

CITY OF MOUNTAIN VIEW
RESOLUTION NO.
SERIES 2016

A RESOLUTION CONDITIONALLY APPROVING A
DEVELOPMENT REVIEW PERMIT FOR A FOUR-STORY, 116-UNIT
RESIDENTIAL AFFORDABLE APARTMENT BUILDING WITH
TWO MANAGER UNITS AND ONE LEVEL OF UNDERGROUND PARKING
AND A HERITAGE TREE REMOVAL PERMIT FOR THE REMOVAL OF
SIX HERITAGE TREES AT 779 EAST EVELYN AVENUE

WHEREAS, an application was received from ROEM Development Corporation (ROEM) for a Development Review Permit for a four-story, 116-unit residential affordable apartment building with two manager units and one level of underground parking and a Heritage Tree Removal Permit for the removal of six Heritage trees on a 1.93-acre project site at 779 East Evelyn Avenue (Application No. 101-15-R); and

WHEREAS, the Environmental Planning Commission held a public hearing on February 17, 2016 on said applications and recommended that the City Council conditionally approve the Development Review Permit and Heritage Tree Removal Permit subject to the findings and conditions of approval in Exhibit A;

WHEREAS, the City Council held a public hearing on March 1, 2016 on said applications and received and considered all evidence presented at said hearing, including the resolution from the Environmental Planning Commission and the City Council report; and

WHEREAS, an application was received from ROEM for a Zoning Map Amendment to rezone the property from P-30 (Sylvan-Dale) Precise Plan to the R4 (High-Density Residential) District and a General Plan Map Amendment to change the land use designation of the property from General Industrial to High-Density Residential;

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

1. The Development Review Permit for the proposed project is conditionally approved pursuant to the following required findings in Section 36.44.70 of the City Code:

a. The project complies with the general design considerations as described by the purpose and intent of the Zoning Ordinance, the General Plan, and any City-adopted design guidelines since the project complies with:

(1) The Zoning Ordinance as the proposed residential multi-family use and project design complies with the R4 (High-Density Residential) Zoning District standards and meets adjusted parking requirements as reviewed by the City Council at a Study Session on May 26, 2015 at a ratio of 1.75 spaces per unit;

(2) The General Plan as the project complies with the High-Density Residential Land Use Designation of the 2030 General Plan. The project advances the following General Plan policies: LUD 2.3 (Local Collaboration) by coordinating roadway and bike lane improvements with the City of Sunnyvale; LUD 3.1 (Land Use and Transportation) by locating higher land use intensities along a major commute corridor—Evelyn Avenue; LUD 3.5 (Diversity) by encouraging residential developments serving a range of diverse households and income levels; and policies LUD 6.5 (Pedestrian and Bicycle Improvements) and LUD 8.5 (Pedestrian and Bicycle Amenities) by supporting bike and pedestrian improvements that connect the project site to the surrounding neighborhood, as well as integrate desirable bicycle amenities into the new development;

(3) The R4 Guidelines, by incorporating high-quality architectural design that focuses on pedestrian scale and connection through direct entrances on Evelyn and Bernardo Avenues; implementing connections to the City's bicycle network on Evelyn and Bernardo Avenues; incorporating building heights and architectural scale that is compatible with other residential developments along the Evelyn Avenue Corridor; and promoting adequate, safe, and useable common and private amenity areas for residents. The project also meets required criteria for the R4 Zoning District guidelines, including: (i) the project site is not contiguous with an R1- or R2-zoned property, (ii) the project site is greater than 1 acre in size, and (iii) the project site is not immediately across the street from an R1-zoned property; and

(4) The City's Bicycle Transportation Plan Update by incorporating bike lane striping and safety improvements at the intersection of East Evelyn Avenue and South Bernardo Avenue as encouraged by the plan (Reference No. S-26, 2015);

b. The architectural design of the apartment building, including colors, materials, and design elements, is compatible with surrounding development as the materials are similar to those found within a residential development, including stucco, stone, tile, metal railings, and other accent materials. Additionally, the building includes a height transition from the proposed four-story apartment building to the one- and two-story existing apartment complex to the south with a building setback of approximately 50' from the south property line, while creating a strong street presence along the project frontage with building entrances on South Bernardo Avenue and East Evelyn Avenue;

c. The location and configuration of the apartment building, parking, landscaping, and access are appropriately integrated and compatible with surrounding development, including public streets and sidewalks and other public property, by incorporating a separated sidewalk along East Evelyn Avenue and a wider sidewalk along South Bernardo Avenue to allow for improved pedestrian conditions, locating parking within a screened parking garage with a small parking lot to the rear, and incorporating new landscaping and trees along Evelyn Avenue and along the perimeter of the site;

d. The general landscape design ensures visual relief, complements structures, provides an attractive environment, and is consistent with any adopted landscape program for the general area by providing a 15' building setback along the sides and front of the building, providing adequate space for dense landscaping from adjacent properties, including the gas service station, personal storage facility, and apartments to the south, while maintaining compliance with the City's Water Conservation in Landscaping Regulations;

e. The design and layout of the proposed project will result in well-designed vehicular and pedestrian access, circulation, and parking by locating all parking and vehicular access to the rear of the property along Bernardo Avenue with a single vehicle entrance/exit, and promoting pedestrian and bicycle circulation along the street frontages; and

f. The approval of the Development Review Permit for the proposed use is in compliance with the California Environmental Quality Act (CEQA) because an Initial Study and Mitigated Negative Declaration (IS/MND) has been prepared for the General Plan Map Amendment, the Zoning Map Amendment, and the development project in accordance with the CEQA Guidelines, which identified environmental impacts for air quality, hazardous materials, noise, and utilities that can be mitigated to a less-than-significant impact. The IS/MND was circulated for public review from December 22, 2015 to January 21, 2016.

2. The Heritage Tree Removal Permit to remove six (6) Heritage trees (4 pear trees, 1 Mexican fan palm, and 1 privet) is conditionally approved pursuant to the following required findings in Section 32.35 of the City Code:

a. It is appropriate and necessary to remove the trees due to the condition of the trees with respect to age of the trees relative to the life span of that particular species, disease, infestation, general health, damage, public nuisance, danger of falling, proximity to existing or proposed structures, and interference with utility services because of the location of the trees within the footprint of the proposed structure and podium garage, and proximity to utility lines and improvements. Additionally, the Heritage trees are not suitable candidates for relocation.

b. It is appropriate and necessary to remove the trees in order to construct the improvements and/or allow reasonable and conforming use of the property when compared to other similarly situated properties based on the trees being located in the middle of the site, where the building will be located, and along the perimeter, where utility improvements either exist or will be installed, and the trees not being suitable candidates for relocation.

c. It is appropriate and necessary to remove the trees based on the nature and qualities of the trees as Heritage trees, including maturity, aesthetic qualities such as canopy, shape and structure, majestic stature, and visual impact on the neighborhood.

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

e. Removal of the trees will not adversely affect the topography of the land or create soil erosion through diversion or increase flow of surface waters.

f. Removal of the trees will not adversely affect the remaining number, species, size, and/or location of existing trees on the site or in the general vicinity.

g. Removal of the trees will not adversely affect the shade, noise attenuation, protection from wind damage and air pollution, historic value, or scenic beauty of the area, nor shall the removal adversely affect the general health, safety, prosperity, and general welfare of the City as a whole.

h. The approval of the Heritage Tree Removal Permit for the removal of six Heritage trees complies with the California Environmental Quality Act (CEQA) because an IS/MND has been prepared for the project in accordance with the CEQA Guidelines,

which identified environmental impacts for air quality, hazardous materials, noise, and utilities that can be mitigated to a less-than-significant impact. The IS/MND was circulated for public review from December 22, 2015 to January 21, 2016.

BE IT FURTHER RESOLVED that the Development Review 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 in Exhibit A and incorporated herein by reference.

LH/3/RESO
823-03-01-16r-E-1

Exhibit: A. Conditions of Approval

CONDITIONS OF APPROVAL
APPLICATION NO.: 101-15-R
779 EAST EVELYN AVENUE

The applicant is hereby notified, as part of this application, that (s)he is required to meet the following conditions in accordance with the City Code of the City of Mountain View and the State of California. The lead department with which the applicant will work is identified on each condition where necessary. Where approval by the Community Development Director, City Engineer, Public Works Director, City Attorney, or Fire Department is required, that review shall be for compliance with all applicable conditions of approval, adopted policies and guidelines, ordinances, laws and regulations, and accepted practices for the items under review. Additionally, the applicant is hereby notified that (s)he is required to comply with all applicable codes or ordinances of the City of Mountain View and the State of California that pertain to this development and are not herein specified:

This approval is granted to construct a four-story, 116-unit affordable apartment building with one level of underground parking and remove six Heritage trees located on Assessor Parcel No. 161-15-006. 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 Architects Orange for ROEM Development Corporation dated November 20, 2015.
- b. Color and materials board prepared by Architect Orange for ROEM Development Corporation dated November 20, 2015, and kept on file in the Planning Division of the Community Development Department.
- c. Conceptual Roadway and Bike Lane Improvements as prepared by Hexagon for project dated January 12, 2016, and kept on file in the Planning Division of the Community Development Department.
- d. Initial Study/Mitigated Negative Declaration for 779 East Evelyn Avenue Family Housing Project as prepared by the City for the project, and kept on file in the Planning Division of the Community Development Department.

THIS REQUEST IS GRANTED SUBJECT TO THE FOLLOWING CONDITIONS:

Community Development Department – 650-903-6306

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

PLANS AND SUBMITTAL REQUIREMENTS

- 2. **PREFERRED SITE PLAN:** To add outdoor amenity area for residents and reduce surface parking on-site, the building permit drawings must include the preferred site plan shown on Sheet A0-0 in the approved project plans. All site plans, landscaping, and civil drawings must be revised to accommodate the preferred site plan design, which shall be approved by the Community Development and Fire Departments prior to building permit issuance. **(PROJECT-SPECIFIC CONDITION)**
- 3. **PARKING RATIO:** Per the parking study prepared by CDM Smith dated May 2015, and City Council direction at a Study Session held on May 26, 2015, this project shall be parked at a minimum ratio of 1.75 spaces per residential unit. **(PROJECT-SPECIFIC CONDITION)**
- 4. **ZONING INFORMATION:** The following information must be listed on the lower right-hand corner of the title sheet of the building permit drawings: (a) zoning permit application number; (b) zoning designation; (c) floor area ratio; (d) density in units per acre; (e) lot area (in square feet and acres); and (f) total number of parking spaces.

5. **CERTIFICATION OF BUILDING PERMIT PLANS:** The project architect shall certify in writing that the architectural design shown in the building permit plans match the plans approved by the City Council. Any changes must be clearly noted. The project architect shall also certify that the structural plans are consistent with the architectural plans. In the event of a discrepancy between the structural plans and the architectural plans, the architectural plans shall take precedence, and revised structural drawings shall be submitted to the Building Inspection Division.
6. **REVISIONS TO THE APPROVED PROJECT:** Minor revisions to the approved plans shall require approval by the Zoning Administrator. Major modifications as determined by the Zoning Administrator shall require a public hearing, which can be referred to City Council.
7. **PLANNING INSPECTION:** Inspection(s) by the Planning Division are required for the foundation, framing, application of exterior materials, and final completion of each structure to ensure that the construction matches the approved plans.
8. **COLOR CHIPS:** Color chips shall be attached to the title sheet of two sets of the building permit drawings and the color scheme shall be shown on the elevations.

SITE DEVELOPMENT AND BUILDING DESIGN

9. **PUBLICLY ACCESSIBLE OPEN SPACE/FACILITIES:** This project includes privately owned open space, improvements, and/or other facilities located along public rights-of-way, including pedestrian sidewalks, walkways, plazas, and bicycle improvements, which shall be publicly accessible. The applicant shall have the right to establish and enforce reasonable rules and regulations for the use of the open space, but shall not restrict access with fencing or other design/operational barriers. **(PROJECT-SPECIFIC CONDITION)**
10. **EXTERIOR MATERIALS:** High-quality materials and finishes shall be used throughout the project and shall remain in compliance with the materials identified in the approved plans, except as modified by the conditions of approval herein. Details regarding all color and architectural details shall be provided in the building permit plan submittal and shall be subject to review and approval by the Zoning Administrator prior to the issuance of building permits.
11. **TRIM MATERIALS:** Details of the specific placement and utilization of the trim materials shall be provided with the building permit drawings. Final trim design details shall be subject to review and approval by the Zoning Administrator prior to the issuance of building permits.
12. **SPECIAL PAVING MATERIALS:** The color, material, design, and product specifications for the special paving materials used on-site shall be submitted with the building permit drawings. Final paving design details shall be subject to review and approval by the Zoning Administrator prior to the issuance of building permits.
13. **WINDOWS:** Manufacturer type, design, material, and installation details for all windows within the project shall be specified for each unit in the building permit drawings for review and approval by the Zoning Administrator prior to the issuance of building permits. Windows along street frontages shall be recessed from the face of the building up to 3".
14. **MOCK-UP:** The applicant shall set up a large material and color mock-up on-site, prior to purchasing/installing exterior building finishes, for final selection and approval by the Zoning Administrator. At a minimum, the mock-up shall include all exterior finish materials, a sample window (with mullions), window trim, stone, tile, and paint samples.

15. **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.
16. **OUTDOOR STORAGE:** There is to be no outdoor storage without specific Development Review approval.
17. **FENCE/WALL:** All fencing and walls are to be shown on construction plans submitted for building permit review and shall not exceed 6' in height on the project site, or exceed 7' in height along the perimeter, measured from adjacent grade to the top of the fence or wall. A 7' sound-mitigating wall is required along the shared property line of the gas service station and the project site. The design and location must be approved by the Zoning Administrator and comply with all setback requirements.
18. **PLAY STRUCTURE:** Provisions for a children's play yard, including appropriate equipment, shall be included on the landscape plans to be approved by the Zoning Administrator and installed prior to any occupancy.
19. **PARKING SPACE DESIGN:** All parking spaces (except parallel spaces) must be double-striped. Double stripes shall be 12" apart, from outside edge to outside edge of the stripe. The 8-1/2' parking space width is measured from the center of one double stripe to the other, such that the space between stripes is 7-1/2'. For parallel parking spaces, only single-striped is required. Single stripes shall be measured from interior edge to interior edge of the stripe, such that the space between stripes is 24'. A loading stall shall be a minimum 10' wide by 25' in length, with a height clearance of a minimum of 12'.
20. **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.
21. **BICYCLE AMENITIES AND IMPROVEMENTS:** The applicant shall provide the following bicycle amenities and improvements:
 - a. **Bicycle Racks:** Provide bike racks (Class II/III at 10 percent of the total number of units). The racks shall be an "inverted U," or equivalent as approved by the Zoning Administrator, and must secure the frame and both wheels. Racks should be located near the building entrance (i.e., within constant visual range) unless it is demonstrated that they create a public hazard or locating them there is otherwise infeasible. If space is unavailable near building entrances, the racks must be designed so that the lock is protected from physical assault.
 - b. **Bike Storage:** Provide bike locker(s) or a bike storage room (Class I), or equivalent, as approved by the Zoning Administrator. The bike storage must accommodate a total of 116 bikes – one per unit.
 - c. **Bike Fix-It Area:** Provide a designated space for a bike fix-it area within the complex with basic tools for bike repairs and maintenance.
 - d. **Bicycle Lane Improvements:** Install bicycle lane improvements on Bernardo Avenue and Evelyn Avenue in accordance with approved plans and conditions noted in this permit, subject to final approval by the Public Works Departments of the cities of Mountain View and Sunnyvale. **(PROJECT-SPECIFIC CONDITION)**

GREEN BUILDING AND SUSTAINABILITY MEASURES

22. **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 a minimum of 100 GreenPoint

Rated points, or an equivalent LEED™ certification level. All mandatory prerequisite points and minimum point totals per category to attain GreenPoint Rated status must be achieved, unless specific point substitutions or exceptions are approved by the Community Development Department. Formal project registration and certification through Build It Green is not required for compliance with the Mountain View Green Building Code (MVGBC). The project is also required to comply with Title 24, Part 6.

LANDSCAPING

23. **LANDSCAPING:** Detailed landscape plans encompassing on- and off-site plantable areas out to the curb must be included in the Building Inspection Division application. Minimum plant sizes are flats or 1-gallon containers for ground cover, 5-gallon for shrubs, and 24" box for trees. The drawings must be approved by the Zoning Administrator prior to building permit issuance and implemented prior to occupancy. All plans should be prepared by a licensed Landscape Architect and should comply with the City's Landscape Guidelines, including the Water Conservation in Landscaping Regulations.
24. **CERTIFICATION:** Prior to occupancy, the Landscape Architect shall certify in writing the landscaping has been installed in accordance with all aspects of the approved landscape plans, subject to final approval by the Zoning Administrator.
25. **STREET TREE:** The applicant shall complete the "Proposed Street Tree" form available in the Planning Division. Once completed, the applicant shall return the original to the Parks Division, located at 235 North Whisman Road, and submit a copy with the Community Development Department.
26. **ARBORIST REPORT:** A qualified arborist shall provide written instructions for the care of all tree(s) before, during, and after construction. Arborist's reports shall be received by the Planning Division and must be approved prior to issuance of building permits. Prior to occupancy, the arborist shall certify in writing that all tree preservation measures have been implemented.
27. **SCREEN TREES:** The landscape plans shall include trees with broad, dense canopies along the south and west property lines, as well as the around the shared perimeter with the gas service station. The trees are necessary to screen views of and provide privacy for adjoining properties and the project.
28. **LANDSCAPE SCREENING:** All utility meters, lines, transformers, backflow preventers, etc., on-site or off-site, must be shown on all site plan drawings and landscape plan drawings. All such facilities shall be located so as to not interfere with landscape material growth and shall be screened in a manner which respects the building design and setback requirements.

HERITAGE TREES

29. **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.
30. **REPLACEMENT:** The applicant shall offset the loss of each Heritage tree with 2 replacement trees, for a total of 12 replacement trees. Each replacement tree shall be no smaller than a 24" box and shall be noted on the landscape plan as Heritage replacement trees.
31. **TREE PROTECTION MEASURES:** The tree protection measures 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.

32. **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.

SIGNS

33. **SIGNAGE:** No signs are approved as part of this application. The applicant shall develop an overall sign program for this property. The program shall identify suitable sign locations, types, sizes, colors, and materials.

NOISE

34. **MECHANICAL EQUIPMENT:** The noise emitted by any mechanical equipment shall not exceed a level of 55 dB(A) during the day or 50 dB(A) during the night, 10:00 p.m. to 7:00 a.m., when measured at any location on the adjoining residentially used property.
35. **INTERIOR NOISE LEVELS:** Construction drawings must confirm that measures have been taken to achieve an interior noise level of 45 dB(A) L_{dn} that shall be reviewed and approved by a licensed acoustical engineer prior to building permit submittal. This minimum standard shall not conflict with more stringent acoustical requirements per mitigation measures from the project's Initial Study/Mitigated Negative Declaration (IS/MND).
36. **CONSTRUCTION NOISE REDUCTION:** The following noise reduction measures shall be incorporated into construction plans and contractor specifications to reduce the impact of temporary construction-related noise on nearby properties: (a) comply with manufacturer's muffler requirements on all construction equipment engines; (b) turn off construction equipment when not in use, where applicable; (c) locate stationary equipment as far as practical from receiving properties; (d) use temporary sound barriers or sound curtains around loud stationary equipment if the other noise reduction methods are not effective or possible; and (e) shroud or shield impact tools and use electric-powered rather than diesel-powered construction equipment.

CONSTRUCTION PRACTICES AND NOTICING

37. **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).
38. **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.
39. **CONSTRUCTION MANAGEMENT PLAN:** The applicant shall prepare a construction management plan to address construction parking, construction trailer and material storage location(s), truck and hauling routes, and other construction information as identified in Condition No. 102. No contractors are permitted to park within a residential neighborhood. The construction management plan shall be subject to review and approval by the Zoning Administrator prior to the issuance of building permits.
40. **NOTICE OF CONSTRUCTION:** The applicant shall notify neighbors within 300' of the project site of the construction schedule in writing, prior to construction. A copy of the notice and the mailing list shall be submitted

prior to issuance of building permits.

41. **DISTURBANCE COORDINATOR:** The project applicant shall designate a “disturbance coordinator” who will be responsible for responding to any local complaints regarding construction noise. The coordinator (who may be an employee of the general contractor) will determine the cause of the complaint and will require that reasonable measures warranted to correct the problem be implemented. A telephone number of the noise disturbance coordinator shall be conspicuously posted at the construction site fence and on the notification sent to neighbors adjacent to the site.
42. **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: (a) all exposed surfaces (e.g., parking areas, staging areas, soil piles, graded areas, and unpaved access roads) will be watered two times per day; (b) all haul trucks transporting soil, sand, or other loose material off-site will be covered; (c) all visible mud or dirt track-out onto adjacent public roads will be removed using wet power vacuum street sweepers at least once per day. The use of dry power sweeping is prohibited; (d) all vehicle speeds on unpaved roads will be limited to 15 mph; (e) all roadways, driveways, and sidewalks to be paved will be completed as soon as possible. Building pads will be laid as soon as possible after grading unless seeding or soil binders are used; and (f) post a publicly visible sign with the telephone number and person to contact at the lead agency regarding dust complaints. This person will respond and take corrective action within 48 hours. The BAAQMD’s phone number will also be visible to ensure compliance with applicable regulations. Additional measures may be identified by the BAAQMD or contractor as appropriate.
43. **DISCOVERY OF CONTAMINATED SOILS:** If contaminated soils are discovered, the applicant will ensure the contractor employs engineering controls and Best Management Practices (BMPs) to minimize human exposure to potential contaminants. Engineering controls and construction BMPs will include, but not be limited to, the following: (a) contractor employees working on-site will be certified in OSHA’s 40-hour Hazardous Waste Operations and Emergency Response (HAZWOPER) training; (b) contractor will stockpile soil during redevelopment activities to allow for proper characterization and evaluation of disposal options; (c) contractor will monitor area around construction site for fugitive vapor emissions with appropriate field screening instrumentation; (d) contractor will water/mist soil as it is being excavated and loaded onto transportation trucks; (e) contractor will place any stockpiled soil in areas shielded from prevailing winds; and (f) contractor will cover the bottom of excavated areas with sheeting when work is not being performed.
44. **SOIL MANAGEMENT PLAN:** Prepare a soil management plan for review and approval by the Santa Clara County Department of Environmental Health (SCCDEH). Proof of approval or actions for site work required by the SCCDEH must be provided to the Building Inspection Division prior to the issuance of any demolition or building permits.
45. **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.
46. **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.

47. **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.
48. **PRECONSTRUCTION NESTING BIRD SURVEY:** To the extent practicable, vegetation removal and construction activities shall be performed from September 1 through January 31 to avoid the general nesting period for birds. If construction or vegetation removal cannot be performed during this period, preconstruction surveys will be performed no more than two days prior to construction activities to locate any active nests as follows:

The applicant shall be responsible for the retention of a qualified biologist to conduct a survey of the project site and surrounding 500' for active nests—with particular emphasis on nests of migratory birds—if construction (including site preparation) will begin during the bird nesting season, from February 1 through August 31. If active nests are observed on either the project site or the surrounding area, the project applicant, in coordination with the appropriate City staff, shall establish no-disturbance buffer zones around the nests, with the size to be determined in consultation with the California Department of Fish and Wildlife (usually 100' for perching birds and 300' for raptors). The no-disturbance buffer will remain in place until the biologist determines the nest is no longer active or the nesting season ends. If construction ceases for two days or more and then resumes during the nesting season, an additional survey will be necessary to avoid impacts on active bird nests that may be present.

TECHNICAL REPORTS

49. **GEOTECHNICAL REPORT:** The applicant shall have a design-level geotechnical investigation prepared which includes recommendations to address and mitigate geologic hazards in accordance with the specifications of California Geological Survey (CGS) Special Publication 117, *Guidelines for Evaluating and Mitigating Seismic Hazards*, and the requirements of the Seismic Hazards Mapping Act. The report will be submitted to the City prior to the issuance of building permits, and the recommendations made in the geotechnical report will be implemented as part of the project. Recommendations may include considerations for design of permanent below-grade walls to resist static lateral earth pressures, lateral pressures caused by seismic activity, and traffic loads; method for backdraining walls to prevent the buildup of hydrostatic pressure; considerations for design of excavation shoring system; excavation monitoring; and seismic design.
50. **TOXIC ASSESSMENT:** A toxic assessment report shall be prepared and submitted as part of the building permit application. The applicant must demonstrate that hazardous materials do not exist on the site, or that construction activities and the proposed use of this site are approved by: the City of Mountain View Hazardous Materials Division of the Fire Department; the State Department of Health Services; the Regional Water Quality Control Board; and any Federal agency with jurisdiction. No building permits will be issued until each agency and/or

department with jurisdiction has released the site as clean or an approved site toxics mitigation plan has been approved.

51. **MITIGATION CERTIFICATION:** Prior to occupancy of any structure or establishment of any use, the applicant shall inspect the site and shall certify, in writing, that all mitigation measures listed in the project IS/MND have been correctly implemented.

LEGAL AGREEMENTS

52. **INDEMNITY AGREEMENT:** Prior to the issuance of any building permits, the applicant shall agree, in writing, to defend, indemnify, and hold harmless the City and its officers, agents, and employees in any action brought by a third party to void this Permit. The agreement shall be in a form satisfactory to the City Attorney and Zoning Administrator. It shall run with the land and shall not be amended without prior City consent.
53. **AVIGATION EASEMENT:** An avigation easement shall be recorded for the property prior to the issuance of building permits as required by the Santa Clara County Airport Land Use Commission.

TRANSIT-RELATED IMPROVEMENTS AND PROGRAMS

54. **ALTERNATIVE TRANSPORTATION BENEFITS:** The applicant/owner is required to offer the following commute benefits and transportation alternatives to residents of the project for the lifetime of the project. These alternatives are to encourage use of public transit, increase bike ridership within the City, provide alternatives to single-occupancy vehicle trips within the City, and aid residents in getting to and from key destinations within the City. The transportation benefits for residents include:
- a. Transit passes for the duration of the rental lease for all residents at no cost to the resident, such as a VTA Eco Pass, Clipper card, or a comparable transit pass program.
 - b. A morning and afternoon shuttle from the project site to local public schools to which residents attend, including Landels Elementary School and Graham Middle School. If district boundaries or school assignments change for the project site in the future, the shuttle shall adjust routes accordingly.
 - c. A shuttle from the project site to the Mountain View Transit Center during weekday peak-hour morning and evening commutes.
 - d. One car-sharing vehicle shall be provided on-site in a highly visible location.
 - e. A bike-sharing program, maintained by the property owner, for which residents can “sign-out” bikes on an as-needed basis at no cost. The property owner, or affiliated property management company, must maintain 12 bicycles on-site for the program (at 10 percent of required bicycle parking for the project) and regularly maintain these bicycles in working condition. The number of bicycles available on-site may be adjusted (increase or decrease) accordingly by the owner based upon frequency and success of program after two years of occupancy, but shall not be reduced below 6 bicycles (at 5 percent of required bicycle parking for the project).
 - f. The buildings’ owner shall appoint a commute coordinator on-site to manage and monitor commute alternative programs.

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

MITIGATION MEASURES

55. **REDUCE CONSTRUCTION EMISSIONS:** The project shall develop and implement a plan to select construction equipment to minimize emissions such that diesel particulate matter (DPM) emissions are reduced by at least 70 percent. **(MM AQ-1.1)**
56. **BUILDING SURVEY:** The project shall implement measures to reduce hazardous materials impacts related to asbestos-containing materials (ACM) and lead-based paint. **(MM HAZ-1.1)**
57. **ACOUSTICAL ANALYSIS:** A qualified acoustical consultant shall review building plans prior to construction and recommend building treatments to reduce interior noise levels to 45 dB(A) L_{dn} or lower. **(MM NOI-1.1)**
58. **WINDOW AND DOOR RATINGS:** To meet minimum noise levels, the project must incorporate windows and doors with the following minimum STC ratings:
- 30 to 35 – For all west and east sides of building within 190' of centerline of East Evelyn Avenue and Caltrain tracks, including the apartments adjacent to the auto repair bays.
 - 24 to 28 – For all exterior-facing apartments along west facade beyond 190' from the centerline of East Evelyn and all apartments beyond 170' of centerline from South Bernardo Avenue.
 - 30 – For stucco exterior walls with a minimum STC rating of 46 facing South Bernardo Avenue and for all apartments within 170' of centerline of South Bernardo Avenue.

(MM NOI-1.2)

59. **MECHANICAL VENTILATION:** The project is required to provide forced-air mechanical ventilation for all residential units on-site so that windows can be kept closed at the occupants' discretion to control interior noise levels. **(MM NOI-1.3)**
60. **MECHANICAL EQUIPMENT:** An acoustical study shall be prepared during final project design to evaluate the potential noise generated by building mechanical equipment and to identify necessary noise controls that are included in the design to meet the City's stationary noise ordinance thresholds. **(MM NOI-2.1)**
61. **UTILITY IMPACT FEE:** The project applicant shall be responsible for a proportionate share (capacity basis) of the facilities that will be built to increase the capacity of the wastewater (sewer) system pipeline serving the project as determined by the City of Mountain View Public Works Department. **(MM UTIL-1.1)**

Public Works Department – 650-903-6311

RIGHTS-OF-WAY

62. **STREET DEDICATION:** Dedicate a public street in fee/easement as required by the Public Works Director to widen East Evelyn Avenue 66' from the centerline of the street and Bernardo Avenue 45' from the centerline of the street.
63. **PUBLIC UTILITY EASEMENT:** Dedicate a public utility easement on private property, along Evelyn and South Bernardo Avenues, to accommodate the proposed public and private joint trench and utility facilities adjacent to those street frontages.
64. **PLAT AND LEGAL DESCRIPTION:** For the proposed dedication(s), per the City's Legal Description and Plat Requirements, submit an 8.5"x11" plat (drawing), legal description stamped by a registered civil engineer or land

surveyor, and a copy of the current preliminary title report or property deed of the owner's property. These items are not required for easements dedicated on a final or parcel map.

FEES

65. **WATER AND SEWER CAPACITY CHARGES:** Prior to issuance of any building permits, the applicant shall pay the water and sewer capacity fees for the development. The water and sewer capacity charges for residential connections are based on the number and type of dwelling units. There are separate charges for different types of residential categories so that the capacity charges reasonably reflect the estimated demand of each type of connection. Credit is given for the existing site use(s) and meter size(s) as applicable.
66. **STORM DRAINAGE FEE:** Pay the off-site storm drainage fee per Section 28.51(b) and with the rates in effect at time of payment.

STREET IMPROVEMENTS

67. **PUBLIC IMPROVEMENTS:** Install or reconstruct standard public improvements that are required for the project and as required by Chapters 27 and 28 of the Mountain View City Code. These improvements include, but are not limited to, City standard curbs, gutters, sidewalks, driveways, conforms, utility services (storm, sanitary, and water), pavement rehabilitation/overlay, striping, and street trees.
 - a. **IMPROVEMENT AGREEMENT:** The property owner must sign a Public Works Department improvement agreement for the installation of the public improvements prior to the approval of the building permit. Sign a Public Works Department faithful performance bond (100 percent) and materials/labor bond (100 percent) or provide a cash deposit (100 percent) or provide a letter of credit (150 percent) securing the installation and warranty of the off-site and on-site common improvements in a form approved by the City Attorney's Office. The surety (bond company) must be listed as an acceptable surety on the most current Department of the Treasury's Listing of Approved Sureties on Federal Bonds, Department Circular 570. This list of approved sureties is available through the Internet at: https://www.fiscal.treasury.gov/fsreports/ref/suretyBnd/c570_a-z.htm. The bond amount must be below the underwriting limitation amount listed on the Department of the Treasury's Listing of Approved Sureties. The surety must be licensed to do business in California. Guidelines for security deposits are available at the Public Works Department. Any changes to the standard agreement will require an additional one- to three-week processing time with the City Attorney's Office.
 - b. **INSURANCE:** Provide a certificate of insurance and endorsement naming the City an additional insured from the entity that will sign the improvement agreement prior to the approval of the building permit. The insurance coverage amounts are a minimum of One Million Dollars (\$1,000,000) Commercial General Liability, Automobile Liability, and Workers' Compensation. The insurance requirements are available from the Public Works Department.
68. **OFF-SITE IMPROVEMENT PLANS:** Prepare off-site improvement plans in accordance with the City's Standard Design Criteria. The plans are to be drawn on 24"x36" sheets at a minimum scale of 1" = 20'. The plans shall be stamped by a registered civil engineer and shall show all public improvements and other applicable work within the public right-of-way. A traffic control plan indicating the work areas, delineators, signs, and other traffic control measures is required for work that impacts traffic on an existing street. Locations of on-site parking for construction equipment and construction workers must be submitted for review and approval. Off-site plans (10 sets), Improvement Plan Checklist, and items noted within the checklist must be submitted together as a separate package concurrent with the first submittal of the building plans. The off-site plans must be approved and signed by the Public Works Department. After the plans have been signed by the Public Works Department, 10 black-line sets, one Xerox Mylar (4 mil) set of the plans, and CD with CAD file and PDF must be submitted to the Public Works Department prior to the issuance of the building permit. CAD files shall meet the City of Mountain View's

Digital Data Submission Standards.

69. **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.
70. **PARKING RESTRICTION:** Street parking shall be prohibited along the project's Evelyn Avenue street frontage and Bernardo Avenue street frontage, from the intersection of Evelyn Avenue to the south edge of the project site. The applicant shall install no parking signs and red curb. Parking shall be prohibited within the common driveways, excluding approved guest parking, as the parking would obstruct the use of the driveway. The common driveway shall be signed and/or striped as "No Parking" or "No Parking – Fire Lane."
71. **ENCROACHMENT RESTRICTIONS:** Private steps, hand rails, fences, and retaining walls shall not encroach into the public right-of-way.
72. **TIE-BACK ENCROACHMENTS:** Temporary tie-backs or earthen nails, if required within the public right-of-way for construction purposes, require a separate Encroachment Agreement, plat and legal description, and bond (100 percent) or provide a letter of credit (100 percent) or cash security (100 percent) securing the installation and warranty of the temporary tie-backs.
73. **SPECIAL PAVERS AND CONCRETE:** The proposed pavers, colored concrete, or textured concrete will not be allowed within the public street or sidewalk.
74. **DRIVEWAY SIGHT TRIANGLE:** At any new driveway, the *Side Street/Driveway Triangle of Safety Design Guidelines* shall apply. No obstructions over 3' in height shall be located within the sight triangles.
75. **CENTER TURN LANE:** Install a center turn lane on South Bernardo Avenue from the intersection of Evelyn Avenue to the southern edge of the project frontage. Coordinate with the City of Sunnyvale to continue this center turn lane to Ayala Drive.
76. **BICYCLE LANE AND ASSOCIATED IMPROVEMENTS:** Install the following bicycle lane improvements along South Bernardo Avenue, East Evelyn Avenue, and at the signalized intersection of these streets, subject to approval by the City Engineer:
 - A. Evelyn Avenue (Eastbound): Install green bicycle lane striping on eastbound Evelyn Avenue from the project's most westerly street frontage with Evelyn Avenue to the intersection of Evelyn Avenue and Bernardo Avenue.
 - B. Bernardo Avenue (Southbound): Install bicycle lane striping, including green paint at isolated locations, and a painted bicycle buffer adjacent to the vehicular side of the bicycle lane from the intersection of East Evelyn Avenue and South Bernardo Avenue to the project's most southerly street frontage on Bernardo Avenue. Coordinate with the City of Sunnyvale to continue the bicycle lane striping into Sunnyvale city limits. Any improvements within the City of Sunnyvale require separate permits and review by the City of Sunnyvale.
 - C. Bernardo Avenue (Northbound): Install bicycle lane striping, including green paint at isolated locations, and a painted bicycle buffer adjacent to the vehicular side of the bicycle lane starting from across the street of the project's most southerly street frontage on Bernardo Avenue to the intersection of East Evelyn Avenue. Continue said improvements northerly to provide to the intersection of Evelyn Avenue and Bernardo Avenue with an approved transition to green bicycle lane striping. Adjust the dedicated northbound left and right vehicular turn lanes to accommodate the bicycle lane with removal and replacement of striping, vehicle detector loops, and associated improvements, including any vehicle or bicycle navigation signage.

Coordinate with the City of Sunnyvale to continue the bicycle lane striping into Sunnyvale city limits. Any improvements within the City of Sunnyvale require separate permits and review by the City of Sunnyvale.

- D. Evelyn Avenue and Bernardo Avenue Intersection: Install green bicycle lane striping through the intersection for northbound Bernardo Avenue bicycles traveling westbound onto Evelyn Avenue. Install vehicular lane striping demarcating the travelway for northbound Bernardo Avenue vehicles turning left (westbound) onto Evelyn Avenue. Install bicycle detector loops and associated improvements for new, and existing, bicycle lanes. Coordinate with the City of Sunnyvale to continue the bicycle lane striping into Sunnyvale city limits. Any improvements within the City of Sunnyvale require separate permits and review by the City of Sunnyvale.

UTILITIES

- 77. **WATER AND SEWER SERVICE:** Each apartment house or place of business shall have its own water meter and sanitary sewer lateral in accordance with City Code Section 35.38.
- 78. **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.
- 79. **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.
- 80. **WATER METER BANK:** The water meters shall be arranged in a bank of meters adjacent to the public sidewalk in the landscaped areas only. The bank of meters shall not be located in driveway approaches, concrete sidewalk areas, or next to the main driveway entrance so as not to impact the aesthetics of the entrance.
- 81. **WATER AND SEWER APPLICATIONS:** Prior to the issuance of the building permit, complete applications for water and sewer service if new water services, water meters, fire services, or sewer laterals are required. Any unpaid water and sanitary sewer fees must also be paid.
- 82. **EXCAVATION PERMIT:** Prior to the issuance of the building permit, submit a complete Excavation Permit Application to the Public Works Department for all applicable work within the public right-of-way. Permit applications are available from the Public Works Department. All work within City right-of-way must be consolidated on the site or utility plans. Plans of the work, traffic control plans for work within the public roadway, insurance certificate and endorsement, and permit fees are required with the Excavation Permit Application.
- 83. **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.
- 84. **BACKFLOW PREVENTER:** Aboveground reduced-pressure backflow preventers are required for all new and existing City water services. Backflow preventers shall be located directly behind the water meter or as reasonably close as possible at a location preapproved by the Public Services Division and screened from view with

landscaping. Backflow prevention assemblies shall be conveniently located as close to the meter as feasible outside of buildings and are not allowed within buildings' utility closets or basements.

85. **UNDERGROUND SERVICES:** All new and existing electric, telephone, and cable television services serving the site are to be placed underground (including transformers). The undergrounding of the new and existing electric, telephone, and cable television services is to be completed prior to issuance of a Certificate of Occupancy for any new buildings within the site. (Aboveground transformers shall be located so they are screened or not visible from the street or to the general public as approved by the Community Development and Public Works Departments.)
86. **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.

SIDEWALKS AND DRIVEWAYS

87. **ADA SIDEWALK REQUIREMENTS:** A minimum 4' wide Americans with Disabilities Act-compliant public sidewalk shall be provided behind new and existing driveway approaches. Tapers (conforms) can be provided to connect the proposed public sidewalk on each side of the proposed driveway.
88. **DAMAGED SIDEWALK IMPROVEMENTS:** Portions of the curbs, gutters, sidewalks, and driveways on Evelyn Avenue and Bernardo Avenue street frontages are damaged and must be replaced. The specific areas and limits of the replacement work shall be drawn on the plans.
89. **DRIVEWAY REMOVAL:** Replace abandoned driveways with standard curb, gutter, and sidewalk and show the replacement work on the plans.
90. **RED CURB:** Street curbs shall be painted red along property frontages on Evelyn Avenue and Bernardo Avenue, from the intersection of Evelyn Avenue to the southerly project site street frontage.

RECYCLING

91. **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.
92. **CONSTRUCTION AND DEMOLITION ORDINANCE:** This project must comply with the City's Construction and Demolition Ordinance (Mountain View City Code Chapter 16, Article III).
93. **HOLDING AREA AND ROLL-OUT FEE:** Collection vehicles do not enter underground or enclosed structures. All trash, recycling, and compost containers must be transported by the property owner/manager to the approved holding area on service day and removed promptly following service. The final location and dimensions of the holding area must be approved by the Solid Waste and Recycling Section prior to issuance of a building permit. Roll-out fees charged by the City's trash hauler will apply for containers that must be rolled more than 30' from any holding area to the truck.

STREET TREES

94. **STREET TREES:** Install standard City street trees along the street frontage.
95. **STREET TREE LOCATION:** The location of existing trees to remain, existing trees to be removed, and new street trees shall be shown on the grading, utility, and landscaping plans. New street trees are to be planted a minimum of 10' from sanitary sewer lines and 5' from water lines, fire lines, and driveways in accordance with Detail F-1 of

the Standard Provisions. New street tree species must be selected from the City's official street tree list and as approved by the City's Parks and Open Space Division per Proposed Street Tree Form (CD-51).

96. **STREET TREE IRRIGATION:** Street trees are to be irrigated by the property owner in accordance with Chapter 32 of the City Code.

GRADING AND DRAINAGE IMPROVEMENTS (ON-SITE)

97. **DRAINAGE PLANS:** On-site drainage plans shall be included in the building plans.
98. **DRAINAGE REQUIREMENTS:** On-site parking lots and driveways (other than single-family residential) shall not surface-drain across public sidewalks or driveway aprons. A 2'x2' inlet/cleanout box is required at or near the property line for connections to the City storm drains. For developments that do not require a subdivision map, a connection to the City's storm main requires: (1) a written request to the Public Works Director; (2) payment of storm drainage fees; and (3) approval from the Public Works Department, unless the storm drainage fees were paid in the past for the property. A face-of-curb inlet/outlet is required to drain into the curb of the street.
99. **STORM DRAIN HOLD HARMLESS AGREEMENT:** As portions of the site are or will be lower than the adjacent public street or the surface grade over the City's storm mains, before approval of the building permit, the owner shall sign an agreement to hold the City harmless against storm surcharges or blockages that may result in on-site flooding or damage.
100. **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.
101. **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.

MISCELLANEOUS

102. **CONSTRUCTION MANAGEMENT PLAN:** Submit a construction traffic and parking management plan with the building plans showing the following:
- a. Truck route for construction and delivery trucks that does not include neighborhood residential streets;
 - b. Building construction phasing/construction equipment storage/construction parking plans: Show construction vehicles and equipment parking area and construction trailer location. All construction vehicles/equipment and trailer shall be located on-site or at a site nearby (not on a public street or public parking) arranged by the contractor. No construction equipment or vehicles shall be stored or parked on residential streets or public parking lots. Construction contractors/workers are required to park on-site or at a private property arranged by the contractor and shall not be allowed to use neighboring residential streets for parking/storage; and
 - c. Sidewalk closure or narrowing is not allowed during any on-site construction activities.

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

103. **TRAFFIC CONTROL PLANS:** Submit Traffic Control plans for any off-site and on-site improvements or any work that requires temporary lane closure for review and approval. Sidewalk closures are not allowed unless reconstruction of sidewalk necessitates temporary sidewalk closure. In these instances, a sidewalk detour should be shown on the Traffic Control plans.
104. **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.
105. **CITY OF SUNNYVALE PERMIT:** Prior to the issuance of any building permit, the applicant shall apply for and obtain an encroachment permit from the City of Sunnyvale for all work within the City of Sunnyvale, including, but not limited to, portions of Bernardo Avenue, Evelyn Avenue, and the traffic signal at the intersection of Bernardo and Evelyn Avenues. Work within the City of Sunnyvale right-of-way shall be in accordance with City of Sunnyvale requirements.
106. **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."
107. **OCCUPANCY RELEASE:** The owner/developer shall comply with, and the off-site and grading drainage and utility plans shall include, a general note as follows: "For residential developments, no residential units will be released for occupancy unless the improvements to be constructed to City standards and/or to be accepted for maintenance by the City, including water meters and sanitary sewer cleanouts, are substantially complete per the City of Mountain View Standard Provisions for Public Works construction. For phased developments, portions of the units may be released for occupancy, at the City's sole discretion, provided that all public and private improvements, conditions of approval, and Building Code requirements that are necessary to support the units to be released for occupancy have been completed as determined by the City. When all of the improvements are complete and/or ready for acceptance for maintenance by the City Council, the remaining units may be released for occupancy, provided that all other conditions of approval and Building Code requirements have been met. The Public Works Director shall make the determination of what public improvements are substantially complete."
108. **PRELIMINARY TITLE REPORT:** Submit a current preliminary title report or land deed indicating the exact name of the current legal owners of the property, their type of ownership (individual, partnership, corporation, etc.), and legal description of the property involved to the Public Works Department. This information is required for the preparation of Public Works agreements and documents. Include all easements and agreements referenced in the title report.

Building Inspection Division—650-903-6313

109. **BUILDING PERMITS:** A building permit is required for this project. This review by the Building Inspection Division is preliminary and only attempting to identify critical or significant code concerns. Building plan check review will be part of a separate permit application process that can be applied for once the Planning approvals have been obtained and the 10-day appeal period has passed. Submit complete sets of construction drawings at the Building Counter. Please refer to the Building Inspection Division's current "Submittal Requirements" for document submittal requirements. No construction work can be commenced without an appropriate building permit and no new occupancy shall commence without a Certificate of Occupancy. Please contact the Building Inspection Division for submittal requirements at 650-903-6313.

110. **BUILDING CODES:** Construction plans will need to meet the current codes adopted by the Building Inspection Division upon submittal. Current codes are the 2013 California Codes: Building, Fire, Electrical, Mechanical, Plumbing, CALGreen, and Mountain View Green Building Code.
111. **ACCESSIBILITY:** The public areas such as the Leasing Office and the Bike Center will be required to comply with the accessibility requirements in the 2013 CBC, Chapter 11B.
112. **ACCESSIBILITY:** The multi-family apartments and the common use areas such as the club room, fitness room, personal storage area, etc., serving the apartments will be required to comply with the accessibility requirements in the 2013 CBC, Chapter 11A, and CRC R320.
113. **ACCESSIBILITY (PARKING):** The project must comply with the following accessibility requirements:
- a. The commercial parking will be required to comply with the accessible parking requirements in the 2013 CBC, Chapter 11B, Division 5;
 - b. The resident parking will be required to comply with the accessible parking requirements in the 2013 CBC, 1109A.1;
 - c. At least 5 percent of the unassigned resident parking and/or visitor parking and not less than one space is required to be accessible, 2013 CBC, 1109A.5; and
 - d. At least 2 percent of the assigned parking spaces are required to be accessible, 2013 CBC, 1109A.4.
114. **ACCESSIBILITY:** In multi-story apartments and in condominium buildings with four or more dwellings with one or more elevators, the following applies:
- a. The story of the unit that is served by the elevator is considered a ground floor and the primary entry floor to the unit and shall comply with the following accessibility requirements of 2013 CBC 1102A.3.2:
 - (i) At least one powder room or bathroom shall be located on the primary entry level.
 - (ii) At least one kitchen shall be located on the primary entry level.
 - (iii) All rooms or spaces located on the primary entry level shall be served by an accessible route;
 - b. All ground-floor dwelling unit kitchens shall comply with the accessibility requirements of 2013 CBC 1133A; and
 - c. All ground-floor dwelling unit bathrooms shall comply with the accessibility requirements of 2013 CBC 1134A.
115. **ADDRESSES:** Street names and numbers will be processed prior to the Building Inspection Division approval of the project. Apartment and suite numbers are issued by the City of Mountain View Building Inspection Division.
116. **TYPE OF CONSTRUCTION:** Provide type of proposed construction per Chapter 6 of the 2013 CBC.
117. **EGRESS:** Site must meet accessible means of egress, 2013 CBC, Section 1007.
118. **FIRE PROTECTION:** Dwelling and sleeping units shall meet the visible alarm notification requirements of 2013 CBC, Section 907.5.2.3.

119. **FIRE SPRINKLERS:** All proposed plans for new dwellings submitted after January 1, 2011 will be required to install a fire sprinkler system regardless of size. List fire sprinkler status within the plans.
120. **OCCUPANCY SEPARATION:** Proper separation to be provided between occupancies. 2013 CBC, Table 508.4.
121. **OCCUPANT LOAD/EXIT DISCHARGE:** Please provide occupant load and exit discharge for each occupied area.
122. **PEDESTRIAN PROTECTION:** Public sidewalks are required to remain open during the course of construction. Please provide sufficient information at the time of plan submittal to show how pedestrians will be protected per 2013 CBC, Section 3306.
123. **PHOTOVOLTAIC:** Photovoltaic systems to be a deferred submittal.
124. **PLAYGROUND EQUIPMENT:** A building permit will be required for all playground equipment in the common areas. Third-party inspection by a certified playground safety inspector is required before final inspection.
125. **SURVEY:** A survey will be required to be completed to verify structure placement.
126. **SOLAR-READY BUILDINGS:** High-rise, multi-family buildings with 10 stories or fewer shall provide a solar zone with minimum total areas as follows: buildings shall have a solar zone located on roof or overhang of buildings or on covered parking and have a total area no less than 15 percent of the total roof area of the building. The solar zone dimensions shall comply with the California Energy Code, Section 110.10 (b). Compliance with Section 101.10 of the California Energy Code shall be shown on the plans at the time of building permit application.
127. **EV CHARGING RESIDENTIAL:** Electric Vehicle (EV) charging space is required by Section 4.106.4.2 of the California Green Building Standards Code. Where 17 or more multi-family dwelling units are constructed on a building site, 3 percent of the total number of parking spaces provided for all types of parking facilities, but in no case less than one, shall be electric vehicle charging stations (EVCS) capable of supporting future Electric Vehicle Supply Equipment (EVSE) and shall be identified on construction documents. At the time of building permit application, the applicant will be required to show with details/notes on the plans that the requirements of this code section are met.

Fire Department – 650-903-6343

FIRE PROTECTION SYSTEMS AND EQUIPMENT

128. **FIRE SPRINKLER SYSTEM:** Provide an automatic fire sprinkler system to be monitored by a central station monitoring alarm company. This monitoring shall include water flow indicators and tamper switches on all control valves. Three (3) sets of shop-quality drawings shall be submitted for review and approval. All work shall conform to NFPA 13 (2013 Edition), NFPA 72 (2013 Edition), and Mountain View Fire Department specifications. Call the Building Inspection Division at 650-903-6313 for a copy of specifications and submittal requirements. (Mountain View City Code, Sections 14.10.27, 14.10.28, and California Fire Code, Section 903.)
129. **STANDPIPE SYSTEM:** Provide a Class III standpipe system. (Mountain View City Code, Sections 14.10.29, 14.10.30, 14.10.31, and 14.10.32 and California Fire Code, Section 905.)
130. **FIRE PROTECTION DURING CONSTRUCTION:** Every building four (4) stories or more in height shall be provided with not less than one (1) standpipe for use during construction. Such standpipe(s) shall be installed when the progress of construction is not more than 40' in height above the lowest level of Fire Department access. Such standpipe(s) shall be provided with Fire Department hose connections at accessible locations adjacent to usable stairs, and the standpipe outlets shall be located adjacent to such usable stairs. Such standpipe systems shall be extended as construction progresses to within one floor of the highest point of construction having secured

decking or flooring. In each floor, there shall be provided a 2.5" valve outlet for Fire Department use. (California Fire Code, Chapter 33.)

131. **ON-SITE WHARF HYDRANTS:** Provide ground-level wet standpipes (wharf hydrants). On-site wharf hydrants shall be so located as to reach any portion of combustible construction with 150' of hose. Installation shall be complete and the system shall be tested prior to combustible construction beyond 150' from the public right-of-way. The wharf hydrant shall be capable of providing a combination flow of 500 GPM with two 2.5" outlets flowing. Three (3) complete sets of shop-quality drawings shall be submitted for review and approval. (NFPA 24 (2013 Edition) and Mountain View Fire Department requirements.)
132. **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.)
133. **AUTOMATIC/MANUAL FIRE ALARM SYSTEM:** Provide an approved automatic/manual fire alarm system in accordance with California Fire Code and Mountain View Fire Department specifications. Three (3) complete sets of fire alarm system shop-quality drawings shall be submitted for review and approval. Prior to occupancy, the system shall be field-tested, approved, and in service. Provisions shall be made for monthly testing, maintenance, and service. Call the Building Inspection Division at 650-903-6313 for a copy of specifications and submittal requirements. (California Fire Code, Section 907 and Mountain View City Code, Section 14.10.33.)
134. **SMOKE ALARMS:** All residential occupancies shall be provided with California State Fire Marshal-listed smoke alarms. Smoke alarms shall be installed in accordance with the California Building Code and the approved manufacturer's instructions. (California Fire Code, Section 907.)

FIRE DEPARTMENT ACCESS

135. **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.)
136. **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.)
137. **FIRE APPARATUS ACCESS ROADS:** Access roads shall have 13'6" unobstructed vertical clearance, 20' of unobstructed width (26' where building occupied floors exceed 30' height), and minimum turning radii of 21' (inside turning radius). Unobstructed width shall mean a clear travelway, excluding parking width, and designed for an emergency vehicle weight of 70,000 pounds. Unobstructed width shall not include the width of rolled curbs, sidewalks, or nondrivable surfaces. (California Fire Code, Section 503, and Mountain View City Code, Sections 14.10.17, 14.10.18.)
138. **FIRE APPARATUS TURNAROUNDS:** Dead-end fire apparatus access roads in excess of 150' in length shall be provided with approved provisions for the turning around of apparatus. "Approved provisions" shall mean that turnarounds, in accordance with Mountain View Fire Department specifications, are provided in locations such that fire apparatus shall never be more than 150' away from the closest turnaround. Call the Building Inspection Division at 650-903-6313 for specifications. (California Fire Code, Section 503.)
139. **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.)

140. **STRETCHER REQUIREMENTS:** In all structures four (4) or more stories in height, at least one elevator shall be provided with a minimum clear distance between walls or between walls and door, excluding return panels, of not less than 80"x54", and a minimum distance from wall to return panel of not less than 51" with a 42" side slide door, unless otherwise designed to accommodate an ambulance-type stretcher 84"x24" in the horizontal position. (California Building Code, Section 3002.)

EGRESS AND FIRE SAFETY

141. **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.)
142. **EXIT SIGNS:** Exit signs shall be internally or externally illuminated and provided with battery backup per Uniform Building Code Chapter 10. Exit signs shall be posted above each required exit doorway and wherever otherwise required to clearly indicate the direction of egress. (California Building Code, Section 1011.)
143. **POSTING OF ROOM CAPACITY:** Any room used for assembly purposes shall have the capacity of the room posted in a conspicuous place near the main exit from the room. (California Building Code, Section 1004.3.)
144. **ON-SITE DRAWINGS:** Submit two (2) 8.5"x11" plot plan drawings according to Fire Department specifications prior to final Certificate of Occupancy.
145. **STAIRWAY IDENTIFICATION SIGNS:** In buildings four (4) or more stories in height, approved stairway identification signs shall be located at each floor level in all enclosed stairways. The sign shall identify the stairway and indicate whether there is roof access, the floor level, and the upper and lower terminus of the stairway. The sign shall be located 5' above the floor landing in a position which is readily visible when the door is in the open or closed position. (California Building Code, Section 1022.9.)

EXTERIOR IMPROVEMENTS

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

OTHER

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

URBAN RUNOFF

For more information, guidelines, design criteria, or materials about urban runoff conditions, contact the Fire and Environmental Protection Division of the Fire Department at 650-903-6378. “Stormwater Quality Guidelines for Development Projects” can also be accessed at the following link to the Fire Department website: <http://www.mountainview.gov/civicax/filebank/blobdload.aspx?BlobID=13392>

150. **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.
151. **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.
152. **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.
153. **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.
154. **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.
155. **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.
156. **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.
157. **PARKING GARAGES:** For multiple-level parking garages, interior levels shall be connected to an approved wastewater treatment system discharging to the sanitary sewer.

158. **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.

Provide details of the drainage areas, specific locations of the stormwater treatment controls, and the sizing calculations for each individual treatment control.

159. **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/consultants2012.htm>

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

NOTE: Zoning permits may be extended for up to an additional two years after public hearing review by the Zoning Administrator in compliance with the procedures described in the Zoning Ordinance. An application for extension must be filed with the Planning Division of the Community Development Department, including appropriate fees, prior to the original expiration date of the permit.

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