

**CITY OF MOUNTAIN VIEW  
FINDINGS REPORT/ZONING PERMIT**

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APPLICATION NO.:

PL-2020-184

DATE OF FINDINGS:

April 28, 2021

EXPIRATION OF ZONING PERMIT: \_\_\_\_\_

**THIS DOCUMENT REPRESENTS THE ZONING PERMIT RECEIVED FOR THE SUBJECT SITE. THIS DOCUMENT DOES NOT WAIVE THE REQUIREMENT FOR SUBSEQUENT CITY APPROVALS AS APPLICABLE, INCLUDING, BUT NOT LIMITED TO, BUILDING PERMITS, EXCAVATION PERMITS, ETC.**

Applicant's Name:

**Kevin DeNardi for DeNardi Wang Homes**

Property Address:

Assessor's Parcel No.:

Zone:

**773 Cuesta Drive**

**193-22-003**

**R-1**

Request:

**Request for a Planned Unit Development and Development Review Permit to construct a four-unit residential development, replacing one single-family home, and a Heritage Tree Removal Permit to remove 11 Heritage trees and relocate two Heritage trees on a 0.7-acre project site; and a determination that the project is categorically exempt pursuant to Section 15332 ("In-Fill Development Projects") of the CEQA Guidelines.**

APPROVED

CONDITIONALLY   
APPROVED

DISAPPROVED

OTHER

**\*\*\*ZONING ADMINISTRATOR RECOMMENDATION TO CITY COUNCIL\*\*\***

**FINDINGS OF APPROVAL:**

The Planned Unit Development Permit to allow a four-unit residential development is conditionally approved based upon the conditions contained herein and upon the following findings per Section 36.46.95:

- A. The proposed land use(s) are allowed within the R1 (Single-Family Residential) Zoning District as the project proposes four new detached single-family homes which comply with all applicable provisions of Chapter 36 (Zoning), including minimum lot size, setbacks, floor area ratio, and building height standards, except the project proposes a 23' wide common driveway in lieu of the required 25' wide common driveway; however, the driveway provides adequate room for vehicle circulation, including emergency vehicle circulation, and the granting of this exception allows the development to achieve the minimum 60' lot frontage for new lots in the R1 District;
- B. The proposed project is consistent with the Low-Density Residential Land Use Designation of the General Plan as the project proposes four new detached single-family homes which are compatible with the surrounding quiet residential living environment, even with a reduced common driveway width;
- C. The site is physically suitable for the type and intensity of the land use being proposed since the site is over 30,000 square feet in size, the density is consistent with the R1 District standards, and the site configuration is substantially consistent with the development standards for R1 Flag Lot developments, with the exception of the reduced common driveway width;

Owner

Agent

File

Fire

Public Works

- D. The proposed project would be harmonious and compatible with existing and future developments within the zoning district and surrounding area because the architectural design is compatible with the surrounding single-family homes; the size and height of the homes are comparable to existing single-family homes in the R1 District; and the site layout maintains significant existing tree canopy which preserves the pastoral atmosphere of the neighborhood;
- E. The proposed residential project will constitute a residential environment of sustained desirability and stability and will result in an intensity of land utilization no higher than, and standards of open space no less than, permitted for a similar development within the zoning district because the proposed project complies with the floor area ratio requirements for the R1 Zoning District; meets the R1 District requirement that at least 50 percent of each front yard be landscaped; provides ample usable private open space for each unit; and the reduced common driveway width does not alter the intensity of land utilization at the site;
- F. The location, size, design, and operating characteristics of the proposed project are not detrimental to the public interest, health, safety, convenience, or welfare of the community because the project has been designed to comply with all traffic visibility requirements, building and fire codes, provides ample on-site parking and vehicle circulation which will not be hindered by the reduced common driveway width, and a separated sidewalk with landscape and trees along Cuesta Drive, which serve as a natural transition to the open space of Cuesta Annex and Cuesta Park to the east, while maintaining existing trees along the project perimeter to provide a buffer to the commercial property to the west;
- G. The proposed project is in substantial compliance with the intent of requirements of the R1 Zoning District and R1 Flag Lot development standards, and implementation of the proposed harmonious and integrated Planned Unit Development design is superior to standard development in the underlying zone and, therefore, justifies the exceptions to the requirements of Chapter 36 (Zoning) of the City Code because the project complies with all applicable R1 District and R1 Flag Lot standards, except the project proposes a 23' wide common driveway in lieu of the required 26' wide common driveway;
- H. The proposed project complies with the Design Guidelines for R1 Flag Lot developments since the project complies with all requirements related to building height, floor area ratio, lot size, setbacks, site layout, and common access, with the exception of the minimum width for a common driveway in a flag lot development; and
- I. The approval of the Planned Unit Development Permit complies with the California Environmental Quality Act (CEQA) as it qualifies as a categorically exempt project per Section 15322 ("In-Fill Development Projects") because the project site is less than five acres in size, is bordered by urban uses, does not contain sensitive habitat, and is adequately served by public utilities.

The Development Review Permit to allow a four-unit residential development is conditionally approved based upon the conditions of approval contained herein and upon the following findings per Section 36.44.70:

- A. The project complies with the general design considerations as described by the purpose and intent of Chapter 36 (Zoning) of the City Code, the General Plan, and any City-adopted design guidelines since the project includes residential development consistent with the permitted land uses and density in the R1 District and the Low-Density Residential General Plan Land Use Designation and provides a design character and site layout that is compatible with the surrounding single-family residential neighborhood;
- B. The architectural design of structures, including colors, materials, and design elements (i.e., awnings, exterior lighting, screening of equipment, signs, etc.), is compatible with surrounding development because the project proposes Craftsman and Modern Farmhouse architectural styles with materials, massing, and roof forms which are compatible with the architectural styles of the surrounding neighborhood. The project also proposes to screen all utility equipment from public view and all proposed exterior lighting is compatible with the existing neighborhood and will not cause light pollution on adjacent properties;
- C. The location and configuration of structures, parking, landscaping, and access are appropriately integrated and compatible with surrounding development, including public streets and sidewalks and other public property, as the

project proposes 16 on-site parking spaces (two covered and two uncovered per unit), where eight (one covered and one uncovered per unit) are required; the project will maintain significant on-site tree canopy and provide substantial and varied landscaping; and the project proposes an improved separated sidewalk with landscaping and trees along Cuesta Drive which are of an appropriate species;

- 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 because the site has been designed to preserve and highlight existing Heritage trees in key locations, the project will relocate an existing Heritage Coast live oak to the driveway terminus as a focal point for the site, the project will provide substantial and varied landscaping, including twenty-four 24" box trees and one 48" box tree around the site perimeter and beside the common driveway, and all landscaping will comply with the City's Water Conservation in Landscaping Regulations;
- E. The design and layout of the proposed project will result in well-designed vehicular and pedestrian access, circulation, and parking by providing pedestrian paths from Cuesta Drive to the front porch of the two homes on Cuesta Drive, providing a common driveway which will provide adequate space for circulation of vehicles, including emergency vehicles, and providing a two-car garage and two uncovered parking spaces for each home; and
- F. The approval of the Development Review Permit complies with the California Environmental Quality Act (CEQA) as it qualifies as a categorically exempt project per Section 15322 ("In-Fill Development Projects") because the project site is less than five acres in size, the project is bordered by urban uses, the site does not contain sensitive habitat and is adequately served by public utilities.

The Heritage Tree Removal Permit to remove 11 Heritage trees (Tree Nos. 3, 7, 11, 10, 12, 24, 29, 31, 38, 40, and 41) and relocate two Heritage Trees (Tree Nos. 30 and 39) is conditionally approved based on the conditions contained herein and the following findings per Section 32.35:

- A. It is necessary to remove the trees due to the condition of the trees with respect to age of the trees relative to the life span of that particular species, disease, infestation, general health, damage, public nuisance, danger of falling, proximity to existing or proposed structures, and interference with utility services because, according to the arborist report prepared by Kielty Arborist Services, assessment by the City arborist, and several site visits conducted by Planning and Forestry staff, Tree No. 29 (Monterey pine) is dead due to bark beetle and pine pitch canker disease; Tree Nos. 3, 10, and 24 (black walnut) are in poor condition and are not expected to improve with any possible mitigations applied; Tree No. 31 has experienced limb failure, has significant root rot due to a fungus disease, which is not expected to survive beyond five years, and currently poses a danger of falling; and it is appropriate to relocate Tree Nos. 30 (Valley Oak) and 39 (Coast live oak) because the trees conflict with the proposed common driveway and building footprint, and both trees' roots are currently in impacted locations; therefore, relocation would likely improve the trees' longevity;
- B. It is necessary to remove the trees in order to construct the improvements and/or allow reasonable and conforming use of the property when compared to other similarly situated properties because Tree Nos. 7, 11, 12, 38, 40, and 41 are in locations which severely limit the site's potential to be developed in a reasonable and conforming way with four single-family homes and a driveway to provide access to those homes;
- C. 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 because the site will maintain a significant amount of its existing tree canopy and preserve several Heritage trees in key locations; and
- D. The approval of the Heritage Tree Removal Permit complies with the California Environmental Quality Act (CEQA) as it qualifies as a categorically exempt project per Section 15311 ("In-Fill Development Projects") because the project site is less than five acres in size, the project is bordered by urban uses, the site does not contain sensitive habitat, and is adequately served by public utilities.

This approval is granted to construct a Planned Unit Development and Development Review Permit to construct a four-unit, flag lot, single-family residential development, replacing one single-family home, and Heritage Tree Removal Permit to remove 11 Heritage trees and relocate two Heritage trees located on Assessor's Parcel No. 193-22-003. Development shall be substantially as shown on the project materials listed below, except as may be modified by conditions contained herein, which are kept on file in the Planning Division of the Community Development Department:

- a. Project plans prepared by the Dahlin Group for Kevin DeNardi, date stamped April 19, 2021.
- b. Color and materials board prepared by the Dahlin Group for Kevin DeNardi, date stamped April 19, 2021.

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

Planning Division – 650-903-6306

1. **EXPIRATION:** This permit is valid for a period of two years from the date of approval. This permit shall become null and void if building permits have not been issued and construction activity has not commenced within the two-year period, unless a Permit Extension has been submitted to and approved by the Zoning Administrator at a duly noticed public hearing prior to the expiration date.
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 Chapter 36 of the Mountain View City Code. An application for extension must be filed with the Planning Division of the Community Development Department, including appropriate fees, prior to the expiration date of the original permit.
3. **PLANNING INSPECTION:** Inspection(s) by the Planning Division are required for the framing, application of exterior materials, and final completion of each structure to ensure that the construction matches the approved plans.

**PERMIT SUBMITTAL REQUIREMENTS**

4. **AIR QUALITY:** The applicant is required to secure a permit from the Bay Area Air Quality Management District or provide written assurance that no permit is required prior to issuance of a building permit.
5. **CERTIFICATION OF BUILDING PERMIT PLANS:** The project architect shall certify in a written letter that the architectural design shown in the building permit plans match the plans approved by the City Council/Zoning Administrator. Any changes or modifications must be clearly noted in writing and shown on redlined plan sheets. The project architect shall also certify the structural plans are consistent with the architectural plans. In the event of a discrepancy between the structural plans and the architectural plans, the architectural plans shall take precedence, and revised structural drawings shall be submitted to the Building Inspection Division.
6. **ACCESSORY STRUCTURE(S):** Any future accessory structure on-site will require approval by the Planning Division and may require separate City permits.
7. **ZONING INFORMATION:** The following information must be listed on the title sheet of the building permit drawings: (a) zoning permit application number; (b) zoning district designation; (c) total floor area ratio and residential density in units per acre, if applicable; (d) lot area (in square feet and acreage); and (e) total number of parking spaces.
8. **REVISIONS TO THE APPROVED PROJECT:** Minor revisions to the approved plans shall require approval by the Zoning Administrator. Major modifications as determined by the Zoning Administrator shall require a duly noticed public hearing, which can be referred to the City Council.
9. **PAINT COLOR-CODING:** At submittal of building plan check, provide color-coded elevations of each side of the building(s) detailing the location of all paint and stain colors, manufacturer, and color name.

10. **GEOTECHNICAL REPORT:** The applicant shall have a design-level geotechnical investigation prepared which includes recommendations to address and mitigate geologic hazards in accordance with the specifications of California Geological Survey (CGS) Special Publication 117, Guidelines for Evaluating and Mitigating Seismic Hazards, and the requirements of the Seismic Hazards Mapping Act. The report will be submitted to the City during building plan check, and the recommendations made in the geotechnical report will be implemented as part of the project and included in building permit drawings and civil drawings as needed. Recommendations may include considerations for design of permanent below-grade walls to resist static lateral earth pressures, lateral pressures caused by seismic activity, and traffic loads; method for backdraining walls to prevent the build-up of hydrostatic pressure; considerations for design of excavation shoring system; excavation monitoring; and seismic design.

#### SITE DEVELOPMENT AND BUILDING DESIGN

11. **BUILDING DESIGN/PLAN MODIFICATIONS:** Based on direction from the Development Review Committee (DRC), modifications shall be made to the architectural design, building materials, colors, landscaping, and/or other site or building design details prior to issuance of a building permit and shown on building permit drawings. The following modifications are subject to review and approval by the Zoning Administrator to confirm compliance with the DRC's recommendation(s):
  - a. **Window Alignment:** The applicant shall continue to work with staff to refine proposed window sizes and locations to achieve better alignment with other windows and architectural features and a more balanced distribution of windows. Where corner windows are proposed, the window design and placement shall be modified to allow for space between the edge of the window and the edge of the facade.
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, utilization, and finish of the trim materials shall be provided with the building permit drawings. Final trim design details shall be subject to review and approval by the Zoning Administrator prior to the issuance of building permits.
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. 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 a minimum of 2".
17. **PAINT BRUSH-OUTS:** The applicant shall paint a portion of the building or a mock-up wall with the proposed color scheme for inspection by the Planning Division. Proposed primary and secondary (accent) paint colors should be painted next to each other on the building, to the extent feasible, for purposes of inspection. The color(s) shall not be considered approved until after inspection and approval by the Zoning Administrator.
18. **MECHANICAL EQUIPMENT (GROUND SCREENING):** All mechanical equipment, such as air condenser (AC) units or generators, shall be concealed behind opaque screening. No mechanical equipment is permitted on front porches.
19. **OUTDOOR STORAGE:** There is to be no outdoor storage without specific Development Review approval by the Planning Division.

20. **FENCE(S)/WALL(S):** All fencing and walls are to be shown on building plan drawings, including details on height, location, and material finish. No fence or wall shall exceed 6' in height, measured from adjacent grade to the top of the fence or wall. The design and location must be approved by the Zoning Administrator and comply with all setback and traffic visibility area requirements.
21. **LIGHTING PLAN:** The applicant shall submit a lighting plan with the application for building permit. This plan should include photometric contours, manufacturer's specifications on the fixtures, and mounting heights. The design and location of outdoor lighting fixtures shall ensure there will be no glare and light spillover to surrounding properties. The lighting plan submitted with building permit drawings must be approved by the Zoning Administrator prior to building permit issuance.

#### GREEN BUILDING

22. **GREEN BUILDING – RESIDENTIAL NEW CONSTRUCTION:** The project is required to meet the mandatory measures of the California Green Building Standards Code and meet the intent of 70 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.

#### TREES AND LANDSCAPING

23. **LANDSCAPING:** Detailed landscape plans encompassing on- and off-site plantable areas out to the street curb must be included in building permit drawings. Minimum plant sizes are flats or 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](http://www.mountainview.gov/planningforms)). Additional landscaping materials or modifications may be required by the Planning Division at final inspection to ensure adequate planting coverage and/or screening.
24. **CERTIFICATION:** Prior to occupancy, the Landscape Architect shall certify in writing the landscaping has been installed in accordance with all aspects of the approved landscape plans and final inspection(s), subject to final approval by the Zoning Administrator.
25. **STREET TREE:** The applicant shall complete the "Proposed Street Tree" form available in the Planning Division or online at [www.mountainview.gov/planningforms](http://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.
26. **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.
27. **SCREEN TREES:** The applicant shall revise the landscape plan included in building permit drawings to incorporate trees with broad, dense canopies along the side and rear property lines of the site. The trees are necessary to screen views of and provide privacy for adjoining properties. Tree species, size, and placing shall be reviewed and approved by the Zoning Administrator prior to issuance of building permits.
28. **LANDSCAPE SCREENING:** All utility meters, lines, transformers, backflow preventers, etc., on-site or off-site, must be shown on all site plan drawings and landscape plan drawings. All such facilities shall be located so as to not interfere with landscape material growth and shall be screened in a manner which respects the building design

and setback requirements. Additional landscaping materials or modifications may be required by the Planning Division at final inspection to ensure adequate plant screening.

29. **TREE REMOVALS:** Permits to remove, relocate, or otherwise alter Heritage trees cannot be implemented until a project building permit for new construction is secured and the project is pursued.
30. **REPLACEMENT TREES:** The applicant shall offset the loss of each Heritage tree with a minimum of two replacement trees, for a total of 22 replacement trees. Each replacement tree shall be no smaller than a 24" box and shall be noted on the landscape plan as Heritage replacement trees.
31. **TREE PROTECTION MEASURES:** The tree protection measures listed in the arborist's report prepared by Kielty Arborist Services and dated April 19, 2021 shall be included as notes on the title sheet of all grading and landscape plans. These measures shall include, but may not be limited to, 6' chain link fencing at the drip line, a continuous maintenance and care program, and protective grading techniques. Also, no materials may be stored within the drip line of any tree on the project site.
32. **TREE MITIGATION AND PRESERVATION PLAN:** The applicant shall develop a tree mitigation and preservation plan to avoid impacts on regulated trees and mitigate for the loss of trees that cannot be avoided. Particular attention shall be paid to trees near underground utility work, excavation for foundations, and grading activities. 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.
33. **IRREVOCABLE DAMAGE TO HERITAGE TREES:** In the event one or more of the preserved Heritage tree(s) are not maintained and irrevocable damage or death of the tree(s) has occurred due to construction activity, a stop work order will be issued on the subject property and no construction activity shall occur for two (2) working days per damaged tree. The applicant will also be subject to a penalty fee at twice the tree valuation prior to damage; this fee applies to each Heritage tree damaged. No construction activity can resume until the penalty fee(s) have been paid to the City.
34. **TREE RELOCATION:** Tree Nos. 30 and 39 in the arborist report prepared by Kielty Arborist Services, and dated April 19, 2021, shall be relocated on-site along the east and west sides of the shared driveway as shown on the approved plans. The final location of Tree Nos. 30 and 39 will be determined prior to building permit issuance and reflected in the landscape plans. If either tree does not survive relocation, or relocation becomes impossible for any other reason, a 48" box Valley oak tree shall be planted to replace Tree No. 30 and a 48" box Coast live oak tree shall be planted to replace Tree No. 39.

#### NOISE

35. **MECHANICAL EQUIPMENT (NOISE):** The noise emitted by any mechanical equipment shall not exceed a level of 55 dB(A) during the day or 50 dB(A) during the night, 10:00 p.m. to 7:00 a.m., when measured at any location on the adjoining residentially used property.
36. **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 qualified acoustical consultant prior to building permit submittal.
37. **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.

#### CC&RS AND DISCLOSURES

38. **CC&Rs:** One electronic PDF of the proposed Covenants, Conditions, and Restrictions (CC&Rs) for the homeowners association shall be submitted to the Planning Division and approved by the City Attorney prior to building permit issuance. The applicant shall provide a completed CC&R checklist at submittal along with associated review fee made payable to the City of Mountain View. The checklist can be obtained by contacting the project planner or by e-mail inquiry to [planning.division@mountainview.gov](mailto:planning.division@mountainview.gov). The CC&Rs must include regulations for any exterior modifications and accessory structures.
39. **MASTER PLAN:** The applicant shall prepare a master plan which establishes rules for modifications or additions of any building structures at this site, including fences, trellises, sunshades, and accessory buildings as well as modifications to principal buildings. These rules shall be consistent with the provisions of the R1 Zoning District and shall be approved by the Zoning Administrator. The Covenants, Conditions, and Restrictions (CC&Rs) shall specifically state that the master plan establishes the rules for additions/modifications to the complex and that changes to the master plan require approval by the Zoning Administrator. Copies of the master plan shall accompany the CC&Rs to be submitted to the Planning Division for review and approval.
40. **GARAGES:** Garages are to be used for resident parking only. Storage is permitted so long as it does not prevent use of garage for required vehicle parking.
41. **PROJECT INFORMATION:** All marketing and sales literature, leasing information, and the Covenants, Conditions, and Restrictions (CC&Rs) for the complex shall clearly state that this project is complete as built and that no further expansions to the building structures are permitted without Planning Division approval. Any revisions to the project would require a separate application to the City by the homeowners association and would need to establish rules for all units in the complex.
42. **NOTICE OF DEVELOPMENT RESTRICTIONS:** A Notice of Development Restrictions indicating the related development permit conditions that are to be completed with the development of the property is required for all planned developments and common-interest developments. The notice shall be prepared by the Planning Division and City Attorney's Office and shall be signed and notarized by the subdivider. The approved and executed Notice of Development Restrictions must be recorded on the land of the subdivision before the approval of the parcel or final map

#### AGREEMENTS AND FEES

43. **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 the City's officers, agents, and employees in any action brought by a third party to void this Planned Unit Development Permit, Development Review Permit, Heritage Tree Removal Permit, and associated Tentative Map. 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.

#### CONSTRUCTION ACTIVITIES

44. **SINGLE-PHASE DEVELOPMENT:** Construction of the project shall be done in a single phase.
45. **WORK HOURS:** No work shall commence on the job site prior to 7:00 a.m. nor continue later than 6:00 p.m., Monday through Friday, nor shall any work be permitted on Saturday or Sunday or any holiday unless prior approval is granted by the Chief Building Official. At the discretion of the Chief Building Official, the general contractor or the developer may be required to erect a sign at a prominent location on the construction site to advise subcontractor and material suppliers of the working hours. Violation of this condition of approval may be subject to the penalties outlined in Section 8.6 of the City Code and/or suspension of building permits.



46. **CONSTRUCTION PARKING:** The applicant shall prepare a construction parking management plan to address parking demands and impacts during the construction phase of the project by contractors or other continued operations on-site. The construction parking management plan shall be subject to review and approval by the Zoning Administrator prior to the issuance of building permits.
47. **ON-STREET CONSTRUCTION PARKING RESTRICTION:** On-street construction parking is not permitted. The construction management plan shall include a monitoring and enforcement measure which specifies on-street parking will be monitored by the owner/operator of the property (or primary contractor), and penalties to be enforced by the owner/operator of the property (or primary contractor) for violations of on-street parking restrictions. Violations of this provision may result in a stop-work notice being issued by the City for development project.
48. **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.
49. **DISTURBANCE COORDINATOR:** The applicant shall designate a "disturbance coordinator" who will be responsible for responding to any local complaints regarding construction noise. The coordinator (who may be an employee of the general contractor) will determine the cause of the complaint and will require that reasonable measures warranted to correct the problem be implemented. A telephone number of the noise disturbance coordinator shall be conspicuously posted at the construction site fence and on the notification sent to neighbors adjacent to the site. The sign must also list an emergency after-hours contact number for emergency personnel.
50. **BASIC AIR QUALITY CONSTRUCTION MEASURES:** The applicant shall require all construction contractors to implement the basic construction mitigation measures recommended by the Bay Area Air Quality Management District (BAAQMD) to reduce fugitive dust emissions. Emission reduction measures will include, at a minimum, the following measures: (a) all exposed surfaces (e.g., parking areas, staging areas, soil piles, graded areas, and unpaved access roads) will be watered two times per day; (b) all haul trucks transporting soil, sand, or other loose material off-site will be covered; (c) all visible mud or dirt track-out onto adjacent public roads will be removed using wet power vacuum street sweepers at least once per day. The use of dry power sweeping is prohibited; (d) all vehicle speeds on unpaved roads will be limited to 15 mph; (e) all roadways, driveways, and sidewalks to be paved will be completed as soon as possible. Building pads will be laid as soon as possible after grading unless seeding or soil binders are used; (f) idling times shall be minimized either by shutting equipment off when not in use or reducing the maximum idling time to five minutes (as required by the California airborne toxics control measures Title 13, Section 2485, of the California Code of Regulations). Clear signage shall be provided for construction workers at all access points; (g) all construction equipment shall be maintained and properly tuned in accordance with manufacturer's specifications. All equipment shall be checked by a certified mechanic and determined to be running in proper condition prior to operation; and (h) post a publicly visible sign with the telephone number and person to contact at the City of Mountain View regarding dust complaints. This person will respond and take corrective action within 48 hours. BAAQMD's phone number shall also be visible to ensure compliance with applicable regulations.
51. **DISCOVERY OF CONTAMINATED SOILS:** If contaminated soils are discovered, the applicant will ensure the contractor employs engineering controls and Best Management Practices (BMPs) to minimize human exposure to potential contaminants. Engineering controls and construction BMPs will include, but not be limited to, the following: (a) contractor employees working on-site will be certified in OSHA's 40-hour Hazardous Waste Operations and Emergency Response (HAZWOPER) training; (b) contractor will stockpile soil during redevelopment activities to allow for proper characterization and evaluation of disposal options; (c) contractor will monitor area around construction site for fugitive vapor emissions with appropriate field screening instrumentation; (d) contractor will water/mist soil as it is being excavated and loaded onto transportation trucks; (e) contractor will place any stockpiled soil in areas shielded from prevailing winds; and (f) contractor will cover the bottom of excavated areas with sheeting when work is not being performed.

52. **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.
53. **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.
54. **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.
55. **INDOOR FORMALDEHYDE REDUCTIONS:** If the project utilizes composite wood materials (e.g., hardwood plywood, medium density fiberboard, particleboard) for interior finishes, then only composite wood materials that are made with CARB approved, no-added formaldehyde (NAF) resins or ultra-low emitting formaldehyde (ULEF) resins shall be utilized (CARB, Airborne Toxic Control Measure to Reduce Formaldehyde Emissions from Composite Wood Products, 17 CCR Section 93120, *et seq.*, 2009-2013).
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 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.

Neighborhoods and Housing Division – 650-903-6379

57. **BMR, FRACTIONAL IN-LIEU FEES:** The building permit submittal shall identify the aggregate net new habitable square footage of all residential units in the project. Prior to the issuance of the first building permit for the development, the applicant shall pay an Ownership Housing In-Lieu Fee as defined by the City fee schedule for all net new habitable square feet as applied to the total project.

Building Inspection Division – 650-903-6313

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

58. **BUILDING CODES:** Construction plans will need to meet the current codes adopted by the Building Inspection Division upon submittal. Current codes are the 2019 California Codes: Building, Residential, Fire, Electrical, Mechanical, Plumbing, CalGreen, CalEnergy (in conjunction with the City of Mountain View Amendments), and the Mountain View Green Building Code (MVGBC).
59. **IF ACCESSIBILITY REQUIREMENTS:**
- **IF CHAPTER 11A APPLIES:** Project will be required to comply with the accessibility requirements in the CBC, Chapter 11A.
60. **ADDRESSES:** All street names, street numbers, and residential apartment numbers will be processed prior to Building Inspection Division approval of the project. Commercial suite numbers are issued by the United States Postal Service (USPS).
61. **TYPE OF CONSTRUCTION:** Provide type of proposed construction per Chapter 6 of the CBC.
62. **FIRE PROTECTION:** Dwelling and sleeping units shall meet the visible alarm notification requirements of the CBC, Section 907.5.
63. **FIRE PROTECTION (PROJECTIONS):** Overhangs and other projections will not be permitted to cross property lines, including any property lines between units.
64. **FIRE SPRINKLERS:** An automatic sprinkler system shall be installed for structures identified with Group R occupancy per the CBC, Section 903.2.8.
65. **USE AND OCCUPANCY CLASSIFICATION:** Provide proposed use(s) and occupancy(ies) for proposed project per Chapter 3 of the CBC.
66. **PEDESTRIAN PROTECTION:** Public sidewalks are required to remain open during the course of construction. Provide sufficient information at the time of building plan submittal to show how pedestrians will be protected per the CBC, Section 3306.
67. **EV PARKING REQUIREMENTS FOR SINGLE-FAMILY AND DUPLEXES (NEW CONSTRUCTION):** Parking shall comply with one EV2 ready and one EV1 installed per Table 101.10 as amended in MVCC Section 8.20.8, Subsection 101.10.1.1.2.c.

68. **ELECTRIC REQUIREMENTS FOR SINGLE-FAMILY AND DUPLEXES (NEW CONSTRUCTION):** Natural gas shall not be allowed. The following list of items shall be electric installation: space-conditioned equipment, clothes dryers, cooking appliances and fireplaces, and/or fire pits. Water-heating systems and equipment shall be electric or solar as amended in MVCC Section 8.20.8, Subsections 101.10.1.1.2.e and f.
69. **PHOTOVOLTAIC SYSTEM FOR SINGLE-FAMILY AND DUPLEXES (NEW CONSTRUCTION):** Installation of photovoltaic (PV) per Title 24, Part 6, shall be prewired to expand system to accommodate an all-electric building to 100 percent of annual kilowatt hour (kWh) consumption offset as amended in MVCC Section 8.20.8, Subsection 101.10.1.1.2.d.
70. **SEPARATION:** Openings from a private garage directly into a room used for sleeping purposes shall not be permitted per the CBC, Section 406.3.4.
71. **SURVEY:** A survey will be required to be completed to verify structure placement.
72. **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 Union High School District; and Mountain View Whisman School District or Los Altos Elementary School District.
73. **DEMOLITION PERMIT(S):** Demolition permit(s) are issued under a separate permit application. Please visit the City of Mountain View – Building and Fire Division online at [www.mountainview.gov/building](http://www.mountainview.gov/building) or contact by phone at 650-903-6313 to obtain information and submittal requirements.
74. **ALLOWABLE AREA FACTOR:** Project shall comply with the requirements per the CBC, Chapter 5.
75. **MEANS OF EGRESS:** Project will be required to comply with Chapter 10 means of egress requirements per CBC, Chapter 10.
76. **EMERGENCY ESCAPE AND RESCUE:** Project shall comply with the egress window requirements per the CBC, Section 1030.
77. **MVGBC CALGREEN:** Project shall comply with the 2019 CalGreen checklist requirements by the City of Mountain View.
78. **UTILITIES:** No utilities shall cross property lines.
79. **BUILDING UTILITIES:** Utilities (gas, electrical, etc.) shall comply with PG&E Green Book requirements.
80. **FIRE ACCESS LANE(S):** Site must meet/maintain the existing fire access lane(s) at all times.
81. **STRUCTURAL CALCULATIONS:** Structural calculations may be required once the application for a building permit is submitted.
82. **SERVICE DISCONNECT:** For single-family dwellings and duplexes, the service disconnecting means shall have a rating of not less than 200 amperes, 3 wires as amended in MVCC Section 8.51.C.
83. **SIGNAGE REQUIRED ON THE CONSTRUCTION SITE:** The general contractor, applicant, developer, or owner shall erect a sign at a prominent location on the construction site to educate subcontractors and material suppliers of the working hours (see job card for specifics).
84. This is not an all-inclusive list of requirements. The “conditions of approval” shall not be held to permit any violation required by State law or any City ordinance. In order to meet the minimum code requirements, additional comments may be provided once a complete building permit application is submitted.

Fire Department – 650-903-6343

#### FIRE PROTECTION SYSTEMS AND EQUIPMENT

85. **RESIDENTIAL FIRE SPRINKLER SYSTEM:** Provide an approved automatic fire sprinkler system designed in accordance with NFPA 13D (2016 Edition) and Mountain View Fire Department specifications. Contact the Building Inspection Division at 650-903-6313 for a copy of specifications and submittal requirements or visit online at [www.mountainview.gov/firerequirements](http://www.mountainview.gov/firerequirements). (California Residential Code Section R313.)
86. **FIRE HYDRANTS:** Hydrants in accordance with the Department of Public Works Standard Provisions shall be located every 300' (apart) and within 150' of all exterior walls. Installation shall be complete and the system shall be tested prior to combustible construction.
87. **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.)
88. **SMOKE ALARMS:** All residential occupancies shall be provided with California State Fire Marshal-listed smoke alarms. Smoke alarms shall be installed in accordance with the California Building Code and the approved manufacturer's instructions. (California Fire Code, Section 907.2.10.)
89. **CARBON MONOXIDE ALARMS:** All residential occupancies shall be provided with carbon monoxide alarms. Carbon monoxide alarms shall be installed in accordance with the California Building Code and the approved manufacturer's instructions. (California Fire Code, Section 915.)

#### FIRE DEPARTMENT ACCESS

90. **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 14.10.14, 14.10.15, and 14.10.16.)
91. **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. Contact the Building Inspection Division at 650-903-6313 for specifications. (California Fire Code, Section 503.)
92. **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. Contact the Building Inspection Division at 650-903-6313 for specifications and application or visit online at [www.mountainview.gov/firerequirements](http://www.mountainview.gov/firerequirements). (California Fire Code, Section 503.)
93. **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.)

EXTERIOR IMPROVEMENTS

94. **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 14.10.18.)

Public Works Department – 650-903-6311

RIGHTS-OF-WAY

95. **STREET DEDICATION:** Dedicate a public street in fee/easement, as required by the Public Works Director, to widen Cuesta Drive, 50' from the centerline of the street.
96. **FRONTAGE PUBLIC UTILITY EASEMENT DEDICATION:** Dedicate a 5' 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, and telecommunication facilities, as required by the Public Works Director. The property owner or homeowners association 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 the PUE shall 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.
97. **PUBLIC SERVICE EASEMENT:** Dedicate a public service easement (PSE) to the utility company(ies) for the proposed electric, gas, and telecommunication conduits and vaults serving the project.
98. **PRIVATE UTILITY AND ACCESS EASEMENTS:** Dedicate private utility and/or access easements, as necessary, for the common private street and utility improvements.

FEES

99. **MAP PLAN CHECK FEE:** Prior to issuance of any building permits and prior to approval of the final map, as applicable, the applicant shall pay the map plan check fee in accordance with Sections 28.27.b and 28.19.b of the City Code per the rates in effect at time of payment.
100. **PLAN CHECK AND INSPECTION FEE:** Prior to issuance of any building permits and prior to approval of the final map, the applicant shall pay the plan check and inspection fee in accordance with Sections 27.60 and 28.36 of the City Code per the adopted rates in effect at time of 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.

101. **TRANSPORTATION IMPACT FEE:** Prior to issuance of any building permits and prior to approval of the final map, the applicant shall pay the transportation impact fee for the development. Residential category fees are based on the number of units. Retail, Service, Office, R&D, and Industrial category fees are based on the square footage of the development. Credit is given for the existing site use(s), as applicable.
102. **WATER AND SEWER CAPACITY CHARGES:** Prior to issuance of any building permits and prior to approval of the final map, 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.
103. **PARK LAND DEDICATION FEE:** Prior to issuance of any building permits and prior to approval of the final map, the applicant shall pay the Park Land Dedication Fee (approximately \$20,000 to \$40,000 per unit) for each new residential unit in accordance with Chapter 41 of the City Code prior to the issuance of the building permit. No credit against the Park Land Dedication Fee will be allowed for private open space and recreational facilities. Provide the most current appraisal or escrow closing statement of the property with the following information to assist the City in determining the current market value of the land: (1) a brief description of the existing use of the property; (2) square footage of the lot; and (3) size and type of each building located on the property at the time the property was acquired.

#### STREET IMPROVEMENTS

104. **PUBLIC AND PRIVATE COMMON IMPROVEMENTS:** Install or reconstruct standard public and private common improvements required for the subdivision and as required by Chapters 27 and 28 of the City Code. The public improvement(s) include, but are not limited to, new curb, gutter, sidewalk, driveway, and conforms along project frontages; new park strip landscaping and irrigation; new water, sewer, and storm facilities, including mains, services/laterals, water meters, cleanout, inlet, manhole, and any related appurtenances; electric utility improvements; curb and roadway striping; and half-street grind and overlay along the project frontage of Cuesta Drive. The private common improvement(s) include, but are not limited to, new curb, driveway, and conforms; new water, sewer, and storm facilities, including mains, services/laterals, cleanouts, inlets/drains, and any related appurtenances; and electric utility improvements.
  - a. **IMPROVEMENT AGREEMENT:** The property owner must sign a Public Works Department improvement agreement for the installation of the public and private common improvements prior to the issuance of the building permit.
  - b. **BONDS/SECURITIES:** 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](http://www.fiscal.treasury.gov/fsreports/ref/suretyBnd/c570_a-z.htm). The bond amount must be below the underwriting limitation amount listed on the Department of the Treasury's Listing of Approved Sureties. The

surety must be licensed to do business in California. Guidelines for security deposits are available at the Public Works Department.

- c. **INSURANCE:** Provide a Certificate of Insurance and endorsements for the Commercial General Liability and Automobile Liability naming the City as an additional insured from the entity that will sign the improvement agreement prior to the issuance of the building permit or approval of the final map. The insurance coverage amounts are a minimum of Two Million Dollars (\$2,000,000) Commercial General Liability, One Million Dollars (\$1,000,000) Automobile Liability, One Million Dollars (\$1,000,000) Pollution Insurance, and One Million Dollars (\$1,000,000) Workers' Compensation. The insurance requirements are available from the Public Works Department.
105. **OFF-SITE IMPROVEMENT PLANS:** Prepare off-site public improvement plans in accordance with Chapter 28 of the City Code, the City's Standard Design Criteria, Submittal Checklist, Plan Review Checklist, and the conditions of approval of the project. The plans are to be drawn on 24"x36" sheets at a minimum scale of 1" = 20'. The plans shall be stamped by a California-registered civil engineer and shall show all public improvements and other applicable work within the public right-of-way. Traffic control plans for each phase of construction shall be prepared in accordance with the latest edition of the California Manual of Uniform Traffic Control Devices (CA MUTCD) and shall show, at a minimum, work areas, delineators, signs, and other traffic control measures required for work that impacts traffic on existing streets. Locations of on-site parking for construction equipment and construction workers and on-site material storage areas must be submitted for review and approval. Off-site improvement plans (10 sets), an initial plan check fee and map plan check fee based on the Public Works fee schedule, Improvement Plan Checklist, and items noted within the checklist must be submitted together as a separate package concurrent with the first submittal of the building plans and final map. 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 full-size and 2 half-size 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 or approval of the final map. CAD files shall meet the City of Mountain View's Digital Data Submission Standards.
  106. **TRAFFIC CONTROL PLANS:** Upon submittal of the initial building permit and improvement plans, the applicant shall submit traffic control plans for any off-site and on-site improvements or any work that requires temporary lane closure, shoulder closure, bike lane closure, and/or sidewalk closure for review and approval. Sidewalk closures are not allowed unless reconstruction of sidewalk necessitates temporary sidewalk closure. In these instances, sidewalk detour should be shown on the Traffic Control plans. Traffic control plans shall be prepared in accordance with the latest edition of the California Manual of Uniform Traffic Control Devices (CA MUTCD).
  107. **INFRASTRUCTURE QUANTITIES:** Upon submittal of the initial building permit and improvement plans, submit a construction cost estimate indicating the quantities of the street and utility improvements. Construction cost estimate shall include private common street and utility improvements for Common Green and Townhouse-Type Condominium developments. The construction cost estimate is used to estimate the cost of street and utility improvements and to determine the Public Works plan check and inspection fees. The construction cost estimate is to be prepared by the civil engineer preparing the improvement plans.
  108. **EXCAVATION PERMIT:** Upon submittal of the initial building permit and improvement plans, submit to the Public Works Department a complete Excavation Permit Application for all applicable work within the public right-of-way. Permit applications are available on the Internet from the Public Works Department website. All work within City right-of-way must be consolidated on the site, off-site, and/or utility plans. Plans of the work, traffic control plans for work within the public roadway and/or easement, insurance certificate and endorsements, and permit fees are required with the Excavation Permit Application.
  109. **ENCROACHMENT RESTRICTIONS:** Private facilities, including, but not limited to, structures, steps, doors (including door swing), handrails, backflow preventers, signs, fences, retaining curbs, and retaining walls shall not encroach into the public right-of-way and/or street easement.



110. **SPECIAL PAVERS AND CONCRETE:** Pavers, colored concrete, and textured concrete shall not be installed within the public street or sidewalk.
111. **DRIVEWAY SIGHT TRIANGLE:** The building architecture, landscaping, signage, and other aboveground improvements (including backflow preventers) shall conform to City Standard Detail A-22, Side Street/Driveway Pedestrian and Vehicular Triangle of Safety.
112. **STREETLIGHTS:** City standard streetlights shall be installed along the project street frontage of Cuesta Drive per City standards. Streetlights shall be installed near crosswalks, driveways, intersections, or other locations deemed necessary by the City Traffic Engineer.
113. **STREET OVERLAY:** Half-street overlay (minimum 2" grind and overlay) along the Cuesta Drive project street frontage shall be required due to multiple utility trenches and impacts from the anticipated construction traffic.

#### SIDEWALKS AND DRIVEWAYS

114. **AMERICANS WITH DISABILITIES ACT SIDEWALK REQUIREMENTS:** A minimum 4' wide Americans with Disabilities Act-compliant public sidewalk shall be provided behind new and existing driveway approaches. Tapers (conforms) may be provided to connect the proposed public sidewalk on each side of the proposed driveway.
115. **SIDEWALK IMPROVEMENTS:** Construct new curb, gutter, and sidewalk along the project frontages of Cuesta Drive.
116. **UTILITY BOX RELOCATION OUT OF SIDEWALK:** Move existing utility boxes on Cuesta Drive out of sidewalk and relocate to Public Utility Easement, landscape strip, or behind the back of curb. Utility boxes must be located so they fit entirely within the utility easement, landscape strip, or behind the curb and shall not encroach into the sidewalk.
117. **DRIVEWAY REMOVAL:** Replace abandoned driveways with standard curb, gutter, and sidewalk. The specific areas and limits of replacement work shall be clearly identified and shown on the plans.
118. **PARKING RESTRICTION:** Parking shall be prohibited within the common driveways, excluding approved guest parking, as the parking would obstruct the use of the driveway. These parking prohibitions shall be stated within the Covenants, Conditions, and Restrictions (CC&Rs). A copy of the CC&Rs with this provision highlighted shall be submitted to the Community Development Department for review and approval by the Public Works Department. The common driveway shall be signed and/or striped as "No Parking" or "No Parking – Fire Lane."

#### RECYCLING

119. **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.
120. **MOUNTAIN VIEW GREEN BUILDING CODE/CONSTRUCTION AND DEMOLITION ORDINANCE:** If this project is subject to the requirements of the Mountain View Green Building Code, a Construction and Demolition Waste Management Plan shall be submitted with the building permit application and approved by the Solid Waste and Recycling Section prior to issuance of a building permit. A Final Construction and Demolition Waste Management Plan shall be submitted and approved prior to final inspection.
121. **TRASH ENCLOSURE DESIGN AND DETAILS:**
  - Each single-family residence must have a minimum of three carts for trash, recycling, and compost.

- Display on building plans the storage location for each residence that is large enough to fit three 96-gallon carts. Each cart measures 30" wide x 36" deep. Collection vehicles will not drive into the property. Each Owner shall be responsible for the removal of all the trash and refuse from such Owner's unit. Each Owner shall engage the City of Mountain View's trash removal service for the weekly removal of trash from the Owner's unit. All trash or refuse shall be kept only in sanitary containers. Trash, recycling, and compost carts shall be stored at each residence, out of view from the street, at all times, except on collection day. The residents shall be responsible for bringing the trash, recycling, and compost carts to Cuesta Drive for placement, with wheels against the curb, 15' overhead clearance, and 18" of separation between carts, by 6:00 a.m. on the collection day assigned by the City's waste hauler. Carts may be set out no earlier than the day before collection, and must be removed from the public street no later than the day after collection.

## STREET TREES

122. **STREET TREES:** Install standard City street trees along the street frontage, including where there are gaps in the space of existing street trees.
123. **STREET TREE LOCATION:** The location of existing trees to remain, existing trees to be removed, and new street trees shall be shown on the grading, utility, and landscaping plans. New street trees shall be planted in accordance with Detail F-1 of the Standard Provisions a minimum of 10' from sanitary sewer lines, traffic signals, stop and yield signs, and streetlights and 5' from water lines, fire lines, and driveways. New street tree species must be selected from the City's 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](http://www.mountainview.gov/planningforms).
124. **STREET TREE IRRIGATION:** Street trees are to be irrigated by the property owner in accordance with Chapter 32 of the City Code.
125. **UTILITY POTHOLING:** Potholing shall be completed prior to the first submittal of the building plans and improvement plans to determine the depths and locations of existing subsurface utilities at proposed utility crossings and proposed traffic signal pole locations. Obtain an Excavation Permit from the Public Works Department prior to performing potholing. Incorporate pothole data on the first submittal of improvement plans, including but not limited to, pothole location and depth of utility.
126. **WATER AND SEWER SERVICE:** Each dwelling, townhouse, apartment house, restaurant, or place of business shall have its own water meter and sanitary sewer lateral in accordance with City Code Section 35.38.
127. **WATER METER BANK:** Water meters shall be arranged in a bank of meters and located behind the public sidewalk in the landscaped areas only in accordance with City standards. Water meters shall not be located in driveway approaches, concrete sidewalk areas, or next to the main driveway entrance so as not to impact the aesthetics of the entrance.
128. **WATER AND SEWER APPLICATIONS:** Upon submittal of the initial building permit and improvement plans, the applicant shall submit to the Public Works Department complete applications for water and sewer service if new water services, water meters, fire services, or sewer laterals are required. Any unpaid water and sanitary sewer fees must also be paid prior to issuance of any permits.
129. **UTILITY SERVICES:** The size and location of all existing and new water meters, backflow preventers, water services, fire services, sewer laterals, sewer cleanouts, storm drain laterals, storm cleanouts/inlets, gate valves, manholes, and utility mains shall be shown on the plans. Sewer laterals, water services, and fire services shall have a minimum 5' horizontal separation from each other. Existing water services shall be shown to be disconnected and plugged at the main, unless they are satisfactory for reuse, as determined by the Public Services Division. Water services 4" or larger that are not reused shall be plugged at the main by removing the gate valve and installing a blind flange and thrust block at the tee. Existing sanitary sewer laterals and storm connections that are not reused shall be abandoned, and existing face-of-curb drains that are not reused shall be removed.

130. **PRIVATE UTILITY MAINTENANCE PLAN AND SANITARY SEWER OVERFLOW PLAN:** On-site water, sanitary sewer, and storm drainage facilities shall be privately maintained. The Covenants, Conditions, and Restrictions (CC&Rs) shall include a provision that the homeowners association prepare a private utility maintenance plan for on-site water, sanitary sewer, and storm drainage facilities. The maintenance plan shall include elements such as, but not limited to, flushing of the sanitary sewer and storm lines, cleaning of storm drain inlets and grates, and inspection of the water system (including flushing and exercising of valves and blowoffs). The CC&Rs shall also include a provision that the homeowners association prepare a sanitary sewer overflow plan, which includes elements such as, but not limited to, 24-hour contact information, response times, confinement, and methods to contain and remediate spills. A copy of the CC&Rs with this provision marked or highlighted shall be submitted to the Community Development Department for review and approval by the Public Works Department.
131. **UNDERGROUND SERVICES:** All new and existing electric and telecommunication facilities serving the site are to be placed underground, including transformers and power meters. The undergrounding of the new and existing overhead electric and telecommunication lines is to be completed prior to issuance of a Certificate of Occupancy for any new buildings within the site.
132. **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, and telecommunication conduits and associated facilities, including, but not limited to, vaults, manholes, cabinets, pedestals, etc. These plans shall be combined and made a part of the improvement plans. Joint trench intent drawings will be accepted at first improvement plan submittal. All subsequent improvement plan submittals shall include joint trench design plans. Dedicate utility easements that are necessary for the common utility on the final map.

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

133. **PRIVATE COMMON IMPROVEMENT PLANS:** Prepare on-site private common improvement plans consisting of the proposed demolition, fill, grading, retaining walls, drainage, private streets, common driveways, common utilities, public utilities, and other applicable improvements in accordance with Chapter 28 of the City Code, the Standard Design Criteria for Common Green and Townhouse-Type Condominiums, and the conditions of approval of the subdivision. The plans are to be drawn on 24"x36" sheets at a minimum scale of 1" = 20'. The improvement plans (10 sets), Improvement Plan Checklist, and items noted within the checklist must be submitted together as a separate package concurrent with the first submittal of the building plans and final map. The improvement plans must be approved and signed by the Public Works Department. After the improvement plans have been signed by the Public Works Department, 10 full-size and 2 half-size black-line sets, 1 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 approval of the final map. CAD files shall meet the City's Digital Data Submission Standards. Where both public and common improvement plans are required, the plans shall be combined into one set of plans.
134. **DRAINAGE PLANS:** On-site drainage plans shall be included in the building plans.
135. **DRAINAGE REQUIREMENTS:** On-site parking lots and driveways (other than single-family residential) shall not surface-drain across public sidewalks or driveway aprons. A 2'x2' inlet/cleanout box is required at or near the property line for connections to the City storm drains. For developments that do not require a subdivision map, a connection to the City's storm main requires: (1) a written request to the Public Works Director; (2) payment of storm drainage fees; and (3) approval from the Public Works Department, unless the storm drainage fees were paid in the past for the property.
136. **RETAINING WALL:** Retaining walls shall have a maximum height of 18", unless an exception is granted by the Community Development and Public Works Departments. A private easement for the retaining walls shall be shown on the final map. Retaining walls along the perimeter of the subdivision shall be maintained by the homeowners association. The maintenance of the retaining walls shall be included in the Covenants, Conditions, and Restrictions (CC&Rs). A copy of the CC&Rs with this provision marked or highlighted shall be submitted to the Community Development Department for review and approval by the Public Works Department.

137. **SURFACE WATER RELEASE:** Provide a surface stormwater release for the lots, driveways, alleys, and private streets that prevents the buildings from being flooded in the event the storm drainage system becomes blocked or obstructed. Show and identify path of surface water release on the grading and drainage plans.
138. **LOT DRAINAGE:** Each residential lot shall be designed to drain toward the streets, alleys, common driveways, or common areas. The drainage paths for the privately owned 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).
139. **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, 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 prior to approval of the building permit or final map.
140. **SANITARY SEWER HOLD HARMLESS AGREEMENT:** If the sanitary sewer connection inside the structure is 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 prior to approval of the building permit or final map.

#### MISCELLANEOUS

141. **CONSTRUCTION MANAGEMENT PLANS:** 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:** Truck route (to and from project site) for construction and delivery trucks pursuant to City Code Sections 19.58 and 19.59 and which does not include neighborhood residential streets; and
  2. **Construction Phasing, Equipment, Storage, and Parking:** Show construction vehicles and equipment parking area, material storage and lay-down area, and construction trailer location for each phase of construction. 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 permittee/contractor. Construction equipment, materials, or vehicles shall not be stored or parked on public streets or public parking lots. Construction contractors/workers are required to park on-site or at a private property arranged by the permittee/contractor and shall not be allowed to use neighboring streets for parking/storage. 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.
142. **VALLEY WATER WELLS:** Santa Clara Valley Water District requires the following note be shown on the plans: While the Santa Clara Valley Water District has records for most wells located in the County, it is always possible that a well exists that is not in the District's records. If previously unknown wells are found on the subject property during development, they must be properly destroyed under permit from the District or registered with the District and protected from damage.
143. **STREET CLEANING:** The owner/developer shall comply with and include the following note on the off-site, or grading/drainage, or utility plans: "The prime contractor or developer is to hire a street cleaning contractor to clean up dirt and debris from City streets that are attributable to the development's construction activities. The street cleaning contractor is to have the capability of sweeping the streets with both a broom-type sweeper and a regenerative air vacuum sweeper, as directed by the Public Works Director or designated representative."
144. **OCCUPANCY RELEASE:** The owner/developer shall comply with and include the following note on the off-site or grading/drainage or utility plans: "For residential developments, no residential units will be released for

occupancy unless the improvements to be constructed to City standards and/or to be accepted for maintenance by the City, including water meters and sanitary sewer cleanouts as well as trash rooms and/or enclosures, are substantially complete per the City of Mountain View Standard Provisions for Public Works construction. 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 (such as, but not limited to, improvements to allow circulation for trash collection vehicles), 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."

145. **PRELIMINARY TITLE REPORT:** Upon submittal of the initial building permit and improvement plans, the applicant shall 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. The title report shall be dated within six months of the initial plan submittal. This information is required for the preparation of Public Works agreements and documents. Include all easements and agreements referenced in the title report.
146. **SUBDIVISION:** This site plan is a subdivision of an existing parcel(s). Any combination or division of land for purpose of sale, lease, or financing requires the filing and approval of a preliminary parcel or tentative map, completion of all conditions of subdivision approval, and the recordation of the parcel or final map, all prior to issuance of the building permit. In order to place the approval of a final map on the Council agenda, all related materials must be completed and approved a minimum 40 calendar days prior to the Council meeting.

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#### ENVIRONMENTAL SAFETY

147. **CONSTRUCTION BEST MANAGEMENT PRACTICES:** All construction projects shall be conducted in a manner which prevents the release of hazardous materials, hazardous waste, polluted water, and sediments to the storm drain system.
148. **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.
149. **ENGINEERED DRAWINGS:** Treatment systems and/or porous pavement, pavers, and other uncompacted surfaces require engineered drawings.
150. **LOW-USE ACCESS AREA DRAINAGE:** Low-use public access areas, such as overflow parking, emergency access roads, and alleys, shall be designed to increase stormwater infiltration and decrease runoff by one or more of the following methods: (a) porous pavement; (b) pavers; (c) uncompacted bark/gravel; or (d) drain to landscaped areas or vegetative strips.
151. **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.

152. **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.
153. **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.
154. **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").
155. **SITE DESIGN MEASURES FOR SMALL PROJECTS AND DETACHED SINGLE-FAMILY HOMES:** Stormwater site design measures are required for the following project types: (1) residential and nonresidential projects that create or replace greater than 2,500 square feet of impervious surface and less than 10,000 square feet of impervious surface; and (2) detached single-family homes that create or replace greater than 2,500 square feet of impervious surface. Projects that meet either of these criteria are required to install one or more of the stormwater site design measures listed below:
- Direct roof runoff to cisterns or rain barrels for reuse.
  - Direct roof runoff onto vegetated areas.
  - Direct runoff from sidewalks, walkways, and/or patios onto vegetated areas.
  - Construct sidewalks, walkways, and/or patios with permeable paving materials.
  - Construct bike lanes, driveways, and/or uncovered parking lots with permeable paving materials.

Indicate the stormwater site design measure that will be installed for the project.

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

STEPHANIE WILLIAMS, PLANNING MANAGER/ZONING ADMINISTRATOR

SW/BW/1/FDG  
PL-2020-184