

CITY OF MOUNTAIN VIEW
RESOLUTION NO.
SERIES 2019

A RESOLUTION CONDITIONALLY APPROVING A PLANNED COMMUNITY PERMIT AND DEVELOPMENT REVIEW PERMIT TO CONSTRUCT A 471-UNIT APARTMENT COMPLEX WITH BELOW-GRADE PARKING, RELOCATE A WIRELESS COMMUNICATIONS INSTALLATION, AND DEDICATE A 0.68-ACRE PUBLIC PARK, AND A HERITAGE TREE REMOVAL PERMIT TO REMOVE 16 HERITAGE TREES

WHEREAS, an application was received from Prometheus Real Estate Group for a Planned Community Permit and Development Review Permit to demolish the existing structures on the site and to construct a 471-unit apartment complex with below-grade parking and a 0.68-acre public park; and a Heritage Tree Removal Permit to remove 16 Heritage trees on a 5.89-acre site located at 525, 531, 555, 565, 569, and 769 East Evelyn Avenue (Application No. PL-2018-071); and

WHEREAS, on April 3, 2019, at a duly noticed public hearing, the Environmental Planning Commission considered this request and recommended the City Council conditionally approve the Planned Community Permit, Development Review Permit, and Heritage Tree Removal Permit subject to the attached findings and conditions of approval; and

WHEREAS, on April 30, 2019, the City Council held a public hearing on said applications and received and considered all evidence presented at said hearing, including the resolutions and project materials from the Environmental Planning Commission and City Council report and materials;

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

1. The Planned Community Permit to demolish the existing structures on the site and to construct a 471-unit apartment complex with below-grade parking and a 0.68-acre public park is conditionally approved based on the conditions contained herein and upon the following findings pursuant to Section 36.50.55 of the City Code:

a. The proposed development is in conformance with the requirements and standards of the R4 (High-Density Residential) Zoning District, as amended, including height, setbacks, and development intensity; meets the design guidelines, including site layout, building massing, articulation, and detailing; provides housing; does not displace any residences; creates new open space and pedestrian-oriented

frontages; and promotes coordinated and well-integrated development. The project clearly demonstrates superior site and building design and compatibility with surrounding uses and developments because the project transitions in scale, height, and intensity to the adjacent residential neighborhood to the east, south, and north; provides new, publicly accessible open spaces; and provides adequate off-street parking to serve the project.

b. The proposed development is consistent with the General Plan, as amended, because it implements the goals and policies of the High-Density Residential Land Use Designation by locating higher-density residential uses close to services and transit; allows underutilized properties to be redeveloped and enhanced; does not displace any residents; and encourages new gathering places in publicly accessible open spaces.

c. The proposed uses and development will not be detrimental to the public interest, health, safety, convenience, or welfare because the use and development are compatible with surrounding residential developments.

d. The project promotes a well-designed development that is harmonious with existing and planned development in the surrounding area by providing a new high-density residential use project, which offers a place for people to live close to services and transit; does not displace existing residents; maintains appropriate setbacks and height and massing transitions to adjacent residences; provides building design features and materials, which are attractive and compatible with surrounding structures; and meets the development standards and design guidelines set forth in the General Plan form and character.

e. The approval of the Planned Community Permit for the proposed project 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 November 26, 2018. Staff received five 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.

2. The Development Review Permit to demolish the existing structures on the site and to construct a 471-unit apartment complex with below-grade parking and a 0.68-acre public park is conditionally approved based upon the conditions contained herein and upon the following findings pursuant to Section 36.44.70 of the City Code:

a. The project complies with the general design considerations as described by the purpose and intent of the Zoning Ordinance, the General Plan, and

any City-adopted design guidelines. The proposal clearly demonstrates superior site and building design and compatibility with surrounding uses and developments by providing appropriate building setbacks from the public right-of-way; innovative architecture, which responds to the project site surroundings; all parking provided within parking structures or below the buildings; and a residential use, which is compatible with the surrounding uses.

b. The architectural design of structures, including colors, materials, and design elements (i.e., awnings, exterior lighting, screening of equipment, signs, etc.), is compatible with surrounding development by including design features, such as contemporary architecture and high-quality materials, which will complement the design of surrounding residential developments.

c. The location and configuration of structures, parking, landscaping, and access are appropriately integrated and compatible with surrounding developments, including public streets, sidewalks, and other public property, by providing sufficient parking on-site in parking structures and incorporating various appropriate pedestrian connections to the site; proposing bicycle and pedestrian improvements along the frontage road and through the site; and incorporating well-designed landscaping improvements along all the public street frontages.

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 variety of new trees and plants in conformance with the City's Water Conservation in Landscaping Regulations, including new landscaping and street trees along East Evelyn Avenue and throughout the site.

e. The design and layout of the proposed project will result in well-designed vehicular and pedestrian access, circulation, and parking by providing adequate on-site parking and providing additional pedestrian access points throughout the project site, including pedestrian connections to the green quad and improved bicycle and pedestrian access to the adjacent public streets.

f. The approval of the Development Review Permit for the proposed use is in compliance with the CEQA because an EIR has been prepared and circulated for public comment for the required 45 days, which ended on November 26, 2018. Staff received five 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.

3. The Heritage Tree Removal Permit to allow the removal of 16 Heritage trees 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 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 Urban Tree Management.

b. It is appropriate and necessary to remove the trees in order to construct the 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 based on the nature and qualities of the trees as Heritage trees, including maturity and 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 proposed use is in compliance with the CEQA because an EIR has been prepared and circulated for public comment for the required 45 days, which ended on November 26, 2018. Staff received five 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.

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

JR/6/RESO
839-04-30-19r-3

Exhibit: A. Conditions of Approval

**CONDITIONS OF APPROVAL
APPLICATION NO.: PL-2018-71
525, 531, 555, 565, 569, AND 769 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 is identified on each condition where necessary. Where approval by the Community Development Director, City Engineer, Public Works Director, City Attorney, Chief Building Official, or Fire Department is required, that review shall be for compliance with all applicable conditions of approval, adopted policies and guidelines, ordinances, laws and regulations, and accepted practices for the item(s) under review. The applicant is hereby notified that (s)he is required to comply with all applicable codes or ordinances of the City of Mountain View and the State of California that pertain to this development and are noted herein.

This approval is granted to demolish the existing structures on the site and to construct a 471-unit apartment complex with below-grade parking and a 0.68-acre public park, on approximately 5.89 acres located on Assessor Parcel Nos. 161-15-004, 161-15-005, and 161-15-016. 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 Studios Architecture for Prometheus Real Estate Group date stamped March 27, 2019.
- b. Color and materials board prepared by BDE Architecture for Prometheus Real Estate Group dated March 13, 2019, and kept on file in the Planning Division of the Community Development Department.
- c. Arborist report prepared by HortScience Inc. for Prometheus Real Estate Group dated May 2018 and kept on file in the Planning Division of the Community Development Department as part of the Draft Environmental Impact Report (DEIR).

THIS REQUEST IS GRANTED SUBJECT TO THE FOLLOWING CONDITIONS:

Community Development Department – 650-903-6306

- 1. **EXPIRATION:** The project approvals shall be valid for a period of two years from the date of approval. Building permits for the project shall be issued within this two-year period or the permits shall become null and void unless an extension is granted by the Zoning Administrator.
- 2. **PERMIT EXTENSION:** Zoning permits may be extended for up to an additional two years after public hearing review by the Zoning Administrator, in compliance with the procedures described in the Zoning Ordinance. An application for extension must be filed with the Planning Division of the Community Development Department, including appropriate fees, prior to the original expiration date of the permit.
- 3. **PUBLIC BENEFIT PACKAGE:** In compliance with the General Plan, the applicant is required to provide a public benefit(s) in exchange for additional development intensity and to advance the goals and policies of the General Plan in regard to increasing housing opportunities and creating new public open spaces. The applicant has proposed to provide a contribution for the City’s Capital Improvement Project (CIP) Fund in the amount of \$7,861,593.60, to be paid prior to the issuance of building permits. Staff will include in the annual review of the CIP the allocation of these funds. Final details of the public benefit package must be reviewed and approved during building permit review and completed prior to issuance of building permits.
- 4. **OTHER REVIEW AGENCIES:** This project requires review and approval by outside agencies, including, but not limited to, the Regional Water Quality Control Board (RWQCB). Proof of approval from these agencies may be

required prior to building permit issuance, inspections, or prior to Certificate of Occupancy.

PLANS AND SUBMITTAL REQUIREMENTS

5. **ZONING INFORMATION:** The following information must be listed on the lower right-hand corner of the title sheet of the building permit drawings: (a) zoning permit application number; (b) zoning designation; (c) floor area ratio or density in units per acre; (d) lot area (in square feet); and (e) total number of parking spaces.
6. **CERTIFICATION OF BUILDING PERMIT PLANS:** The project architect shall certify in writing that the architectural design shown in the building permit plans match the plans approved by the City Council/Zoning Administrator. Any changes must be clearly noted. The project architect shall also certify that the structural plans are consistent with the architectural plans. In the event of a discrepancy between the structural plans and the architectural plans, the architectural plans shall take precedence, and revised structural drawings shall be submitted to the Building Inspection Division.
7. **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.
8. **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.
9. **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

10. **BUILDING DESIGN MODIFICATIONS:** The applicant shall submit revised plans addressing architectural design, building materials, colors, landscaping, and/or other site or building design details as identified below, based on direction from the Development Review Committee (DRC), and subject to review and approval by the Zoning Administrator prior to issuance of a building permit:
 - a. Continuing to work with staff to refine EVA design to achieve high-quality paving, landscaping, and amenities to vary the experience of the EVA and avoid a “bowling alley” effect, and review of any artificial turf.
 - b. Continuing to work with staff on ground-floor unit entries and detailing to achieve engaging streetscape.
 - c. Building A bay projection colors to break up homogeneity.
 - d. Design of relocated wireless installation.
 - e. Blank side/rear elevations and appearance facing off-site neighbors.
 - f. Window recess/trim details (to ensure depth and character).
 - g. Colors to ensure not too dull—especially the stucco accent on Building B to ensure it creates variation.
11. **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. This includes the portions of the parking garage that are open to the public and outside fencing and gates, and the pedestrian walkways adjacent to the future public park, and the Emergency Vehicle Access (EVA).

12. **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.
13. **TRIM MATERIALS:** Trim materials throughout the project shall be wood or high-density foam trim. Details of the specific placement and utilization of the trim materials shall be provided with the building permit drawings; window trim details shall enhance perception of depth and character. Final trim design details shall be subject to review and approval by the Zoning Administrator prior to the issuance of building permits.
14. **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, including any artificial turf proposed for use in the EVA. Final paving design details shall be subject to review and approval by the Zoning Administrator prior to the issuance of building permits.
15. **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.
16. **RECESSED WINDOWS:** All windows shall be recessed from the face of the building 2".
17. **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 by the Zoning Administrator. At a minimum, the mock-up shall include building finish materials, siding, trim, windows, and paint samples.
18. **ROOF EQUIPMENT:** All roof equipment must be concealed behind opaque (solid) screening designed to complement the building. Details of the roof equipment and screening method shall be included in the building permit drawings and approved by the Zoning Administrator.
19. **EQUIPMENT REMOVAL:** The operator of a telecommunications facility shall be required to remove all unused or abandoned equipment, antennas, poles, towers, and equipment enclosures if the facility has not been operational for the purposes for which it was approved by the City for a consecutive period of six (6) months. A facility is considered abandoned if it no longer provides communication or data services. The removal shall be in compliance with proper health and safety requirements and shall occur no later than thirty (30) days following the end of the applicable cessation period. It is the responsibility of the tower owner to remove the tower, equipment enclosures, and equipment ancillary to the tower in order to restore the site to its original condition.
20. **RELOCATION OF ANTENNA/TELECOMMUNICATION EQUIPMENT:** The applicant is required to coordinate with the telecommunications provider(s) with equipment installed on any of the existing buildings or sites proposed for demolition to relocate to a new facility(ies) on the rooftop of the new building, behind the roof screen. Any design or location alternative will require review and approval by the Zoning Administrator at a public hearing. The public hearing shall be conducted and noticed in accordance with Chapter 36, Article XVI, Division 6, of the City Code. A building permit is required for the installation of any new facility, including the relocation of an existing facility.

21. **OUTDOOR STORAGE:** There is to be no outdoor storage without specific Development Review approval.
22. **FENCE/WALL:** All fencing and walls are to be shown on construction plans submitted for building permit review and shall not exceed 7' in height, measured from adjacent grade to the top of the fence or wall. The design and location must be approved by the Zoning Administrator and comply with all setback requirements.
23. **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'.
24. **LIGHTING PLAN:** The applicant shall submit a lighting plan with the application for building permit. This plan should include photometric contours, manufacturer's specifications on the fixtures, and mounting heights. The design and location of outdoor lighting fixtures shall ensure there will be no glare and light spillover to surrounding properties. The lighting plan submitted with building permit drawings must be approved by the Zoning Administrator prior to building permit issuance.
25. **BIKE RACKS:** The applicant shall provide at least 48 bike parking spaces/racks (for guests). 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.
26. **BIKE LOCKERS:** The applicant shall provide at least 471 bike parking spaces/locker(s) (Class I) (for residents), or equivalent, as approved by the Zoning Administrator. A written building management policy of permitting bicycles to be stored in residential units or in designated areas within the structure where adequate security is provided may be approved by the Zoning Administrator as an alternative to bike locker facilities.
27. **PARKING SHORTAGE:** Should a parking shortage arise at this site, the Zoning Administrator may hold a public hearing to review the parking problem and require the applicant to implement appropriate means to resolve the shortage. The public hearing shall be in accordance with Chapter 36, Article XVI, Division 6, of the City Code.
28. **VISITOR PARKING:** As shown on the project plans, all parking outside of the gates and fencing for the secure resident areas within the parking garage (except for space(s) designated "mail pick-up") are designed to be shared with and available for both residential building guests and visitors to the future public park. The final location of all visitor/customer parking shall be shown on building permit plans and include appropriate signage and/or pavement markings subject to review and approval by the Zoning Administrator. **(PROJECT-SPECIFIC CONDITION)**

GREEN BUILDING AND SUSTAINABILITY MEASURES

29. **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 120 GreenPoint Rated points. All mandatory prerequisite points and minimum point totals per category to attain GreenPoint Rated status must be achieved, unless specific point substitutions or exceptions are approved by the Community Development Department. Formal project registration and certification through Build It Green is not required for compliance with the Mountain View Green Building Code (MVGBC). The project is also required to comply with Title 24, Part 6.

LANDSCAPING

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

HERITAGE TREES

35. **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.
36. **REPLACEMENT:** The applicant shall offset the loss of each Heritage tree with two replacement trees, for a total of 32 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.
37. **TREE PROTECTION MEASURES:** The tree protection measures listed in the arborist's report prepared by HortScience Inc. and dated May 2018 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.
38. **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

39. **SIGNAGE:** No signs are approved as part of this application. Any new signage will require a separate Planning and/or building permit. Application form and submittal requirements are available online at www.mountainview.gov/planningforms.
40. **SIGN PROGRAM:** The applicant shall develop an overall sign program for this property as part of a separate Planning permit. The program shall identify suitable sign locations, types, sizes, colors, and materials. Application form and submittal requirements are available online at www.mountainview.gov/planningforms.

NOISE

41. **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.
42. **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.
43. **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.
44. **SITE-SPECIFIC BUILDING ACOUSTICAL ANALYSIS:** A qualified acoustical consultant will review final site plans, building elevations, and floor plans prior to construction to calculate expected interior noise levels as required by State noise regulations. Project-specific acoustical analyses are required by the California Building Code to confirm that the design results in interior noise levels reduced to 45 dB(A) L_{dn} or lower. The specific determination of what noise insulation treatments are necessary will be completed on a unit-by-unit basis. Results of the analysis, including the description of the necessary noise control treatments, will be submitted to the City along with the building plans, and approved prior to issuance of a building permit. Building sound insulation requirements will include the provision of forced-air mechanical ventilation for all residential units as recommended by the qualified acoustical consultant, so that windows can be kept closed at the occupant's discretion to control noise.

Special building techniques (e.g., sound-rated windows and building facade treatments) will be implemented as recommended by the qualified acoustical consultant, to maintain interior noise levels at or below acceptable levels. These treatments will include, but are not limited to, sound-rated windows and doors, sound-rated wall construction, acoustical caulking, protected ventilation openings, etc.

45. **ROOF DECK OPERATION:** The approved hours of operation for the roof deck is limited to 8:00 a.m. to 10:00 p.m. The roof deck may not have amplified music and sound generated from the roof deck, and shall not disturb on-site residents or surrounding neighbors. In the event there are any problems with the hours of operation or with noise, the Zoning Administrator may hold a public hearing to review common area operation and impose new or modified conditions of approval in response to public comment or information received. **(PROJECT-**

SPECIFIC CONDITION)

CONSTRUCTION PRACTICES AND NOTICING

46. **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).
47. **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 the 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.
48. **CONSTRUCTION PARKING:** The applicant shall prepare a construction parking management plan to address parking demands and impacts during the construction phase of the project by contractors or other continued operations on-site. No construction parking is permitted on nearby neighborhood streets. The construction parking management plan shall be subject to review and approval by the Zoning Administrator prior to the issuance of building permits.
49. **NOTICE OF CONSTRUCTION:** The applicant shall notify neighbors within 750' of the project site of the construction schedule in writing, prior to construction. For multi-phased construction, separate notices may be required for each phase of construction. A copy of the notice and the mailing list shall be submitted for review prior to issuance of building permits.
50. **DISTURBANCE COORDINATOR:** The project applicant shall designate a "disturbance coordinator" who will be responsible for responding to any local complaints regarding construction noise. The coordinator (who may be an employee of the general contractor) will determine the cause of the complaint and will require that reasonable measures warranted to correct the problem be implemented. A telephone number of the noise disturbance coordinator shall be conspicuously posted at the construction site fence and on the notification sent to neighbors adjacent to the site. The sign must also list an emergency after-hours contact number for emergency personnel.
51. **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.
52. **BASIC AIR QUALITY CONSTRUCTION MEASURES:** The applicant shall require all construction contractors to implement the basic construction mitigation measures recommended by the Bay Area Air Quality Management District (BAAQMD) to reduce fugitive dust emissions. Emission reduction measures will include, at a minimum, the following measures. Additional measures may be identified by the BAAQMD or contractor as appropriate, such as: (a) all exposed surfaces (e.g., parking areas, staging areas, soil piles, graded areas, and unpaved access roads) will be watered two times per day; (b) all haul trucks transporting soil, sand, or other loose material off-site will be covered; (c) all visible mud or dirt track-out onto adjacent public roads will be removed using wet power vacuum street sweepers at least once per day. The use of dry power sweeping is prohibited; (d) all vehicle speeds on unpaved roads will be limited to 15 mph; (e) all roadways, driveways, and sidewalks to be paved will be completed as soon as possible. Building pads will be laid as soon as possible after grading unless seeding or soil binders are used; and (f) post a publicly visible sign with the telephone number and person to contact at the lead agency regarding dust complaints. This person will respond and take corrective action within 48 hours. The BAAQMD's phone number will also be visible to ensure compliance with applicable regulations.
53. **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.

54. **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.
55. **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.
56. **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

57. **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.

LEGAL AGREEMENTS AND FEES

58. **BMR, PROCESS:** Following project approval, the applicant shall submit the following information to the Administrative and Neighborhood Services Manager in the Community Development Department, 650-903-6379: (a) a copy of the first page of the Findings Report; (b) a copy of the page from the Findings Report that contains the Below-Market-Rate (BMR) condition; and (c) a legal description of the property.

At the time of submittal for building permits, the applicant shall contact the Administrative and Neighborhood Services Manager, 650-903-6379, and a BMR agreement will be prepared for the project. Before building permits can be issued, the BMR agreement must be signed by the developer, and, if applicable, a 10 percent deposit of the required BMR fees must be paid to the City.

59. **RENTAL HOUSING IMPACT FEE:** The building permit submittal shall identify the aggregate net new habitable square footage of all residential rental units in the project. Prior to the issuance of the first Final Certificate of Occupancy for the development, the applicant shall pay a Rental Housing Impact Fee as defined by the City fee schedule for all market-rate rental housing development, unless the applicant offers an alternative to mitigate the impacts of the residential rental project development through the construction of affordable rental housing units.
60. **BMR ALTERNATE MITIGATION:** The applicant has offered an alternative to further affordable housing opportunities to a greater extent than provision of 70.65 affordable rental units within the project and has submitted a request to mitigate the impacts of the residential rental project development through payment of an In-Lieu Fee in the amount of \$22,772,844, to be provided within two (2) weeks of approval of the development permits.
61. **INDEMNITY AGREEMENT:** Prior to the issuance of any building permits, the applicant shall agree, in writing, to defend, indemnify, and hold harmless the City and its officers, agents, and employees in any action brought by a third party to void this Planned Community and Development Review 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.
62. **AVIGATION EASEMENT:** If deemed necessary by the Santa Clara County Airport Land Use Commission, an avigation easement shall be recorded for the property prior to the issuance of building permits. Proof of an executed avigation easement shall be provided to the Planning Division.
63. **LOT TIE AGREEMENT:** The applicant shall enter into a Lot Tie Agreement or comparable legal document, which binds the separate properties for the life of the project. The applicant shall submit a draft agreement to the Planning Division for review and approval by the Community Development Director, prior to recordation. The Lot Tie Agreement shall be recorded prior to the issuance of Building Permits.

TRANSIT-RELATED PROGRAMS AND OFF-SITE IMPROVEMENTS

64. **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 minimum five percent (5%) reduction in peak-hour vehicle trips to the site. The TDM program measures shall be formally accepted by the property owner prior to building permit issuance through a legal agreement or recorded document, as determined by the City Attorney, with contents to the satisfaction of the Zoning Administrator. The mandatory TDM measures for the project include:

- a. Join and maintain ongoing membership in the Mountain View Transit Management Agency (MVTMA) or other association or institution providing transportation services (“TMA”) that has specific programs available for residential communities for the life of the project.
 - b. Provide on-site ride-matching assistance to new residents.
 - c. Provide information regarding carpool/vanpool incentives for new users.
 - d. Participate in the Santa Clara Valley Transportation Authority (VTA) Eco Pass Program, or an equivalent transit pass program, for the first two years of the project.
 - e. Provide VTA Eco Passes (or the equivalent value for an alternative transit subsidy) to new residents for one year for the first five years after occupancy begins.
 - f. Provide a combination of physical and/or online informational boards providing residents commute alternatives, including local transit information, project benefits for residents, and facilitating ride-sharing coordination.
 - g. Provide parking spaces for at least two Zipcars, or equivalent car-share service, in the project parking garage for resident and public use and apply to have the spaces included in the car-share service.
 - h. Provide a Wi-Fi lounge area to facilitate telecommuting.
 - i. Appoint a commute coordinator to manage and monitor commute alternative programs. The commute coordinator’s responsibilities include the following:
 - 1. Organizing and implementing promotional programs;
 - 2. Updating information on the physical and/or online information board/kiosk;
 - 3. Providing trip-planning assistance and/or ride-matching assistance to residents and employees who and considering an alternative mode for their commute;
 - 4. Providing information about the subsidized mode programs (including transit, Zipcar, and bike share);
 - 5. Managing annual driveway counts; and
 - 6. Supplying up-to-date transit schedules and route maps for VTA and Caltrain. **(PROJECT-SPECIFIC CONDITION)**
65. **TRANSPORTATION DEMAND MANAGEMENT (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 five percent (5%) peak-hour vehicle trip reduction by employees within the project. The TDM report shall be prepared by an independent consultant and paid for by the property owner or tenant; the consultant shall work with the property’s TDM coordinator. The TDM report will include a determination of historical employee commute methods, which shall be informed by surveying all employees working on the project site and through driveway traffic counts. All nonresponses to the employee commute survey will be counted as a drive-alone trip. The driveway traffic counts shall be prepared and provided by an independent, licensed 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 five percent (5%) or more of the project. Subsequent reports will be collected annually.
 - b. **Report Requirements:** The TDM report shall either: (1) state that the project has achieved five percent (5%) peak-hour vehicle trip reduction or higher, providing supporting statistics and analysis to establish attainment of the goal; or (2) state that the project has not achieved the five percent (5%) peak-hour vehicle trip reduction, providing an explanation of how and why the goal has not been reached and a description of additional measures that will be adopted in order to attain the TDM goal of five percent (5%) peak-hour vehicle trip reduction. **(PROJECT-SPECIFIC CONDITION)**
66. **TMA MEMBERSHIP:** The property owner or building occupant shall maintain ongoing membership in the Mountain View Transportation Management Association (MVTMA) for the life of the project.

MITIGATION MEASURES

67. **MM AQ-3.1:** Prior to the issuance of demolition permits, the project applicant shall submit an Emissions Reduction Plan demonstrating that the off-road equipment used on-site to construct the project would achieve a fleetwide average of at least 78 percent reduction in diesel particulate matter (DPM) exhaust emissions or greater. The plan shall be submitted to the Community Development Director prior to issuance of a demolition permit. Mobile diesel-powered off-road equipment operating on-site for more than two days and larger than 25 horsepower shall, at a minimum, meet U.S. Environmental Protection Agency (EPA) particulate matter emissions standards for Tier 4 engines or equivalent.
68. **MM AQ-3.2:** Alternatively, in lieu of use of Tier 4 equipment identified in MM AQ-3.1, the construction contractor may use other measures to minimize construction period DPM emissions to reduce the estimated cancer risk and PM2.5 exposure below Bay Area Air Quality Management District (BAAQMD) thresholds. For example, use of equipment that includes California Air Resources Board (CARB) certified Level 3 Diesel Particulate Filters or alternatively fueled equipment (i.e., nondiesel or electric), added exhaust devices, or a combination of these measures, could meet this requirement. Any alternative measures shall reduce DPM emissions to the same level or greater than MM AQ-3.1. If any of these alternative measures are proposed, the project applicant shall include them in the Emissions Reduction Plan, which shall include specifications of the equipment to be used during construction.

The Emissions Reduction Plan shall be accompanied by a letter signed by a qualified air quality specialist, verifying the equipment included in the plan meets the standards set forth in this mitigation measure.

69. **MM HAZ-2.1:** The project applicant shall implement the Remedial Action Plan (RAP) and a Soil Management Plan (SMP) to remove or reduce the elevated volatile organic compound (VOC) concentrations in soil, soil gas, and groundwater to reduce potential risks to human health and the environment to levels that are protective for the proposed residential redevelopment and use of the site. Prior to issuance of a grading permit, the project applicant shall update the SMP to include the following items, and shall obtain a letter from the San Francisco Bay Regional Water Quality Control Board (RWQCB) confirming that the SMP (2012) is valid.
- Protocols and procedures shall be presented for determining when soil sampling and analytical testing should be performed.
 - Monitoring of vapors during excavation and grading activities shall include:
 - A low-level trichloroethene (TCE) detector, capable of measuring to at least 10 parts per billion by volume or 5 micrograms per cubic meter of TCE in air, shall be used to monitor soil vapor concentrations.

- NIOSH/MSHA-approved respirators equipped with combination organic vapor and P-100 HEPA air purifying cartridges are required for workers entering excavations and trenches greater than 5' deep.
- If respirators are no longer desired to be worn by workers entering excavations, the sampling or screening for TCE shall be conducted by either: (1) sampling air in the excavation or collecting personal air samples using TCE sampling badges (e.g., Radiello 130 or Radiello 145 samplers or equivalent); or (2) screening air in the excavation using a portable GC-MS (e.g., Hapsite GC-MS or equivalent). Sampling or screening for TCE shall be conducted for a minimum period of one (1) full workday within representative source areas. Air samples shall be analyzed and reported on a 24-hour turnaround time and screening with a portable GC-MS shall be conducted, at a minimum, on an hourly basis.
- If sampling or screening data collected over a minimum period of one full workday demonstrates that TCE is either: (1) below a reporting limit of 5 µg/m³ in the excavation; or (2) is present in the excavation at concentrations less than the Environmental Protection Agency's (EPA) Accelerated Response Action Level (7 µg/m³), the use of respiratory protection during excavation entry may be discontinued, and the contractor may terminate sampling or screening for TCE. Personnel entering the excavation will resume using respiratory protection and the contractor will resume sampling or screening for TCE if any of the following conditions occur:
 - o Groundwater begins to enter the excavation; and
 - o The excavation is enlarged by 20' or greater; or
 - o Excavation activities commence in a new excavation area within an area suspected to have elevated TCE Vapors.
- If sampling or screening data, with a reporting limit of 5 µg/m³ or lower, demonstrates that TCE is present at concentrations greater than 7 µg/m³, the use of respiratory protection and ventilation fans during all excavation entry shall continue, and the Environmental Professional shall notify the RWQCB within 24 hours.
- If sampling or screening data demonstrates that TCE is present at concentrations less than 50 µg/m³, the Contractor may terminate sampling or screening for TCE while workers continue to wear respiratory protection (with fan ventilation of the excavation). If sampling or screening data demonstrates that TCE is present at concentrations greater than 50 µg/m³, the Contractor should implement additional engineering controls within the excavation, reevaluate respiratory protection and upgrade as necessary, and continue sampling or screening until sampling or screening data demonstrates that TCE is present at concentrations less than 50 µg/m³. TCE air sampling or screening outside of the excavation shall be performed if TCE concentrations within the excavation cannot be reduced to levels below 50 µg/m³.
- Soil in contact with groundwater shall be assumed contaminated. This soil shall be segregated and stockpiled at a designated, plastic-lined stockpile area.
- Management of groundwater discharges during excavation dewatering, if required. Protocols shall be prepared to evaluate water quality and discharge/disposal alternatives (consistent with RWQCB dewatering permit requirements). A dewatering system shall be implemented during construction of the project. Water shall be pumped to on-site tanks, tested, and treated prior to discharge to the public stormwater collection system or sanitary sewer. The system shall include a granulated activated carbon unit, or equivalent treatment device. Due to flow constraints, additional water storage tanks may be required to meter flows to the storm drain system, assuming the water can be treated to a level that it can be discharged. A discharge

plan shall be prepared and reviewed by the City of Mountain View Public Works Department and Fire and Environmental Compliance Division prior to discharge permits being secured from the RWQCB. The pumped water shall not be used for on-site dust control or any other on-site use. Though unlikely, if long-term dewatering is required, the means and methods to extract, treat, and dispose of groundwater also shall be presented in the discharge plan consistent with City requirements.

- Management of site risks during earthwork activities in areas where impacted soil, soil vapor, and/or groundwater are present or suspected. Worker training requirements, health and safety measures, and soil handling procedures shall be described.
- Excavated soils from deeper than approximately 2' in suspect source areas (post RAP excavation depth) shall be field-screened for the presence of VOCs. Field screening (approximately every 10 lineal feet or 50 cubic yards [CYs]) shall occur using a sensitive PID (such as the ppBRAE 3000). Soil that is field-screened and "cleared" (less than 500 ppbv, or a similar level approved by the oversight agency) can be considered "clean" and can be reused for on-site fill. Potentially contaminated soil shall be segregated and stockpiled at a designated, plastic-lined stockpile area.
- Evaluation and documentation of the quality of any soil imported to the site. Soil containing chemicals exceeding residential (unrestricted use) screening levels or typical background concentrations of metals shall not be accepted.
- Evaluation of the residual contaminants to determine if they will adversely affect the integrity of below-ground utility lines and/or structures (e.g., the potential for corrosion).
- Measures to reduce soil vapor and groundwater migration through trench backfill and utility conduits. Such measures shall include placement of low-permeability backfill "plugs" at specified intervals on-site and at all locations where the utility trenches extend off-site. In addition, utility conduits that are placed below groundwater shall be installed with watertight fittings to reduce the potential for groundwater to migrate into the conduits.
- The Environmental Professional shall be present on a part-time basis to observe soil conditions during the removal of existing utilities to determine if additional soil, groundwater, and air sampling should be performed. Any removed utility line that is greater than 3" in diameter shall be observed for sediment. If sediment is present, it shall be stockpiled as potentially contaminated material and sampled in accordance with the protocols outlined in the SMP.
- Prior to the start of any construction activity that involves below-ground work (e.g., mass grading, foundation construction, excavating, or utility trenching), information regarding site risk management procedures (e.g., a copy of the SMP) shall be provided to the contractors for their review, and each contractor shall provide such information to its subcontractors.
- The Project Applicant's Environmental Professional shall assist in the implementation of the SMP and shall, at a minimum, perform part-time observation services during excavation, grading, and trenching activities. Upon completion of construction activities, the Environmental Professional shall prepare a report documenting compliance with the SMP; this report shall be submitted to the City and the RWQCB. The City shall require written approval of this report by the RWQCB prior to approving occupancy permits.
- If a deep foundation system is proposed, the foundation of the building shall incorporate measures to help reduce the potential for the downward migration of contaminated groundwater. These measures shall be identified in the Geotechnical Investigation report and the SMP, and implemented as a part of the development plans.

70. **MM HAZ-2.2:** The project applicant shall prepare and implement a Health and Safety Plan to establish appropriate protocols for the protection of workers during construction. Workers conducting site investigation and earthwork activities in areas of contamination shall complete a 40-hour HAZWOPER training course (29 CFR 1910.120 (e)). The contractor shall be responsible for the health and safety of their employees as well as for compliance with all applicable Federal, State, and local laws and guidelines.
71. **MM HAZ-2.3:** Prior to or in conjunction with construction activities, the project applicant shall prepare a report by a licensed Environmental Professional documenting implementation of the RAP. The report shall be submitted to the RWQCB for review and approval. Once approved, the report and approval letter shall be provided to the City of Mountain View Planning Division prior to residential occupancy of the site.

Public Works Department – 650-903-6311

RIGHTS-OF-WAY

72. **EMERGENCY VEHICLE ACCESS EASEMENT:** Dedicate a 26' wide emergency vehicle access easement, as required by the Fire Protection Engineer.
73. **PUBLIC ACCESS EASEMENT, COVENANTS, AND DEED RESTRICTIONS (CONNECTIONS THROUGH SITES):** Prior to issuance of any building permits or approval of the parcel map, the owner shall dedicate a public access easement, covenants, agreements, and deed restrictions (PAE) over the proposed 26' emergency vehicle access easement across the property. Associated improvements within the PAE shall be constructed by the owner and approved by the City.

The dedication shall indicate that:

- a. Public access shall be granted for nonautomotive use;
- b. Owner shall maintain, inspect, and monitor the PAE improvements in good order, condition, and repair and in compliance with the Americans with Disabilities Act (ADA);
- c. The PAE shall run with the land and be binding upon any successors;
- d. If Owner shall fail to abide by PAE, Owner agrees to pay all reasonable costs and expenses incurred by City in enforcing the performance of such obligations.
- e. Owner agrees to defend, and hold City, its officers, employees, agents, and volunteers harmless from any liability for damage or claims for damage for personal injury, including, but not limited to, death and/or property damage caused by negligent acts, errors, or omissions in performance of services or operations under the Dedication, including maintenance operations performed on the PAE by Owner or Owner's contractors, subcontractors, agents, or employees.

A legal description and plat of: (1) the owner's property; and (2) the PAE area shall be prepared by the owner in accordance with the City's Legal Description and Plat Requirements and submitted to the City for review.

74. **PUBLIC UTILITY EASEMENT DEDICATION:** Dedicate a 10' wide public utility easement (PUE) along project street frontage(s) for such use as sanitary sewer, water, storm drains, and other public utilities, including gas, electric, communication, and cable television facilities, as required by the Public Works Director. The property owner or Home Owners Association (HOA) shall maintain the surface improvements over the easement, and must not modify or obstruct the easement area in a manner contrary to the intent of the easement. The dedication statement shall specify that the PUE be kept free and clear of buildings and other permanent structures/facilities, including, but not limited to, the following:

- Garages, sheds, carports, and storage structures;
- Balconies and porches;
- Retaining walls;
- C.3 bioretention systems; and
- Private utility lines running longitudinally within the PUE.

75. **FUTURE PUBLIC PARK:** The two No. 7 Transformers shown in the future public park on Sheet C4.0 will need to be relocated/moved out of the future public park. The project developer shall find another location for these transformers that does not impact the streetscape, existing trees designated to remain, or landscaping along the East Evelyn Avenue frontage, to the satisfaction of the Public Works Director and the Community Development Director.

FEEES

76. **TRANSPORTATION IMPACT FEE:** The Transportation Impact Fee is applicable to all projects that submitted a formal planning application after July 1, 2018, or that are issued a building permit after January 1, 2021 per City Code (Chapter 43). The applicant shall pay the Transportation Impact Fee prior to issuance of any building permits and prior to the approval of the parcel map, as applicable. Residential category fees are based on the number of units. Retail/Service/Office/R&D/Industrial category fees are based on the square footage of the development. Credit is given for the existing site use(s), as applicable.

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

78. **STORM DRAINAGE FEE:** Prior to issuance of any building permits and prior to approval of the parcel map, the applicant shall pay the off-site storm drainage fee per Section 28.51(b) and with the rates in effect at time of payment.

79. **SANITARY SEWER FAIR SHARE CONTRIBUTION:** The Utility Impact Study by Schaaf & Wheeler, dated June 26, 2018, identified performance and capacity deficiencies at downstream segments of the City sanitary sewer system contributed by the development beyond the levels anticipated under the adopted General Plan. Prior to issuance of the building permit and approval of the parcel map, the applicant shall be required to pay a proportionate fair-share contribution to the City to upsize the sanitary sewer pipelines in the system to achieve appropriate performance and capacity.

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

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

driveway improvements for common green and townhouse-type condominiums.

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

81. **PARK LAND DEDICATION AND FEE:** Dedicate in fee 0.68 acre of public park land and pay the Park Land Dedication Fee to satisfy the remaining park requirement for the development in accordance with Chapter 41 prior to the issuance of any building permits and prior to approval of the parcel map.

Prior to the approval of the parcel map, the applicant shall: (1) provide a written report to disclose all known hazardous materials and contaminants on the park site to the City; (2) provide written approval by the Regional Water Quality Control Board (RWQCB) or other appropriate lead regulatory agency for the use of the site as a public park; (3) prepare a Site Management Plan (SMP) with specific protocols for the park construction, operation, and ongoing maintenance that must be reviewed and approved by the RWQCB; the applicant shall provide funding for the implementation of the SMP on the park site based on a cost estimate prepared by the engineer of the SMP and as approved by the City prior to the approval of the parcel map; the City shall implement the SMP during park construction; (4) be responsible for removing or remediating hazardous material and contaminants found on the site, as identified in the written report provided to the City and as required by the SMP, so that the site is suitable for use as an open space park site; and (5) agree to protect, indemnify, and hold harmless City, its directors, officers, employees, and agents, from and against any environmental liability related to any hazardous substances caused by applicant's actions at the property, and any and all claims, demands, judgments, settlements, damages, actions, causes of action, injuries, administrative orders, consent agreements, and orders, liabilities, losses, penalties, and costs related to hazardous substances caused by applicant, including, but not limited to, any clean-up costs, remediation costs, and response costs, and all expenses of any kind whatsoever, including reasonable attorneys' fees and expenses, including, but not limited to, those arising out of loss of life caused by applicant; injury to persons, property, or business caused by applicant; or damage to natural resources in connection with the activities of applicant or its agents or contractors, and any of them, the foregoing being collectively referred to as "claims" which:

- a. Arise out of the actual, alleged, or threatened mitigation, spill, leaching, pouring, emptying, injection, discharge, dispersal, release, storage, treatment, generation, or disposal or escape of any hazardous substances onto or from the premises; or
- b. Actually or allegedly arise out of or in connection with the premises, the use, specification, or inclusion of any product, material, or process containing hazardous substances, the failure to detect the existence or proportion of hazardous substances in the soil, air, surface water, or groundwater, or the performance of or failure to perform the abatement of any hazardous substances source or the replacement or removal of any soil, water, surface water, or groundwater containing any hazardous substances; or
- c. Arise out of the breach of any covenant, warranty, or representation contained in any statement or other information given by applicant to City in connection with environmental matters; or
- d. Arise out of any enforcement or remedial action or any judicial or administrative action brought pursuant to any environmental law.

Applicant, its successors, and assigns, shall bear, pay, and discharge when and as the same become due and payable, any and all such judgments or claims for damages, penalties, or otherwise against City, as provided in this section, shall hold City harmless for those judgments or claims, and shall assume the burden and expense of defending all suits, administrative proceedings, and negotiations of any description with any and all persons, political subdivisions, or government agencies.

STREET IMPROVEMENTS

82. **PUBLIC IMPROVEMENTS:** Install or reconstruct standard public improvements that are required for the project and as required by Chapters 27 and 28 of the City Code. These improvements include, but are not limited to: street overlay; new curb, gutter, sidewalk, and driveways along the project frontage on East Evelyn Avenue; landscaping and irrigation of the public landscape strip; median island improvements; water and sanitary sewer services; storm laterals; and joint utilities.
- a. **IMPROVEMENT AGREEMENT:** The property owner must sign a Public Works Department improvement agreement for the installation of the public improvements prior to the issuance of the building permit and prior to approval of the parcel map. Sign a Public Works Department faithful performance bond (100 percent) and materials/labor bond (100 percent) or provide a cash deposit (100 percent) or provide a letter of credit (150 percent) securing the installation and warranty of the off-site and on-site common improvements in a form approved by the City Attorney's Office. The surety (bond company) must be listed as an acceptable surety on the most current Department of the Treasury's Listing of Approved Sureties on Federal Bonds, Department Circular 570. This list of approved sureties is available through the Internet at: www.fiscal.treasury.gov/fsreports/ref/suretyBnd/c570_a-z.htm. The bond amount must be below the underwriting limitation amount listed on the Department of the Treasury's Listing of Approved Sureties. The surety must be licensed to do business in California. Guidelines for security deposits are available at the Public Works Department. Any changes to the standard agreement will require an additional one- to three-week processing time with the City Attorney's Office.
- b. **INSURANCE:** Provide a certificate of insurance and endorsement naming the City an additional insured from the entity that will sign the improvement agreement prior to the approval of the building permit. The insurance coverage amounts are a minimum of Two Million Dollars (\$2,000,000) Commercial General Liability, One Million Dollars (\$1,000,000) Automobile Liability, and One Million Dollars (\$1,000,000) Workers' Compensation. The insurance requirements are available from the Public Works Department.
83. **OFF-SITE IMPROVEMENT PLANS:** Prepare off-site improvement plans in accordance with Chapter 28 of the City Code, the City's Standard Design Criteria, Submittal Checklist, Plan Review Checklist, and the conditions of approval of the project. The plans are to be drawn on 24"x36" sheets at a minimum scale of 1" = 20'. The plans shall be stamped by a registered civil engineer and shall show all public improvements and other applicable work within the public right-of-way. A traffic control plan indicating, but not limited to, the work areas, delineators, signs, and other traffic control measures is required for work that impacts traffic on an existing street. Locations of on-site parking for construction equipment and construction workers must be submitted for review and approval. Off-site plans (10 sets), an initial plan check fee based on the Public Works fee schedule, Improvement Plan Checklist, and items noted within the checklist must be submitted together as a separate package concurrent with the first submittal of the building plans. The off-site plans must be approved and signed by the Public Works Department. After the plans have been signed by the Public Works Department, 10 black-line sets, one Xerox Mylar (4 mil) set of the plans, and CD with CAD file and PDF must be submitted to the Public Works Department prior to the issuance of the building permit. CAD files shall meet the City of Mountain View's Digital Data Submission Standards.
84. **INFRASTRUCTURE QUANTITIES:** Submit a construction cost estimate form indicating the quantities of the street and utility improvements with the initial submittal of the improvement plans. The construction cost estimate is used to estimate the cost of street and utility improvements and to determine the Public Works plan check and inspection fees.
85. **POTHOLE PERMIT:** Obtain an Excavation Permit from the Public Works Department to conduct potholing in order to determine the depths and locations of existing subsurface utilities. Potholing shall be completed prior to the initial submittal of the building plans as required by the Project's Land Development Engineer.

86. **ENCROACHMENT RESTRICTIONS:** Private facilities, including, but not limited to, structures, steps, handrails, fences, and retaining walls, shall not encroach into the public street easement or right-of-way.
87. **TIE-BACK ENCROACHMENTS:** Encroachments of temporary tie-backs or earthen nails for construction purposes into the public right-of-way or easements shall 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.
88. **SPECIAL PAVERS AND CONCRETE:** Pavers, colored concrete, or textured concrete shall not be allowed within the public street or sidewalk.
89. **STREET OVERLAY:** Provide a half-street overlay (curb to median island curb) along the project frontage on East Evelyn Avenue due to the amount of trenching for utilities and anticipated impact from construction traffic.
90. **DRIVEWAY SIGHT TRIANGLE:** Architecture, landscaping, signage, and other surface improvements (including backflow preventers) shall conform to City Standard A-22 Side Street/Driveway Triangle of Safety at all driveways (pedestrian and vehicular triangle of safety). Alternate measures to address the pedestrian triangle of safety may be accepted, as determined appropriate by the Public Works Director, such as, but not limited to: stop control at driveways (stop bar, legend, and sign), mirrors, visual and/or audible warning systems, and enhancements to garage ramp design.
91. **MEDIAN ISLAND IMPROVEMENTS:** Provide median island improvements, including trees, landscaping, and pavers, to complete the median along the project frontage on East Evelyn Avenue. A left-turn pocket shall be provided in the westbound directly for the western garage driveway and a break in the median shall be provided for the emergency vehicle access driveway. The easterly garage driveway shall have right-in and right-out access only.
92. **LEFT-TURN REFUGE:** Provide a left-turn refuge to mitigate the Level of Service F delay for outbound left-turn movement from the western garage driveway, as recommended and shown in the Transportation Impact Analysis (TIA) by Hexagon, dated September 27, 2018.
93. **BICYCLE LANE IMPROVEMENTS:** Provide signing and striping for a 6' bicycle lane along the project frontage on East Evelyn Avenue, including green bike lane striping at driveway conflicts.
94. **PARKING RESTRICTION:** Street parking shall be prohibited along the project frontage on East Evelyn Avenue. The applicant shall install no parking signs and/or red curb, as approved by the Public Works Director.
95. **EMERGENCY VEHICLE ACCESS DRIVEWAY:** Provide a removable bollard, as approved by the Fire Protection Engineer, to restrict standard vehicle access.

UTILITIES

96. **WATER AND SEWER SERVICES:** New water services and sewer laterals shall be provided for each building in accordance with City Code Section 35.38.
97. **SEPARATE FIRE SERVICE:** Domestic water and fire services shall have separate lines connected to the City's water main. On-site fire lines, post indicator valves, Fire Department connections, and detector checks also require approval from the City's Fire Protection Engineer.

98. **SEPARATE IRRIGATION SERVICE AND METER:** A separate water service and water meter for irrigation shall be required.
99. **PUBLIC PARK:** Provide domestic water and irrigation services, sanitary sewer lateral, and storm lateral connection for the public park dedication.
100. **WATER AND SEWER APPLICATIONS:** Upon submittal of the initial building permit and improvement plans, the applicant shall submit completed 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.
101. **EXCAVATION PERMIT:** Upon submittal of the initial building permit and improvement plans, the applicant shall submit a completed 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 off-site improvement plans.
102. **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. Existing water services 4" or larger 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 shall be abandoned, and existing face-of-curb drains shall be removed.
103. **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. Protective covers and/or enclosures must be preapproved by the Cross-Connection Control Specialist prior to installation.
104. **UNDERGROUND SERVICES:** All new and existing electric, telephone, and cable television services serving the site are to be placed underground (including transformers), with the exception of the existing on-site pad-mount capacitor cabinet located within the PG&E easement. Underground utility vaults that serve only the property shall be placed on-site and shall not encroach into the public right-of-way or easements. 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.
105. **JOINT UTILITY PLANS:** Upon submittal of the initial building permit and improvement plans, the applicant shall submit joint utility plans showing the location of the proposed electric, gas, telephone, cable television, and telecommunication conduits and vaults, including the existing and proposed conduit to the on-site cell tower. 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.
106. **JOINT UTILITY BOXES:** All new and existing utility boxes shall be placed underground, with the exception of the existing on-site pad-mount capacitor cabinet located within the PG&E easement. Underground utility vaults shall not encroach into the public sidewalk, and must fit either entirely within the landscape strip or the public utility easement. Joint utility conduits and vaults shall not be allowed within the public park dedication; this condition of approval governs over the proposed design show in the Planning application, including Sheet C4.0.

SIDEWALKS AND DRIVEWAYS

107. **SIDEWALK IMPROVEMENTS:** New curb, gutter, sidewalk, and driveways shall be installed along the project frontage on East Evelyn Avenue, in accordance with City standard details and specifications.
108. **ADA SIDEWALK REQUIREMENTS:** A minimum 4' wide Americans with Disabilities Act-compliant public sidewalk shall be provided behind driveway approaches.
109. **GARAGE RAMPS:** Ramps to the underground garage shall comply with City Standard Detail A-24 Underground Garage Driveway Ramp to provide sight distance for visibility and pedestrian safety.

RECYCLING

110. **RECOLOGY MOUNTAIN VIEW:** Recology Mountain View is the City's exclusive hauler for recycling and disposal of construction and demolition debris. For all debris boxes, contact Recology. Using another hauler may violate City Code Sections 16.13 and 16.17 and result in Code Enforcement action.
111. **CONSTRUCTION AND DEMOLITION ORDINANCE:** A Construction and Demolition Debris Management Plan shall be submitted with the building permit application and approved by the Solid Waste and Recycling Section prior to issuance of building permit. A final Construction Waste Disposition Report shall be submitted and approved prior to final inspection.
112. **TRASH MANAGEMENT PLAN:** Upon submittal of the initial building permit and all subsequent building permit submittals, the applicant shall provide a Trash Management Plan that must be approved by the Solid Waste and Recycling Section prior to issuance of a building permit. The Trash Management Plan and building plans shall meet the following requirements:
 1. Plan Sheets T0.1 through T.04 (dated March 1, 2019) shall be included in the building plans.
 2. Three-chute system to collect waste separated into three streams—trash, recyclable paper, and recyclable containers. All chute vestibules where residents bring waste must have an adequate number of containers to accommodate collection of resident food and food-soiled paper waste (compost).
 3. All chute vestibules must have signage with sorting instructions according to the City's programs and all signage must be approved by the Solid Waste Program Manager prior to installation.
 4. Trash and recycling will be moved from the chute discharge rooms to the central trash and recycling collection room by property management. Compost will be moved from the chute vestibules to the central trash room by property management. Trash will be placed in a compactor for hauling a minimum of once per week. Recyclable paper and recyclable containers will be placed in front-load bins for collection no more than once per week for containers and twice per week for paper. Compost will be placed in either carts or bins for collection once per week. The central waste collection room must be able to stage all paper and container bins and compost carts or bins on collection day.
 5. Minimum clearance requirements must be met in the following areas, as measured from finished grade to any structural appurtenances (e.g., overhangs, sprinklers, mechanical, electrical, plumbing, signage):
 - a. Garage entrance/exits, 15'.
 - b. Travelway for all collection vehicles, 15'.
 - c. Trash collection room, 22'.

STREET TREES

113. **STREET TREES:** Install standard City street trees along the street frontage, including where there are gaps in the space of existing street trees.
114. **STREET TREE LOCATION:** The location of existing trees to remain, existing trees to be removed, and new street trees shall be shown on the grading, utility, and landscaping plans. New street trees are to be planted a minimum of 10' from sanitary sewer lines and 5' from water lines, fire lines, and driveways in accordance with Detail F-1 of the Standard Provisions. New street tree species must be selected from the City's official street tree list and as approved by the City's Parks and Open Space Division per Proposed Street Tree Form available online at www.mountainview.gov/planningforms.
115. **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)

116. **DRAINAGE PLANS:** On-site drainage plans shall be included in the building plans.
117. **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.
118. **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.
119. **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.
120. **SURFACE DRAINAGE RELEASE:** Provide surface stormwater release for the lots that prevents the residential buildings from being flooded in the event the storm drainage system becomes blocked or obstructed. The drainage paths for the lots shall be designed such that the drainage paths do not cross the common property lines unless an exception is approved by the Public Works Department due to unavoidable circumstances (such as to provide drainage to an existing Heritage tree).

MISCELLANEOUS

121. **CONSTRUCTION PLAN:** Upon submittal of the initial building permit and all subsequent building permit submittals, the applicant shall provide a construction traffic and parking management plan with the building plans showing the following:
1. Truck route for construction and delivery trucks pursuant to City Code Sections 19.58 and 19.59 and which does not include neighborhood residential streets;
 2. Building construction phasing/construction equipment storage/construction parking plans: Show construction vehicles and equipment parking area and construction trailer location. All construction

vehicles/equipment and trailer shall be located on-site or at a site nearby (not on a public street or public parking) arranged by the contractor. No construction equipment or vehicles shall be stored or parked on residential streets or public parking lots. Construction contractors/workers are required to park on-site or at a private property arranged by the contractor and shall not be allowed to use neighboring residential streets for parking/storage; and

3. Sidewalk closure or narrowing is not allowed during any on-site construction activities.

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

122. **TRAFFIC CONTROL PLANS:** Upon submittal of the initial building permit and all subsequent building permit submittals, the applicant shall provide Traffic Control plans for any off-site and on-site improvements or any work that requires temporary lane closure, shoulder closure, bike lane closure, and/or sidewalk closure for review and approval. Sidewalk closures are not allowed unless reconstruction of sidewalk necessitates temporary sidewalk closure. In these instances, sidewalk detour should be shown on the Traffic Control plans.
123. **SOIL AND GROUNDWATER CONTAMINATION:** Permittee/Contractor is advised that the project is located in or in close proximity to an area of known soil and groundwater contamination, Permittee/Contractor is responsible for working with the San Francisco Regional Water Quality Control Board, the lead regulatory agency, to obtain the appropriate clearances and/or recommendations for work in the contaminated area.
124. **HEALTH AND SAFETY MEASURES:** Work within soil and groundwater contamination area may expose workers to contaminants in the soil, groundwater, and associated vapors. Permittee/Contractor is responsible for preparing and implementing an appropriate health and safety plan to address the contamination and manage the operations in a safe manner and in compliance with the Cal/OSHA Construction Safety Orders and other State and Federal requirements.
125. **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."
126. **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."
127. **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.

128. **INTERIOR PROPERTY LINE:** The applicant's site is located on three separate parcels of land, and the proposed building is located over the interior property line that is proposed to remain. Prior to the issuance of the building permit, the applicant shall enter into a Lot Tie Agreement, or comparable legal document, to bind the properties together for the life of the project, to the satisfaction of the Community Development Building Division and Planning Division. The Lot Tie Agreement shall be recorded prior to issuance of the building permit.
129. **SUBDIVISION:** This site plan is a subdivision of the existing parcel(s). Any combination or division of land for purpose of sale, lease, or financing requires the filing and approval of the preliminary parcel map, completion of all conditions of subdivision approval, and the recordation of the parcel map, all prior to issuance of the building permit.

Building Inspection Division – 650-903-6313

130. **BUILDING PERMITS:** A building permit is required for this project. This review by the Building Inspection Division is preliminary and only attempting to identify critical or significant code concerns. Building plan check review will be part of a separate permit application process that can be applied for once the Planning approvals have been obtained and any appeal period has passed. To submit for building permits, please refer to the Building Inspection Division's "Submittal Requirements" for document requirements and project review times online at www.mountainview.gov/submitbuildingpermit.

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

131. **BUILDING CODES:** Construction plans will need to meet the current codes adopted by the Building Inspection Division upon submittal. Current codes are the 2016 California Codes: Building, Fire, Electrical, Mechanical, Plumbing, CALGreen, CALEnergy, in conjunction with the City of Mountain View Amendments, and the Mountain View Green Building Code (MVGBC).
132. **ACCESSIBILITY REQUIREMENTS:** The project is required to comply with:
- **CHAPTER 11A:** Project will be required to comply with the accessibility requirements in the 2016 CBC, Chapter 11A.
 - **CHAPTER 11B:** Project will be required to comply with the accessibility requirements in the 2016 CBC, Chapter 11B.
133. **ELECTRIC VEHICLE STATIONS:** Project is required to provide electric vehicle (EV) charging facilities per the 2016 CalGreen Section 5.106.5.3 and MVCC Sections 8.20.42 to 8.20.45.
134. **ADDRESSES:** All street names, street numbers, and residential apartment numbers will be processed prior to the Building Inspection Division approval of the project. Commercial suite numbers are issued by the United States Postal Service (USPS).
135. **APPROVALS REQUIRED:** This project requires the approval of the Santa Clara County Environmental Health Department (SCCHD) prior to submittal to the Building Inspection Division. Please visit SCCHD online at www.sccgov.org or by phone at 408-918-3400 to obtain information and requirements for approval.
136. **COMMERCIAL TENANT IMPROVEMENTS:** The tenant improvements for the commercial spaces will be

required to obtain a separate building permit.

137. **TYPE OF CONSTRUCTION:** Provide type of proposed construction per Chapter 6 of the 2016 CBC.
138. **EGRESS:** Site must meet accessible means of egress per the 2016 CBC, Section 1009.
139. **FIRE PROTECTION:** Dwelling and sleeping units shall meet the visible alarm notification requirements of 2016 CBC, Section 907.5.2.2.
140. **FIRE PROTECTION (PROJECTIONS):** Overhangs and other projections will not be permitted to cross property lines, including any property lines between units.
141. **FIRE SPRINKLERS:** An automatic sprinkler system shall be installed for structures identified with Group R occupancy per 2016 CBC, Section 903.2.8.
142. **FIRE WALLS:** Provide the required Fire Wall Resistance Ratings per 2016 CBC Table 706.4c as amended in MVCC Section 8.10.22.
143. **HAZARDOUS MATERIALS:** Any installation of hazardous materials will require submittal of HMIS forms for the Fire Protection Engineer *and* the Hazardous Materials Specialist. Please visit City of Mountain View – Fire & Environmental Protection Division online at www.mountainview.gov/fep or by phone at 650-903-6378 to obtain information and submittal requirements.
144. **USE AND OCCUPANCY CLASSIFICATION:** Provide proposed use(s) and occupancy(ies) for proposed project per Chapter 3 of the 2016 CBC.
145. **OCCUPANCY SEPARATION:** Proper separation to be provided between occupancies per 2016 CBC, Chapter 5.
146. **OCCUPANT LOAD/EXIT DISCHARGE:** Provide detailed occupant load and exit discharge plans per requirements of 2016 CBC, Section 1004.
147. **PEDESTRIAN PROTECTION:** Public sidewalks are required to remain open during the course of construction. Please provide sufficient information at the time of building plan submittal to show how pedestrians will be protected per 2016 CBC, Section 3306.
148. **PHOTOVOLTAIC:** Photovoltaic systems are to be a deferred submittal under separate building permit application.
149. **PLAYGROUND EQUIPMENT:** A building permit will be required for all playground equipment in the common area(s). Third-party inspection by a certified playground safety inspector is required before final building inspection.
150. **SURVEY:** A survey will be required to be completed to verify structure placement.
151. **SCHOOL IMPACT FEE:** Project will be subject to School Impact fees. To obtain information, fee estimates, and procedures, please contact the following local school districts: Mountain View Los Altos High School District *and* Mountain View Whisman School District *or* Los Altos Elementary School District.
152. **ALTERNATE MATERIALS METHODS REQUEST (AMMR):** Any submittals of AMMRs are required to be formally submitted with the complete initial building submittal. AMMRs will be reviewed by the Chief Building Official during the plan check process; approvals of AMMRs are not provided or processed prior to submittal to the Building Inspection Division.

FIRE PROTECTION SYSTEMS AND EQUIPMENT

153. **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 (2016 Edition), NFPA 72 (2016 Edition), and Mountain View Fire Department specifications. Call the Building Inspection Division at 650-03-6313 for a copy of specifications and submittal requirements or visit online at www.mountainview.gov/firerequirements. (City Code Sections 14.10.28, 14.10.29, and California Fire Code Section 903.)
154. **STANDPIPE SYSTEM:** Provide a Class III standpipe system. (City Code Sections 14.10.30, 14.10.31, 14.10.32, and 14.10.33 and California Fire Code Section 905.)
155. **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.)
156. **ON-SITE WHARF HYDRANTS:** Provide ground-level wet standpipes (wharf hydrants). On-site wharf hydrants shall be so located as to reach any portion of combustible construction with 150' of hose. Installation shall be complete and the system shall be tested prior to combustible construction. The wharf hydrant shall be capable of providing a combination flow of 500 GPM with two 2.5" outlets flowing. Three (3) complete sets of shop-quality drawings shall be submitted for review and approval. (NFPA 24 (2016 Edition) and Mountain View Fire Department requirements.)
157. **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.)
158. **FIRE EXTINGUISHERS (COOKING AREAS):** Install Class K fire extinguishers in the commercial cooking equipment areas. (California Code of Regulations, Title 19, Chapter 3, and California Fire Code Section 904.12.5.)
159. **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

160. **LOCKBOX:** Install an approved key lockbox per the Fire Protection Engineer's directions. Call the Building Inspection Division at 650-903-6313 for instructions or visit online at www.mountainview.gov/firerequirements. (California Fire Code Section 506.)
161. **KEYSWITCH:** Install an approved keyswitch per the Fire Protection Engineer's directions. Call the Building Inspection Division at 650-903-6313 for instructions. (California Fire Code Section 506.) **(Required for parking**

garage gates.)

162. **FIRE APPARATUS ACCESS ROADS:** Access roads shall have 13'6" unobstructed vertical clearance, 20' of unobstructed width (26' where building occupied floors exceed 30' height), and minimum turning radii of 21' (inside turning radius). Unobstructed width shall mean a clear travelway, excluding parking width, and designed for an emergency vehicle weight of 70,000 pounds. Unobstructed width shall not include the width of rolled curbs, sidewalks, or nondrivable surfaces. (California Fire Code Section 503, and City Code Sections 14.10.15, 14.10.16, and 14.10.17.)
163. **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.)
164. **FIRE LANE MARKING:** "NO PARKING – FIRE LANE" signs shall be posted along fire lanes and curbs shall be painted red with the words: NO PARKING – FIRE LANE stenciled in white on the top and side of the curb. Call the Building Inspection Division at 650-903-6313 for specifications and application or visit online at www.mountainview.gov/firerequirements. (California Fire Code Section 503.)
165. **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.)
166. **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

167. **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 1008.)
168. **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 1013.)
169. **FLOOR-LEVEL EXIT SIGNS:** Floor-level exit signs shall be provided in all interior exit corridors of Group A, E, I, and Group R2.1 occupancies and in all interior rated exit corridors serving guest rooms of hotels in R1 occupancies. (California Building Code Section 1013.)
170. **EXIT DOORS IN GROUPS A, E, H, AND I OCCUPANCIES:** Exit doors shall be provided with approved panic hardware. (California Building Code Section 1010.1.10.)
171. **GROUP A OCCUPANCIES:** Buildings or portions of buildings used for assembly purposes shall conform to all requirements of Title 19 and the Uniform Building Code. This shall include, but is not limited to: (1) two exits; (2) fire-retardant drapes, hangings, Christmas trees, or other similar decorative material; and (3) posting of a maximum occupant load sign. (California Code of Regulations, Title 19, Sections 3.08, 3.21, and 3.30.)

172. **GROUP A, E, I, AND R-1 OCCUPANCIES:** Decorative Materials: All drapes, hangings, curtains, drops, and all other decorative material, including Christmas trees, shall be made from a noncombustible or fire-resistive material or maintained in a flame-retardant condition by means of an approved flame-retardant solution or process approved by the California State Fire Marshal. (California Code of Regulations, Title 19, Sections 3.08 and 3.21.)
173. **INTERIOR WALL AND CEILING FINISH:** Interior finishes shall have a flame-spread rating in accordance with the California Building Code, Chapter 8, and California Code of Regulations, Title 19, Section 3.21.
174. **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.)
175. **UPHOLSTERED SEATING FURNITURE:** All upholstered seating furniture intended for use in nursing homes, board and care facilities, convalescent homes, child day-care centers, public auditoriums, and stadiums and public assembly areas in hotels, motels, and lodging houses shall conform to State of California Department of Consumer Affairs, Bureau of Home Furnishings, Technical Bulletin 133. (California Business and Professions Code.)
176. **ON-SITE DRAWINGS:** Submit CAD (.dwg) drawing files according to Fire Department specifications prior to final Certificate of Occupancy.
177. **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 1023.9.)
178. **TWO-WAY COMMUNICATION:** A two-way communication system shall be provided at the landing serving each elevator or bank of elevators on each accessible floor that is one or more stories above or below the level of exit discharge. (California Building Code Section 1009.8.)

EXTERIOR IMPROVEMENTS

179. **REFUSE AREAS:** Refuse areas within 5' of combustible construction or building openings shall be protected with automatic fire sprinklers. A maximum of two (2) sprinkler heads are permitted off a 1" domestic water service. Approved accessible shutoff valves shall be provided. Call the Building Inspection Division at 650-903-6313 for specifications or view online at www.mountainview.gov/firerequirements. (California Fire Code Section 304.3.)
180. **PREMISES IDENTIFICATION:** Approved numbers or addresses shall be provided for all new and existing buildings in such a position as to be plainly visible and legible from the street or road fronting the property. Address signs shall be a minimum of 6" in height. (City Code, Section 14.10.19.)

OTHER

181. **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 1030.) **(Not required in Type IIIA construction.)**
182. **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>

183. **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.
184. **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.
185. **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.
186. **ENGINEERED DRAWINGS:** Treatment systems and/or porous pavement, pavers, and other uncompacted surfaces require engineered drawings.
187. **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.
188. **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.
189. **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.
190. **PRIVATE STREET MAINTENANCE:** For residential projects with private streets, the following ongoing maintenance shall be provided: (a) private streets shall be swept at least four times per year; (b) private storm drain inlets shall be cleaned at least once per year prior to October 15; and (c) common area trash management and litter control. Attach a copy of the contract or maintenance agreement identifying the name, address, and phone number of the party carrying out these maintenance activities.

191. **PRIVATE STORM DRAIN INLET STENCILING:** For residential subdivisions with private streets, storm drain inlets shall be labeled in accordance with the City's storm drain inlet label program ("No Dumping, Flows to Bay").
192. **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.
193. **PARKING GARAGES:** For multiple-level parking garages, interior levels shall be connected to an approved wastewater treatment system discharging to the sanitary sewer.
194. **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.

195. **STORMWATER MANAGEMENT PLAN—THIRD-PARTY ENGINEER'S CERTIFICATION:** The Final Stormwater Management Plan must be certified by a qualified third-party engineer that the proposed stormwater treatment controls comply with the City's Guidelines and Provision C.3 of the Municipal Regional Stormwater NPDES Permit (MRP). A list of qualified engineers is available at the following link: http://www.scvurppp-w2k.com/consultants_list.shtml
196. **FULL TRASH CAPTURE (OFF-SITE IMPROVEMENT):** Projects located in "moderate," "high," or "very high" trash generating areas as outlined in the City's Long-Term Trash Load Reduction Plan that will construct off-site improvements to the public storm drain system shall install full trash capture protection within the newly constructed public storm drain system. Examples of full trash capture systems include large trash capture devices, such as hydrodynamic separators or media filtration systems, or small trash capture devices, such as storm drain catch basin connector pipe screens. Once installed, the property owner or property manager shall be responsible for maintaining the trash capture device. Maintenance shall be completed in accordance with the manufacturer's recommended frequency, but at a minimum of one time per year. Indicate the type of full trash capture device that will be installed to remove trash from runoff for the entire project site, and include details for the installation of the trash capture system(s) in the building plans for the project.