storm mains, before approval of the building permit, the owner shall sign an agreement to hold the City harmless against storm surcharges or blockages that may result in on-site flooding or damage.
112. **SANITARY SEWER HOLD HARMLESS AGREEMENT:** If the sanitary sewer connection(s) inside the structure(s) is/are less than 1' above the rim elevation of the upstream sanitary sewer manhole, before approval of the building permit, the owner shall sign an agreement to hold the City harmless against sewer surcharges or blockages that may result in on-site damage.

FLOOD ZONE

113. **AE FLOOD ZONE:** The site is located within Special Flood Hazard Zone AE 11', and the building and site designs must comply the drainage and flood control requirements of the City Code. The elevation of the lowest floor must be at or above the base flood elevation (elevation 11') (NAVD 88), subject to any allowed exceptions for the

floodproofing of levels lower than the base flood elevation. Applicant shall obtain a flood development permit from the Public Works Department prior to issuance of the building or foundation permit. It is recommended that this permit be obtained before the design of the building plans in order to avoid potential redesign of the building.

114. **GRADING REQUIREMENTS:** For sites located within a special flood hazard zone, the grading or site plan must show the elevation of the finished pad, lowest floor, highest adjacent grade for Flood Zone AO, and base flood elevation for Flood Zone AE. All elevations must be referenced to a City elevation benchmark. The benchmark number, description, elevation, and datum year shall be noted on the grading plan.
115. **ELEVATION CERTIFICATE:** The following note shall be clearly shown on the first sheet of the building permit plans: "An elevation certificate shall be submitted to the Chief Building Official and Land Development Engineer prior to the issuance of an occupancy certificate."
116. **DRY FLOODPROOFING:** Nonresidential structures may be made watertight (dry flood proofing) below the base flood and minimum elevation in lieu of elevating the building. The structure must be dry flood proofed to an elevation at least one foot (1') above the base flood and minimum elevation requirements. The use of levees to dry flood proof a structure will not be permitted. A registered engineer or architect must submit a flood proofing certificate which certifies the designs and construction flood proofing requirements. The following note shall be clearly shown on the first sheet of the plans: "A flood proofing certificate for nonresidential structures shall be submitted to the Chief Building Official and Land Development Engineer prior to the issuance of an occupancy certificate."
117. **FLOOD ZONE ELEVATION DATUM:** All base flood elevations on the FEMA Flood Insurance Rate maps are based on the North American Vertical Datum of 1988 (NAVD 88). Please note that the NAVD 88 is several feet higher than the NGVD 29 datum. The elevations required in the Flood Development Permit Application are to be based upon City elevation benchmarks using the NAVD 88 elevation datum. The City's 1998 elevation benchmark survey lists the NGVD 29 and NAVD 88 elevations of City benchmarks within the City. The 2010 benchmark survey is available at the counter of the Public Works Department.
118. **WELL QUESTIONNAIRE:** Complete a Santa Clara Valley Water District well questionnaire and return it to the Public Works Department. Well questionnaire forms are available from the Public Works Department. All existing wells shall be shown on the site plans as to remain or be sealed in accordance with the Santa Clara Valley Water District standards.
119. **CALTRANS PERMIT:** Apply for a Caltrans Encroachment Permit for all work within Caltrans' jurisdiction. Work within the State right-of-way must be in accordance with Caltrans requirements.
120. **STREET CLEANING:** The owner/developer shall comply with, and the off-site and grading drainage and utility plans shall include, a general note as follows: "The prime contractor or developer is to hire a street cleaning contractor to clean up dirt and debris from City streets that are attributable to the development's construction activities. The street cleaning contractor is to have the capability of sweeping the streets with both a broom-type sweeper and a regenerative air vacuum sweeper, as directed by the Public Works Director, or his/her designated representative."
121. **OCCUPANCY RELEASE:** For commercial and office developments, no buildings will be released for occupancy until the off-site improvements to be constructed to City Public Works standards and/or accepted for maintenance by the City are complete and ready for acceptance.
122. **PRELIMINARY TITLE REPORT:** Submit a current preliminary title report or land deed indicating the exact name of the current legal owners of the property, their type of ownership (individual, partnership, corporation, etc.), and legal description of the property involved to the Public Works Department. This information is required for the preparation of Public Works agreements and documents.
123. **LOT MERGER:** Prior to the issuance of the building permits for the Marine Way and Bayshore Sites, the applicant

must legally merge the properties into a single lot with a parcel map for the Bayshore Site, lot line adjustment for the Marine Way Site, or provide satisfactory evidence to the Public Works Department that the subject properties were legally merged. The parcel map and Lot Line Adjustment shall be recorded prior to the issuance of building permits for the sites.

MISCELLANEOUS

124. **LIMITS OF WORK:** No work to be done on adjacent parcels, including, but not limited to, irrigation.
125. **FOUNDATION OPENINGS:** If the building is elevated on a solid foundation wall along the perimeter of the building, the crawl space underneath the building is classified as an enclosed area. The grade underneath the building must be equal to or higher than the adjacent grade outside the building on at least one side of the building. Further, the grades outside the building must drain away from the building.

There must be a minimum of two (2) foundation openings on different sides of each enclosed area underneath the building. (If a building has more than one enclosed area, each area must have openings on exterior walls.) The total area of all openings must be at least one (1) square inch for each one (1) square foot of enclosed area. The bottom of each opening can be no more than one foot (1') above the adjacent grade. Any louvers, screens, or other opening covers must not block or impede the automatic flow of floodwaters into and out of the enclosed area. These provisions do not apply to nonresidential buildings that are floodproofed. For more information, see FEMA Technical Bulletin 1, Openings in Foundation Walls (2008).

Building Inspection Division – (650) 903-6313

126. **CODES:** Construction plans will need to meet the current codes adopted by the Building Inspection Division upon submittal. This review by the Building Inspection Division is preliminary and only attempting to identify critical or significant code concerns. Building plan check review will be part of a separate permit application process that can be applied for once the Planning approvals have been obtained and the 10-day appeal period has passed. Submit complete sets of construction drawings at the Building Counter. Please refer to the Building Inspection Division's current "Submittal Requirements" for document submittal requirements. No construction work can be commenced without an appropriate building permit and no new occupancy shall commence without a certificate of occupancy.
127. **ACCESSIBILITY:** Project will be required to comply with the accessibility requirements in the 2010 California Building Code, Chapter 11B.
128. **ADDRESSES:** Street names and numbers will be processed immediately prior to the building approval of the project.
129. **APPROVALS REQUIRED:** This project requires the approval of the DTSC prior to submittal to the Building Inspection Division.
130. **EGRESS:** Site must meet accessible means of egress under the current codes adopted by the Building Inspection Division.
131. **HAZARDOUS MATERIALS:** Any installation of hazardous materials will require submittal of HMIS forms for the Fire Protection Engineer and Hazardous Materials Specialist. Specification forms will also have to be provided at the time of original submittal to the Building Inspection Division.
132. **OCCUPANCY SEPARATION:** Proper separation to be provided between occupancies under the current codes adopted by the Building Inspection Division.
133. **PHOTOVOLTAIC:** Photovoltaic systems to be a deferred submittal.

134. **SURVEY:** A survey will be required to be completed to verify structure placement.

Fire Department – (650) 903-6343

FIRE PROTECTION SYSTEMS AND EQUIPMENT

135. **FIRE SPRINKLER SYSTEM:** Provide an automatic fire sprinkler system to be monitored by a central station monitoring alarm company. This monitoring shall include water flow indicators and tamper switches on all control valves. Three sets of shop-quality drawings shall be submitted for review and approval. All work shall conform to NFPA 13 (2010 Edition), NFPA 72 (2010 Edition), and Mountain View Fire Department specifications. Call the Building Inspection Division at (650) 903-6313 for a copy of specifications and submittal requirements. (Mountain View City Code, Sections 14.10.41 and 14.10.42 and California Fire Code, Section 903.)
136. **STANDPIPE SYSTEM:** Provide a Class III standpipe system. (Mountain View City Code, Sections 14.10.44, 14.10.45, 14.10.46, and 14.10.47 and California Fire Code, Section 905.)
137. **FIRE PROTECTION DURING CONSTRUCTION:** Every building four stories or more in height shall be provided with not less 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. In each floor, there shall be provided a 2-1/2" valve outlet for Fire Department use. (California Fire Code, Chapter 14, and Mountain View City Code, Sections 14.10.49 and 14.10.50.)
138. **FIRE HYDRANTS:** Fire hydrants in accordance with the Department of Public Works Standard Provisions, shall be located every 300'.
139. **FIRE EXTINGUISHERS:** Install one 2-A:10-B:C fire extinguisher for every 50'/75' of travel or every 3,000 square feet. Fire extinguisher locations shall be indicated on the architectural floor plans. (California Code of Regulations, Title 19, Chapter 3, and California Fire Code, Section 906.)
140. **AUTOMATIC/MANUAL FIRE ALARM SYSTEM:** Provide an approved automatic/manual fire alarm system in accordance with California Fire Code and Mountain View Fire Department specifications. Three complete sets of fire alarm system shop-quality drawings shall be submitted for review and approval. Prior to occupancy, the system shall be field-tested, approved, and in service. Provisions shall be made for monthly testing, maintenance, and service. Call the Building Inspection Division at (650) 903-6313 for a copy of specifications and submittal requirements. (California Fire Code, Section 907, and Mountain View City Code, Section 14.10.48.)
141. **LOCKBOX:** Install an approved key lockbox per the Fire Protection Engineer's directions. Call the Building Inspection Division at (650) 903-6313 for instructions. (California Fire Code, Section 506.)
142. **KEYSWITCH:** Install an approved key switch per the Fire Protection Engineer's directions. Call the Building Inspection Division at (650) 903-6313 for instructions. (California Fire Code, Section 506.) (Applies to security gates.)
143. **FIRE APPARATUS ACCESS ROADS:** Access roads shall have 13'6" unobstructed vertical clearance, 20' of unobstructed width (26' where building occupied floors exceed 30' height), and minimum turning radii of 21' (inside turning radius) and 37' (outside turning radius). Unobstructed width shall mean a clear travel way, excluding parking width and designed for an emergency vehicle weight of 70,000 pounds. Unobstructed width shall not include the width of rolled curbs, sidewalks, or non-drivable surfaces. (California Fire Code, Section 503, and Mountain View City Code, Sections 14.10.29, 14.10.30, 14.10.31, 14.10.32.)
144. **FIRE APPARATUS TURN-AROUNDS:** Dead-end fire apparatus access roads in excess of 150' in length shall be provided with approved provisions for the turning around of apparatus. "Approved provisions" shall mean that

turnarounds, in accordance with Mountain View Fire Department specifications, are provided in locations such that fire apparatus shall never be more than 150' away from the closest turnaround. Call the Building Inspection Division at (650) 903-6313 for specifications. (California Fire Code, Section 503, and Mountain View City Code, Section 14.10.31.)

145. **FIRE LANE MARKING:** "NO PARKING – FIRE LANE" signs shall be posted along fire lanes and curbs shall be painted red with the words: "NO PARKING – FIRE LANE" stenciled in white on the top and side of the curb. Call the Building Inspection Division at (650) 903-6313 for specifications and application. (California Fire Code, Section 503.)
146. **ALL-WEATHER FIRE APPARATUS ACCESS ROADS:** Prior to combustible construction, an all-weather access road capable of supporting emergency vehicles (70,000 pounds) shall be constructed to allow access within 150' of every portion of the project. Access roads shall have 13'6" overhead clearance, 20' of unobstructed width, and 21' inside turning radius. (California Fire Code, Section 503.)
147. **STRETCHER REQUIREMENTS:** In all structures four or more stories in height, at least one elevator shall be provided with a minimum clear distance between walls or between walls and door excluding return panels, of not less than 80" by 54", 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" by 24" in the horizontal position. (California Building Code, Section 3002.)
148. **EXIT ILLUMINATION:** Exit paths shall be illuminated any time the building is occupied with a light having an intensity of not less than one footcandle at floor level. Power shall normally be by the premises wiring with battery backup. Exit illumination shall be indicated on the Electrical Plans. (California Building Code, Section 1006.)
149. **EXIT SIGNS:** Exit signs shall be internally or externally illuminated and provided with battery backup per Uniform Building Code Chapter 10 or by back-up generators within the buildings. Exit signs shall be posted above each required exit doorway and wherever otherwise required to clearly indicate the direction of egress. (California Building Code, Section 1011.)

FIRE DEPARTMENT ACCESS

150. **ON-SITE DRAWINGS:** Submit two 8-1/2"x11" plot plan drawings according to Mountain View Fire Department specifications prior to final certificate of occupancy.

EGRESS AND FIRE SAFETY

151. **EMERGENCY PROCEDURE MAPS:** In all office buildings two or more stories in height, except high-rise buildings, a floor plan providing emergency procedures information shall be posted at every stairway landing, at every elevator landing, and immediately inside all public entrances to the building. The information shall be posted so that it describes the represented floor level and can be easily seen immediately upon entering the floor level or the building. Emergency procedures information shall be printed with a minimum of 3/16" high nondecorative lettering providing a sharp contrast to the background. Emergency procedures information shall include, but not be limited to, the following: (1) location of exits and fire alarm initiating stations, if required; (2) what the fire alarm, if required, sounds and looks like (audible and visual warning devices); (3) Fire Department emergency telephone number, 9-1-1; and (4) the prohibition of elevator use during emergencies, if any. (California Code of Regulations, Title 19, Section 3.09.)
152. **STAIRWAY ID SIGNS:** In buildings four 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, indicate whether there is roof access, the floor level, and the upper and lower terminus of the stairway. The sign shall be located 5' above the floor landing in a position which is readily visible when the door is in the open or closed position. (California Building Code, Section 1022.8.)

HAZARDOUS CONDITIONS

153. **STATIONARY LEAD-ACID BATTERY SYSTEMS:** Stationary lead-acid battery systems shall comply with the California Fire Code, Section 608, and Mountain View City Code, Section 14.10.38.

EXTERIOR IMPROVEMENTS

154. **PREMISES IDENTIFICATION:** Approved numbers or addresses shall be provided for all new and existing buildings in such a position as to be plainly visible and legible from the street or road fronting the property. Address signs shall be a minimum of 6" in height. (Mountain View City Code, Section 14.10.34.)

OTHER

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

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

HAZARDOUS MATERIALS

156. **ABOVEGROUND DIESEL TANKS FOR EMERGENCY AND STANDBY GENERATORS:** Complete an "Aboveground Diesel Tanks for Emergency and Standby Generators" check sheet. Contact the Fire and Environmental Protection Division of the Fire Department at (650) 903-6378 to obtain a copy. All applicable items in the check sheet should be completed and shown on the building plan submittal.

URBAN RUNOFF

For more information, guidelines, design criteria, or materials about urban runoff conditions, contact the Fire and Environmental Protection Division of the Fire Department at (650) 903-6378. "Stormwater Quality Guidelines for Development Projects" can also be accessed at the following link to the Fire Department website:

http://www.mountainview.gov/city_hall/fire/programs_n_services/environmental_safety.asp

157. **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.
158. **STATE OF CALIFORNIA CONSTRUCTION GENERAL STORMWATER PERMIT:** A "Notice of Intent" (NOI) and "Stormwater Pollution Prevention Plan" (SWPPP) shall be prepared for construction projects disturbing one (1) acre or more of land. Proof of coverage under the State General Construction Activity Stormwater Permit shall be attached to the building plans.
159. **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, hydro-seeding, or other soil stabilization methods for high-erosion areas. The plan should also include routine street sweeping and storm drain catch basin cleaning.
160. **LANDSCAPE DESIGN:** Landscape design shall minimize runoff and promote surface filtration. Examples include: (a) no steep slopes exceeding 10 percent; (b) using mulches in planter areas without ground cover to avoid sedimentation runoff; (c) installing plants with low water requirements; and (d) installing appropriate plants for the location in accordance with appropriate climate zones. Identify which practices will be used in the building plan submittal.

161. **EFFICIENT IRRIGATION:** Common areas shall employ efficient irrigation to avoid excess irrigation runoff. Examples include: (a) setting irrigation timers to avoid runoff by splitting irrigations into several short cycles; (b) employing multi-programmable irrigation controllers; (c) employing rain shutoff devices to prevent irrigation after significant precipitation; (d) use of drip irrigations for all planter areas which have a shrub density that will cause excessive spray interference of an overhead system; and (e) use of flow reducers to mitigate broken heads next to sidewalks, streets, and driveways. Identify which practices will be used in the building plan submittal.
162. **HAZARDOUS MATERIALS/WASTE LOADING DOCKS:** Loading docks used for hazardous materials or hazardous waste shipping/receiving shall be designed to prevent the run-on of stormwater and runoff of spills by all of the following: (a) paving the dock with concrete or other non-permeable surface; (b) covering the dock or installing a rain sensor which automatically opens the storm drain in the dock; and (c) sloping the dock inward (negative slope) or installing a berm or curb around its perimeter. There shall be no storm drains in the loading docks unless they are normally in the closed position and interlocked to open when triggered by the rain sensor.
163. **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, asphalt, or other non-permeable 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.
164. **PARKING GARAGES:** For multiple-level parking garages, interior levels shall be connected to an approved wastewater treatment system discharging to the sanitary sewer.
165. **STORMWATER TREATMENT (C.3):** This project will create or replace more than ten thousand (10,000) square feet of impervious surface; therefore, stormwater runoff shall be directed to approved, permanent treatment controls as described in the City's guidance document entitled, "Stormwater Quality Guidelines for Development Projects." The City's guidelines also describe the requirement to select Low-Impact Development (LID) types of stormwater treatment controls; the types of projects that are exempt from this requirement; and the Infeasibility and Special Projects exemptions from the LID requirement.

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

1. Complete and submit a "Rainwater Harvesting Feasibility Checklist" with the Stormwater Management Plan and address finding as needed based on the results of the evaluation; and
2. For drainage areas that are shown to be treated by multiple bio-treatment facilities, provide drainage and sizing calculations for sub-drainage areas to each treatment facility.

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

GERARD BEAUDIN, ZONING ADMINISTRATOR

GB/SW/5/FDG
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