

CITY OF MOUNTAIN VIEW  
RESOLUTION NO.  
SERIES 2023

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF MOUNTAIN VIEW APPROVING A MASTER PLAN TO CONSTRUCT UP TO 7,000 RESIDENTIAL UNITS, 3.11 MILLION SQUARE FEET OF OFFICE (INCLUDING 1.3 MILLION SQUARE FEET OF BONUS FLOOR AREA AS NET NEW OFFICE), APPROXIMATELY 14.8 ACRES OF DEDICATED PUBLIC PARK LAND, APPROXIMATELY 11.3 ACRES OF PRIVATELY OWNED, PUBLICLY ACCESSIBLE OPEN SPACE, 233,990 SQUARE FEET OF GROUND-FLOOR RETAIL, 55,000 SQUARE FEET OF COMMUNITY SPACE, AN OPTIONAL PRIVATE DISTRICT UTILITIES SYSTEM, AND DISTRICT PARKING GARAGES ALL ON AN APPROXIMATELY 153-ACRE SITE GENERALLY LOCATED NORTH OF U.S. 101 BOUNDED BY CHARLESTON ROAD TO THE NORTH, STEVENS CREEK TO THE EAST, SPACE PARK WAY TO THE SOUTH, AND HUFF AVENUE TO THE WEST, ON PORTIONS OF THE GATEWAY MASTER PLAN AREA LOCATED AT THE NORTHWEST CORNER OF SHORELINE BOULEVARD AND THE U.S. 101 NORTHBOUND ON-RAMP, AND SIX PARCELS BETWEEN SAN ANTONIO ROAD AND MARINE WAY IN THE P(39) (NORTH BAYSHORE) PRECISE PLAN, AND ON A PORTION OF THE SHORELINE AMPHITHEATRE PARCEL NORTH OF AMPHITHEATRE PARKWAY, OUTSIDE THE NORTH BAYSHORE PRECISE PLAN AREA

WHEREAS, an application (Application No. PL-2021-181) was received from Google LLC for a Planned Community Permit for the North Bayshore Master Plan to allow construction of up to 7,000 residential units (with 15% affordable units), 3.11 million square feet of office (of which 1.27 million square feet is net new office from the North Bayshore Precise Plan Nonresidential Bonus floor area ratio (FAR) reserve, previously allocated by the City Council to the project), approximately 14.8 acres of dedicated public park land, approximately 11.3 acres of privately owned, publicly accessible (POPA) open space, 233,990 square feet of ground-floor retail, 55,000 square feet of community space, and an optional private district utilities system, all on an approximately 153-acre site generally located north of U.S. 101, bounded by Charleston Road to the north, Stevens Creek to the east, Space Park Way to the south, and Huff Avenue to the west, on portions of the Gateway Master Plan area located at the northwest corner of Shoreline Boulevard and the U.S. 101 northbound on-ramp and on six parcels between San Antonio Road and Marine Way in the P(39) (North Bayshore) Precise Plan (APN: 116-02-037, 116-02-083, 116-02-054, 116-02-081, 116-02-084, and 116-02-088), and on portions of the Shoreline Amphitheatre parcel (APN: 116-20-043) north of Amphitheatre Parkway, outside the North Bayshore Precise Plan area; and

WHEREAS, the Environmental Planning Commission held a duly noticed public hearing on May 3, 2023 on said application and recommended the City Council approve the Master Plan, subject to the findings included herein and the conditions of approval and administrative procedures attached hereto; and

WHEREAS, the City Council held a public hearing on June 13, 2023 on said application and received and considered all information, documents, testimony, and correspondence presented at said hearing, including the recommendation from the Environmental Planning Commission, the City Council report, and project materials; now, therefore, be it

RESOLVED: that the City Council of the City of Mountain View finds:

1. The Planned Community Permit for the Master Plan is conditionally approved based upon the conditions contained in Exhibit A, attached hereto and incorporated herein, and upon the following findings pursuant to Section 36.50.55 of the City Code:

a. The proposed Master Plan is consistent with the provisions of the P(39) North Bayshore Precise Plan (Precise Plan) and, with respect to the portion of the Master Plan outside of the Precise Plan, the proposed Master Plan is consistent with the applicable PF (Public Facility) Zoning District. The proposal clearly demonstrates superior site and building design and compatibility with surrounding uses and developments; or, if variations from requirements in the applicable Precise Plan are granted, the proposal clearly demonstrates superior site and building design and is in substantial compliance with the guiding principles and intent of the requirements in the applicable Precise Plan since the Master Plan aligns with the land use and development standards, allowable FAR for development with highly sustainable design and Bonus FAR, Precise Plan Complete Neighborhood targets, Character Area vision, and Habitat and Biological resource protection goals and complies with the North Bayshore Trip Cap requirements.

The Master Plan is consistent with the design standards and guidelines of the Precise Plan and includes urban design objectives to ensure future building and site designs are consistent with the Precise Plan and Master Plan. The Master Plan also identifies potential exceptions from the Precise Plan development standards, which are assessed per Precise Plan Section 3.5.6, Development Standard Exceptions, and can be considered for approval and evaluated under subsequent zoning permit review with specific design details, such as:

(1) No minimum front setback for buildings with ground-floor active uses and reduced 6' minimum front setback for buildings fronting new streets;

(2) Maximum block size length over 400' for a noncontiguous residential parcel (PE-BR-2), and five nonresidential parcels (SB-BO-3, SB-DCP, JN-BO-1, JN-BO-2, and JS-FLEX) an additional story consistent with allowed maximum height (in feet);

(3) Additional stories for nonresidential building while complying with the maximum building height (in feet) requirement;

(4) Maximum residential building height up to eight stories/95' for the entire Parcel SB-R-7 (VTM Parcel SB15) across two-character areas;

(5) Reduced tower separation for residential buildings, up to 80' for Parcel JN-19 and up to 110' for Parcel SB-3, from the required 175', to allow for a better site design and to achieve higher residential yield;

(6) Short-term temporary allowance for parking and permanent improvement on existing surface lots;

(7) Up to a one-quarter-mile distance for the off-site SA-P-1 (Amphitheatre) district parking facility where a maximum of one-quarter-mile distance is required;

(8) Interim residential parking at 1.25 spaces/unit, with an average of 0.6 space/unit at full build-out, to address absence of improved transit services;

(9) Higher building coverage percentage for SB-FLEX (VTM Parcel SB10) (from 55% to  $\pm 75\%$ ) in order to maximize the area of Shorebird Wilds open space; and

(10) Reduced 10' setback for rooftop features in place of 30' setback required from the roof edge in certain locations.

Per the Precise Plan, the proposed Master Plan fulfills the following requirements for a Master Plan, including: (i) development in Precise Plan Complete Neighborhood areas; (ii) compliance with desired objectives and specific regulations established in the Gateway Master Plan; (iii) compliance with North Bayshore Precise Plan Affordable Housing Guidelines; (iv) North Bayshore Bonus FAR standards; (v) consistency with the Precise Plan's urban design vision, habitat conservation, and sustainability goals; (vi) allows for significant phasing of project construction and public improvements; (vii) allows for development flexibility as the project includes more than one parcel in multiple Character subareas; and (viii) includes district parking.

Additionally, the Master Plan also identifies an exception from the PF Zone open space development standard to allow the proposed project to maintain the existing on-site paving coverage percentage and provide less than 55% open space on-site in order to accommodate the district parking plan and achieve the residential yield objective of the Master Plan and the Precise Plan;

b. The General Plan designates the majority of the Master Plan Area as North Bayshore Mixed-Use and a portion of the Master Plan as Mixed-Use Center (North Bayshore) and High-Intensity Office. The proposed Master Plan is consistent with the General Plan Land Use Designations, which envision a harmonious balance of housing near jobs, public transit, neighborhood-serving businesses, and parks. A portion of the proposed Master Plan (APN: 116-20-043) outside of the North Bayshore Precise Plan area is consistent with the underlying Institutional Land Use Designation of the General Plan, which supports quasi-public uses serving an essential regional and/or local function, such as a district parking and a public safety substation. The Master Plan also aligns with the following General Plan policies for the

North Bayshore Change Area: (i) LUD 15.1: Highly Sustainable Development, by redeveloping existing low-intensity areas with highly sustainable development, providing highly sustainable green building design and infrastructure to support reduced energy use and increased energy generation on-site, utilizing structured district parking, and introducing new public parks and open spaces; (ii) LUD 15.4: Wildlife-Friendly Development, with a strategic land use and open space plan in response to the sensitive habitat and biological resources in and around the Precise Plan area; (iii) LUD 16.2: Mix of Uses, by blending residential, commercial, and office uses to create Complete Neighborhoods with services, open space, and transportation options for future residents and area employees; (iv) LUD 17.2: Transportation Demand Management Strategies, by proposing a robust Master Plan Transportation Demand Management program which aligns with City's transportation goals in North Bayshore; and (v) LUD 17.3: Bicycle and Pedestrian Focus, with a new and improved pedestrian and bicycle network through the 153-acre Master Plan area;

c. The proposed Master Plan will not be detrimental to the public interest, health, safety, convenience, or welfare because it aligns with development and mix of land uses envisioned in the Precise Plan and General Plan and is required to comply with City, State, and Federal regulations for development, construction, infrastructure, and operations;

d. The proposed North Bayshore Master Plan promotes a well-designed development that is harmonious with existing and planned development in the surrounding area because it aligns with the Precise Plan vision, goals, and development standards. The site design places office uses along the north, adjacent to existing office buildings, and residential/mixed-use buildings along the south, closer to existing and other residential buildings recently approved, under review, or are envisioned; additionally, office and other district parking structures are placed in strategic locations for an efficient land use planning while at the same time encouraging use of alternate modes of transportation; and the project includes an extensive network of new public open spaces that provide recreational opportunities for the local community as well as a buffer between different land uses.

The Master Plan maintains existing public street circulation with new public and private streets to provide access to proposed land uses and align with the human-scale block standards of the Precise Plan. The Master Plan also proposes a network of public and privately owned, publicly accessible open space network of varying sizes designed to respond to the natural environment in and around the Precise Plan area and to provide functional recreational spaces; and

e. The approval of the Master Plan complies with the California Environmental Quality Act (CEQA) as the City prepared a Subsequent Environmental Impact Report (SEIR) tiering from the North Bayshore Precise Plan Program Environmental Impact Report, which the City Council certified and adopted required findings under CEQA, including a Statement of Overriding Considerations for the project, by Resolution No. \_\_\_\_\_ prior to approval of this Master Plan. Council adopted all feasible mitigation measures identified and described in the SEIR, and the project, as mitigated, will avoid or reduce all of the significant adverse impacts to a

less-than-significant level, with the exception of significant unavoidable air quality impacts and greenhouse gas emissions impacts, which significant unavoidable impacts are considered acceptable because these unavoidable adverse environmental effects are outweighed by the benefits of the project as described in the Statement of Overriding Considerations.

2. Pursuant to California Government Code Sections 65864, *et seq.*, and City Code Sections 36.54 to 36.54.40, the developer has requested a Development Agreement (DA) to implement the North Bayshore Master Plan, which the City Council will concurrently review and consider under a separate ordinance. If adopted by the City Council, the DA includes terms which relate to the enclosed conditions of approval and administrative procedures; and be it

FURTHER RESOLVED: that the Planned Community Permit for the Master Plan for said project are hereby granted subject to the applicant's fulfillment of all the conditions of approval, which are attached hereto as Exhibit A, and administrative procedures to implement the Master Plan, attached hereto as Exhibit B, both of which are incorporated herein by reference.

TIME FOR JUDICIAL REVIEW

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

-----

DP/2/RESO  
807-06-13-23r-4

- Exhibits: A. Conditions of Approval  
B. Administrative Procedures for Implementation

**CONDITIONS OF APPROVAL  
APPLICATION NO.: PL-2021-181  
NORTH BAYSHORE MASTER PLAN**

The Applicant is hereby notified that the Applicant is required to comply with the following conditions in accordance with the Mountain View City Code and the laws of the State of California and with all applicable codes or ordinances of the City of Mountain View and the State of California that pertain to this development. Where approval by a City Department Director or Official is required, that review shall be for compliance with all applicable conditions of approval, adopted policies and guidelines, ordinances, laws, and regulations, and accepted practices for the item(s) under review.

This approval is granted for the North Bayshore Master Plan located on Assessor’s Parcel Nos. 116-11-021, 116-11-022, 116-11-024, 116-11-025, 116-11-039, 116-14-066, 116-11-028, 116-11-030, 116-14-072, 116-11-012, 116-11-038, 116-14-070, 116-10-088, 116-10-101, 116-13-027, 116-13-034, 116-13-037, 116-13-038, 116-10-077, 116-10-078, 116-10-079, 116-10-080, 116-10-084, 116-10-109, 116-10-089, 116-10-095, 116-10-111, 116-10-102, 116-10-104, 116-10-105, 116-10-107, 116-10-108, 116-14-058, 116-14-095, 116-14-028, 116-02-037, 116-02-083, 116-02-054, 116-02-081, 116-02-084, 116-02-088, and a portion of 116-20-043 in the P(39) North Bayshore Precise Plan. Development shall be substantially as shown on the project materials listed below, except as modified by conditions contained herein, which are kept on file in the Planning Division of the Community Development Department:

- a. North Bayshore Master Plan (**Master Plan**) prepared for and by Google LLC, dated April 2023.
- b. North Bayshore Master Plan Implementation Plan (**Implementation Plan**) prepared for and by Google LLC, dated April 2023, which includes such information as, but not limited to, the Master Plan Arborist Report, Tree Framework, District Systems Concept Plan, etc.
- c. North Bayshore Master Plan Project Final Subsequent Environmental Impact Report (SCH No. 2022020712, Project SEIR) prepared by the City in accordance with the California Environmental Quality Act (CEQA) Guidelines.

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

**NOTE:** Any number listed in a condition title (e.g., “COA GEO-1.1 from Project SEIR”) is the associated reference in the Project SEIR, any reference to Administrative Procedures can be found in Exhibit B to this resolution, and any reference to Subdivision Conditions can be found in Resolution No. \_\_\_\_\_.

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

- 1. **DEVELOPMENT AGREEMENT:** A Development Agreement (DA) for the North Bayshore Master Plan between the City of Mountain View and Google LLC has been prepared for the project (Application No. PL-2021-181), which allows a longer entitlement period beyond the standard two years (~~Application No. PL-2021-181~~). If a DA is approved by the City Council, then this Master Plan Permit is valid for the term of the DA, with subsequent zoning permits valid per the terms of the DA. If no DA is approved, then this Master Plan Permit and all subsequent zoning permits associated with this project shall be valid for a period of two years from the date of Council approval and may be extended up to an additional two years after a duly noticed Administrative Zoning public hearing per City Code Section 36.56.55.
- 2. **APPLICABILITY OF THIS MASTER PLAN PERMIT:** This Master Plan Permit (Permit) shall apply to any business/owner entity/fee interest holder/ground lessee whose use and operational characteristics match those of the approved uses within the Master Plan and, if approved, in accordance with the associated Development Agreement (DA). ~~Unless~~Except as otherwise permitted ~~by~~under an approved DA that is in effect, introduction of new uses, intensifications of the approved uses, and/or redistribution of approved uses shall require an amendment to this Permit, which may also require amendments to the Master Plan, DA, and/or other approved materials.

3. **EXPIRATION:** This Master Plan Permit shall become null and void if subsequent permits have not been issued and construction activity has not commenced within the two-year period from City Council approval of the Master Plan Permit, unless a permit extension application has been submitted by the Applicant and approved ~~in accordance with City Code Section 36.56.55~~ by the Zoning Administrator at a duly noticed public hearing prior to the expiration date, in accordance with City Code Section 36.56.55; or, if the Development Agreement (DA) is approved and in effect beyond the aforementioned period, the ~~Permit~~ shall become null and void upon expiration (or earlier termination) of the DA term. No Master Plan Permit extension is feasible or available after expiration of the DA.
4. **NORTH BAYSHORE PRECISE PLAN BONUS FAR:** This Permit grants use of 1,303,250 square feet of net new office floor area from the North Bayshore Precise Plan Nonresidential Bonus Floor Area Ratio (FAR) Program by the Applicant to develop the Master Plan. Unless this Permit is otherwise modified, voided, or expires, the allotted square footage cannot be used by another development project in North Bayshore outside of the Master Plan Area. The development reserve allocation is available until fully utilized or until the expiration of this Permit, whichever occurs earlier. If this Permit expires or the approved Development Agreement expires or terminates with remaining unused net new office square footage, then all remaining square footage returns to the Development Reserve for redistribution by the City to another development project(s).
5. **EXISTING OFFICE FLOOR AREA:** Pursuant to the North Bayshore Precise Plan, the Applicant may transfer the project site's existing (to be demolished) office floor area (1,814,681 square feet) to a Bonus Floor Area Ratio (FAR) office project or divide the floor area among multiple Bonus FAR office projects within the Master Plan area. Because the transferred existing floor area is not net new floor area, the subsequent office project(s) does not count the transferred floor area when calculating Community Benefits or Nonresidential Housing Impact Fees.
6. **EXISTING RETAIL FLOOR AREA:** As per the Master Plan approval, the Applicant may transfer the project site's existing (to be demolished) retail floor area (11,056 square feet) to new retail/ active use floor area being proposed in the Master Plan or divide the floor area among multiple retail/ active use projects within the Master Plan area. Because transferred existing floor area is not net new floor area, the subsequent retail project(s) does not count the transferred floor area when calculating Nonresidential Housing Impact Fees.
7. **BONUS FLOOR AREA RATIO (FAR) ALLOCATION:** The project includes up to a maximum Bonus FAR up to 8.8 million square feet (inclusive of ±1.7 million square feet of aboveground parking) feet for residential development and up to 1.3 million square feet for office development. Bonus FAR is based on approved square footage above the base allowable FAR per the North Bayshore Precise Plan, not net new floor area nor the North Bayshore Precise Plan Nonresidential Bonus FAR Program. The Community Benefits requirement is calculated based on the total Bonus FAR for the project.
8. **TRANSFER OF NONRESIDENTIAL DEVELOPMENT RIGHTS:** Per North Bayshore Precise Plan Section 3.4.2, the project includes transfer of development rights (TDR) for 30,520 square feet of office floor area from buildings located at 1220 and 1230 Pear Avenue, ~~at both~~ of which buildings ~~are~~have been previously approved to be demolished. The TDR square footage may be applied and only accounts for counts toward the rebuilt office square footage (replacing existing, not net new) in the Master Plan project.
9. **COMMUNITY BENEFIT CONTRIBUTION:** In compliance with the North Bayshore Precise Plan, the Applicant is required to provide a community benefit package in exchange for order to utilize additional development intensity under the Bonus FAR program and to advance the goals and policies of the Precise Plan. The Applicant has proposed to dedicate a 4.47-acre site located at Parcel SB13 (Shorebird Yards) ~~to satisfy the Precise Plan as the project's community benefit obligation under the Precise Plan.~~ The Applicant shall make an irrevocable offer of land dedication for Shorebird Yards to the City upon the earlier of: (a) December 15, 2029; or (b) prior to issuance of the first Building Permit. The Applicant shall cause Shorebird Yards to be in the Required Condition as per the **CITY LAND DEDICATION/CONVEYANCE REQUIREMENTS REQUIRED CONDITION** included in the Administrative Procedures, ~~No~~ Section 14 (Exhibit B to Resolution No. \_\_\_\_\_) for implementation of the Master Plan at the time of the offer of dedication.

PERMIT SUBMITTAL REQUIREMENTS

10. **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.
11. **GEOTECHNICAL REPORT (COA GEO-1.1 FROM PROJECT SEIR):** 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 Special Publication 117, Guidelines for Evaluating and Mitigating Seismic Hazards, and the requirements of the Seismic Hazards Mapping Act. The report shall be submitted to the City prior to the issuance of building permits, and the recommendations made in the geotechnical report shall be implemented as part of the project. Recommendations may include considerations for the design of permanent below-grade walls to resist static lateral earth pressures, lateral pressures caused by seismic activity, and traffic loads; method for back-draining walls to prevent the build-up of hydrostatic pressure; considerations for design of excavation shoring system; excavation monitoring; and seismic design. Additionally, recommendations shall include measures (e.g., shoring walls, waterproofing, and below-grade hydraulic barriers<sup>i</sup>) to minimize the amount of dewatering required during construction and prevent substantial impacts to aquifers or existing wells. Specific recommendations contained in the geotechnical report prepared for the project shall be implemented to the satisfaction of the City of Mountain View Building Division.
12. **REMEDIATION:** The Applicant shall work with City staff, the necessary oversight agency (e.g., the U.S. Environmental Protection Agency (EPA), the State Department of Toxic Substances Control, State Regional Water Quality Control Board, County of Santa Clara Department of Environmental Health, etc.), and responsible parties, if necessary, to address any site remediation or building design/construction requirements to ensure appropriate on-site improvements in accordance with the oversight agency's standard practice; local, State, and Federal regulations; and City Code requirements. Design of remediation equipment, equipment placement, or remediation activities will need to be reviewed and may require approval by all parties, including the City, oversight agency, and responsible parties. Prior to the issuance of any building or fire permits, the Applicant shall either: (a) submit written proof of an approval from the oversight agency of remediation activity and/or building and site design as deemed consistent with the remediation activity; or (b) provide written proof the work is not subject to approval from an oversight agency. A Certificate of Occupancy cannot be issued until final inspections have been completed by the City and the oversight agency, if required.
13. **TOXIC ASSESSMENT:** A toxic assessment report shall be prepared and submitted as part of the building permit submittal. The Applicant must demonstrate that hazardous materials do not exist on the site or that construction activities and the proposed use of this site are approved by environmental oversight agency(ies) with jurisdiction (e.g., the Mountain View Fire Department, Fire and Environmental Protection Division; State Department of Health Services; California Department of Toxic Substances Control (DTSC); San Francisco Bay Regional Water Quality Control Board (Water Board); Santa Clara County Department of Environmental Health, and any Federal agency, such as the U.S. Environmental Protection Agency (EPA)). No building permits will be issued until each agency and/or department with jurisdiction has approved of the site activities or confirmed they have no requirements.

~~**SITE MANAGEMENT PLAN:** Prepare a Site Management Plan (SMP) for soil, soil vapor, and groundwater for review and approval by the City as well as the overseeing environmental oversight agency (e.g., State Department of Health Services, California Department of Toxic Substances Control (DTSC), San Francisco Bay Regional Water Quality Control Board (Water Board), Santa Clara County Department of Environmental Health, and any Federal agency, such as the U.S. Environmental Protection Agency (EPA)) or obtain concurrence from the environmental oversight agency that no review is required. Proof of approval or actions for site work required by the environmental oversight agency must be provided to the Building Division prior to the issuance of any demolition or building permits.~~

---

<sup>i</sup> Below-grade hydraulic barriers, once inserted, restrict groundwater intrusion from elsewhere into the project site, thereby limiting the amount of groundwater that needs to be removed to only that groundwater that existed on-site at the time the hydraulic barrier was inserted.

14. **VAPOR BARRIER:** A vapor barrier shall be installed beneath all structures to mitigate any issues associated with the potential for vapor intrusion within the structure. The vapor barrier design shall be equivalent to those required for sites with known concerns in Mountain View that are also exposed to groundwater. Specifications for the vapor barrier included in the Site Management Plan shall include thickness, type, durability, and diffusion rates for volatile organic compounds (VOCs) of concern. The specifications shall also describe the effectiveness of the liner over the life of the building. During the term of the Development Agreement, the Applicant's direct financial obligation with respect to payment of vapor barrier costs for dedicated Affordable Housing Sites is limited to the payment under Section 5.6.1 of the Development Agreement.

#### VEHICLE AND BIKE PARKING

15. **DISTRICT OFFICE PARKING:** The Master Plan includes district parking, whereby the majority of required parking spaces for the up to 3,117,931 square feet of office use is located in ~~three~~ four parking garages (SA-P-1, MW-P-1 and MW-P-2, and JS-P-1) with some parking available at each office building location. These parking garages may be located on a parcel other than the parcel with the office building(s) which the parking spaces serve; therefore, the Applicant and property owner(s) of the applicable office building parcel and the applicable parking garage parcel must acknowledge and memorialize the legal right of the office parcel and building users to utilize the off-site parking spaces for the life of the project through a legal recorded agreement in a form approved by the City and recorded on all affected parcels. The agreement shall run with the land and shall not be amended without prior City consent. The Applicant/property owner acknowledges the legal rights and ability to utilize off-site parking spaces in these district parking garages to satisfy the parking needs for the office uses of the Master Plan is an express condition of approval for the project, ~~including the projects Vehicle Miles Traveled determination~~, and is necessary for the continued occupancy of the office building(s).
16. **TEMPORARY PARKING:** To satisfy the project's parking demand for all uses, with each subsequent zoning permit application, the Applicant must submit a letter to the Planning Division identifying off-site location(s) that can provide the remainder of parking required to meet the parking needs until such time the proposed district parking structures (SB-P-1, JN-P-1, JS-P-1, SA-P-1, MW-P-1, and MW-P-2) are constructed, or, if the Development Agreement (DA) is approved, for the duration of the DA, which is signed by the project Applicant and property owner(s) of the subject properties. The Applicant must demonstrate that adequate parking is available to serve the off-site office buildings and the on-site use(s) at the temporary off-site parking location(s), per Precise Plan/zoning-compliant or approved parking ratios. Prior to issuance of a building permit, the property owners of the off-site parking location(s) ~~property owner(s)~~ must execute ~~a legal recorded and record on the parcels used for off-site parking an~~ agreement acknowledging the office building sites for which the property will ~~serve for provide off-site~~ parking, and the same agreement must be recorded on each office building site ~~must also record the same agreement~~. ~~It-The agreement shall be in a form approved by the City~~, shall run with the land and shall not be amended without prior City consent. In addition (and at the same time), the Applicant must also execute and record a deed restriction on Parcels SB-P-1, JN-P-1, JS-P-1, SA-P-1, MW-P-1, and MW-P-2 that restricts the use of those parcels to parking with sufficient remaining number of spaces for all of the master plan development. Once the District parking structures (SB-P-1, JN-P-1, JS-P-1, SA-P-1, MW-P-1, and MW-P-2) are available for long-term parking, the recorded agreements for temporary parking can be dissolved and removed from recordation on the off-site parking locations and deed restrictions removed from Parcels SB-P-1, JN-P-1, JS-P-1, SA-P-1, MW-P-1, and MW-P-2.
17. **PARKING MANAGEMENT PLAN:** During review of subsequent zoning permit applications per development phase, the Applicant shall provide a preliminary parking management plan to assist the City in reviewing and approving parking ratios. Prior to building permit issuance per development phase, the Applicant shall develop a formal parking management plan describing parking allocation/shared parking for residents, guests/visitors, and/or commercial uses for each building location on the project site, subject to approval by the Zoning Administrator.
18. **LOADING/DELIVERY PLAN:** During review of subsequent zoning permit applications per development phase, a preliminary loading/delivery plan may be required to be submitted by the Applicant to assist the City in reviewing and approving parking ratios, flex zones, or design of loading locations. The preliminary loading/delivery plan should account for deviations from the requirements identified in the Master Plan. Prior to building permit issuance per development phase, the Applicant shall develop a formal loading/delivery plan specifying measures to manage on-site deliveries and loading for each building location, which may include measures to tailor delivery hours and/or days to limit conflicts with peak traffic times or adjacent land uses, subject to approval by the Zoning Administrator.

19. **PRIVATELY OWNED, PUBLICLY ACCESSIBLE OPEN SPACE DESIGN:** The project includes five privately owned, publicly accessible (POPA) open spaces and improvements (referred to as Greenway Parks, Shorebird Wilds, the Portal, Joaquin Grove, and Joaquin Terrace) for which the Applicant would receive 100% park land credit in accordance of Chapter 41 or, if approved, as per the terms of the Development Agreement. The conceptual POPA open space design is included in the Master Plan (Exhibit E—Parks and Open Space Design Objectives) to be further refined through subsequent zoning permits for each phase of development adjacent to the POPA open space in accordance with City Code Section 41.11.a and the objectives of Section 41.11.a.2.b.

In addition to the elements described in the Master Plan, Exhibit E—Parks and Open Space Design, a clear visual/physical demarcation must be installed to separate the adjacent private building developments, public park land, and the POPA open space such that ground-floor uses (active uses) in the private buildings are not impeding use of the POPA open space for public enjoyment and access (e.g., no spillover outdoor dining or outdoor displays in the POPA open space). Any open space design elements not in compliance with City Code Section 41.11 (e.g., facilitates an enclosed area not publicly accessible), such as utility mining lift station, would not count toward the POPA credit. Any POPA credit modification would be determined during subsequent zoning permit review of the subject POPA.

Following subsequent zoning permit approvals of the POPA open space, minor modifications to the approved POPA open space plans for construction, such as adjustments to element location, dimensional area, specifications, and/or site modifications to comply with building and fire codes, can be approved by the Community Services Director and/or Community Development Director during building permit review. All other modifications are considered major modifications and must be approved by the City Council at a duly noticed public hearing.

20. **POPA OPEN SPACE NAME:** The POPA open space name shall be provided by the Applicant and reviewed and approved by the City as part of the first zoning permit that includes a portion of the POPA open space area.
21. **POPA OPEN SPACE SIGNAGE:** A primary identification sign with the POPA open space name must be located at the main entrance of the POPA open space; additional identification signs located at secondary entrances may be considered. All signs require a zoning permit and must comply with the sign requirements of the underlying zoning district (for sign purposes, the POPA open space is treated as a separate parcel). In addition to the identification sign(s), at each entrance of the POPA open space, a sign shall be posted with the following rules, regulations, and information for visitors: (a) announce as a privately owned, publicly accessible (POPA) open space for public enjoyment; (b) hours of use (see Subdivision Condition No. 12); (c) a phone number of the owner or owner representative for visitors to contact for any maintenance and safety concerns; (d) list “in case of emergency, please call 9-1-1”; and (e) list the contact information for the City’s designated animal-control agency. All directional signage for the multi-use path within the POPA open space shall be posted in compliance with the Manual on Uniform Traffic Control Devices (MUTCD).
22. **PUBLIC ART:** At zoning permit submittal for ~~the any~~ development phase that includes ~~the a~~ POPA open space, the Applicant must submit: (i) the vision statement and design principles for the public art; (ii) the proposed location(s) for the public art; (iii) the conceptual design(s) of the public art; and (iv) the process and timeline for production and installation. At building permit submittal for the same development phase, the Applicant must submit: (i) the name of the artist, designer, or design studio and their bios and representative work; (ii) conceptual/preliminary concepts for each piece; (iii) final design details, including art location and surrounding landscaping adjustments submit for City review and approval; and (iii) the final public art design. The City shall review and approve the final design. Upon the City’s request, the Applicant shall provide confirmation of the cost of the public art, including costs, commissions, and fees associated with procurement, creation, and installation of such public art. The installation of the public art shall be completed prior to final inspection under that building permit.
23. **BIRD-STRIKE MANAGEMENT PLAN:** A bird-strike management plan, which provides project design features to reduce bird strikes, shall be submitted as part of the building permit submittal with recommended provisions included in the building permit plans per development phase. The bird strike measures shall include those standards/measures in the North Bayshore Precise Plan Section 5.2, such as, but not limited to, facade treatments, occupancy sensors, funneling of flight paths, and skyways,

walkways, or glass walls. [For future office buildings on VTM Parcel SB7, NBPP Standard 5.2 \(2\) shall apply to the full height of the buildings facades that directly front the Eco Gem and/or Shorebird Wilds.](#)

24. **LIGHTING PLAN:** The Applicant shall submit a lighting plan in building permit drawings. This plan should include photometric contours, manufacturer's specifications on the fixtures, and mounting heights. The design and location of outdoor lighting fixtures shall ensure there will be no glare and light spillover to surrounding properties, which is demonstrated with photometric contours extending beyond the project property lines. The lighting plan submitted with building permit drawings must be approved by the Zoning Administrator prior to building permit issuance.
25. **ROOFTOP DECK LIGHTING:** Proposed lighting fixtures on the rooftop decks and courtyards shall not be visible from the ground level on adjacent public streets. Any string lighting shall be designed to include shades to avoid light spillover and be screened so they are not visible from off-site. Limited pedestrian-scale/building-mounted lighting along pathways may be permitted subject to review and approval of photometric lighting plan submitted as part of the building permit drawings.
26. **BUILT FORM AND DESIGN OBJECTIVES UPDATE:** Prior to the first subsequent zoning permit submittal for the Master Plan, the Applicant shall submit amendments to Appendix D (Built Form and Design Objectives) in the Master Plan Implementation Plan to address final staff and DRC recommendations as listed below. Updates to Exhibit D shall be subject to administrative review and approval by the Zoning Administrator prior to submittal of the first subsequent zoning permit application.
  - a. **Social Spine Design:** Provide more detailed direction on design objectives, features, and construction/implementation strategies for the building to building space along the social spine and midblock breaks connecting parallel streets/connections to the social spine, with additional focus on the design of proposed activity hubs (including any necessary adjustments to building edge design direction in the exhibit for activity hub-adjacent sites) and refinement of frontage treatments. An annual programming plan should combine with physical improvement design to allow for a mix of planned community events and informal public activities (e.g., busking, etc.).
  - b. **Security Design Details:** Incorporate detailed sensitive security design direction to prioritize objectives to minimize/avoid visible security in places where private areas interface with public frontages. Sensitive security design should maximize building-integrated features, integrate security measures into landscape areas (with tiered planting plans designed for pedestrian comfort and security element screening), provide for artful security design (where security elements are more visible), and be inset to create eddies allowing transitional mixing zones between public and private spaces. [Security design may utilize elements aligned with Crime Prevention Through Environmental Design \(CEPTED\) and Natural Access Control.](#)
  - c. **Art:** Clearly identify overarching design strategies for publicly oriented art to be incorporated into future projects, including (where feasible) retention or relocation of existing art features and new public art proposals, as a means for achieving continuity with existing development outside the Master Plan area and in keeping with long-standing urban design direction for North Bayshore developments to include art to provide for placemaking, wayfinding, and people-first design.
  - d. **Landscape:** Encourage landscape buffers for parking along all frontage types, including midblock breaks, in addition to integrated screening strategies, such as green walls, murals, and dynamic material applications.
  - e. **Materials and Facade Articulation:** Clearly reference the overarching goal for unified design features while also ensuring projects create a variety of distinctive design expressions across the Master Plan area and refine the materials and facade articulation strategies to ensure projects employ material/articulation variety at an area and/or block scale, in balance with goals for effective, simple, and cohesive treatments for each project.

#### GREEN BUILDING

27. **GREEN BUILDING REQUIREMENTS—NEW CONSTRUCTION:** The project is required to meet the mandatory measures of the California Green Building Standards Code and meet the intent of the applicable green building standard in place at the time of building permit submittal. All mandatory prerequisite points and minimum point totals per category to attain the noted green

building 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 or U.S. Green Building Council 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. Per the Precise Plan and the MVGBC, the applicable green building standards are:

- a. For residential new construction, the building must meet the intent of 120 GreenPoint Rated points or equivalent; install Energy Star appliances; reduce heat island effect, including, but not limited to, strategies such as green roofs, high-reflectance roof and paving materials, and vegetation shading over paved areas; and provide submeters or other appropriate technology that can track individual energy use for each residential unit. These requirements apply irrespective of whether the Applicant pursues a district system.
  - b. For nonresidential (office) new construction, the building must meet the intent of LEED Platinum® or equivalent; exceed Title 24, Part 6 requirements based on 2014 Energy Efficiency Standards by 10%; off-set at least 5% of each building's energy by on-site renewable energy generation or achieve an additional 10% reduction in energy use per building; reduce indoor potable water use by 40% from the baseline water use (based on maximum allowable water use per plumbing fixture and fittings as required by and methods described in the California Buildings Standards Code); reduce outdoor potable water use by 85% from the calculated baseline for the project site's peak watering month for irrigation; recycle or salvage at least 80% of construction debris; and develop a plan to divert 90% of postconstruction materials from the landfill.
  - c. For mixed-use new construction, the building must meet the respective standards for the residential portion of the project in Subsection a. and meet the intent of LEED Platinum® for the nonresidential (office) portion of the project or equivalent standards.
  - d. For all nonresidential tenant improvements, including building additions of 1,000 square feet or greater and/or building alterations with a permit valuation of \$200,000 or above, the building must meet the mandatory measures of the California Green Building Standards Code and Title 24, Part 6.
  - e. All new construction must: (i) meet the baseline indoor and outdoor water performance standards defined in LEED BD+C prerequisites and mandatory CalGreen requirements; (ii) install dual plumbing for potable and recycled water use, per current City codes. Dual-plumbed buildings shall be equipped with potable back-up systems in the event of recycled water outages; and (iii) construct the on-site irrigation to be recycled water conversion ready, per City standards, to connect to the recycled water system once the system is complete.
28. **ENERGY MONITORING:** To support energy management and identify opportunities for energy savings, the project shall provide submeters or equivalent combinations of sensors to record energy use data (electricity, natural gas, etc.) for each major energy system in each building. This monitoring is required irrespective of whether the Applicant pursues a district system.

#### TREES AND LANDSCAPING

29. **NORTH BAYSHORE PLANT PALETTE:** As part of building permit review, include a detailed landscape plan consistent with the North Bayshore Plant Palette, which is intended to support and expand existing habitat areas within and adjacent to the North Bayshore Precise Plan area. The Plant Palette is available on the City website at [www.mountainview.gov/northbayshore](http://www.mountainview.gov/northbayshore).
30. **ARBORIST REPORT (COA BIO-2.1 FROM PROJECT SEIR):** A certified arborist shall provide written instructions for the care of the existing tree(s) to remain on-site before, during, and after construction. The report shall also include a detailed plan showing installation of chain-link fencing around the dripline, or alternative tree protection measures if construction is to occur within the dripline, to protect these trees and installation of an irrigation drip system and water tie-in for supplemental water during construction. Arborist's reports shall be received by the Planning Division and must be approved by the Zoning Administrator, in consultation with the City arborist prior to the issuance of building permits for each subsequent zoning permit. Prior to construction, the arborist shall certify in writing that all tree preservation measures have been implemented. Approved measures from the report shall be included in the building permit drawings. The Implementation Plan includes a Master Plan-

wide arborist report available for reference in subsequent permits. The Applicant is required to submit site-specific arborist reports with the zoning permit application submittal requirements.

31. **ARBORIST INSPECTIONS (COA BIO-2.1 FROM PROJECT SEIR):** During demolition activity and upon demolition completion of a zoning-entitled development phase of the project, a certified arborist shall inspect and verify the measures described in the arborist report are appropriately implemented for construction activity near and around the preserved trees, including the critical root zones. Should it be determined that the root systems are more extensive than previously identified and/or concerns are raised of nearby excavation or construction activities for the project foundation or underground parking garage, which were not previously disclosed in a site-specific arborist report, then the design of the building and/or parking garage may need to be altered to maintain the health of the trees prior to building permit issuance.
32. **MONTHLY ARBORIST INSPECTIONS (COA BIO-2.1 FROM PROJECT SEIR):** Throughout demolition and construction of a zoning-entitled development phase of the project, a certified 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 at [planning.division@mountainview.gov](mailto:planning.division@mountainview.gov).
33. **REPLACEMENT TREES (COA BIO-2.1 FROM PROJECT SEIR):** The Applicant shall offset the loss of each of the following trees on-site as follows: (a) removal of one Heritage tree with two new replacement trees; (b) removal of one street tree with one new replacement street tree; and (c) removal of one non-Heritage tree with one new replacement tree. Each replacement tree shall be no smaller than a 24" box, unless an alternative proposal is reviewed and approved by the City arborist, and shall be noted on the landscape plans as to the type of replacement tree, along with a table with the total number of trees removed and replaced. Any mitigation trees planted within the Eco Gem (VTM reference SB26) are to be inspected annually for the first five years of planting and trees that do not survive are to be replaced by the Applicant.
34. **STREET TREE PROTECTIONS (COA BIO-2.1 FROM PROJECT SEIR):** All designated City street trees to remain are to be protected throughout construction activity with protection measures approved by the City arborist and shown on building permit plans.
35. **TREE PROTECTION MEASURES (COA BIO-2.1 FROM PROJECT SEIR):** The tree protection measures listed in the Master Plan arborist report prepared by HortScience/Bartlett Consulting and included in Appendix M of the Implementation Plan as well as any subsequent site-specific arborist report prepared for a development phase 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, root pruning guidelines, and protective grading techniques. Also, no materials may be stored within the drip line of any protected/preserved tree on the project site.
36. **TREE MITIGATION AND PRESERVATION PLAN (COA BIO-2.1 FROM PROJECT SEIR):** 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 per development phase. The plan shall also outline measures to be taken to preserve off-site trees. Routine monitoring for the first five years and corrective actions for trees that consistently fail the performance standards shall be included in the tree mitigation and preservation plan. The tree mitigation and preservation plan shall be developed in accordance with Chapter 32, Articles I and II, of the City Code per development phase and subject to approval of the Zoning Administrator prior to removal or disturbance of any Heritage trees resulting from project activities, including site preparation and demolition activities.
37. **TREE REPLACEMENT/MITIGATION FEE:** In recognition of site constraints and/or the limited ability to plant new trees on-site within a given development phase, the Applicant shall offset the loss of Heritage tree(s), City street tree(s), or other non-Heritage tree(s) with a replacement fee made payable to the City of Mountain View based on the fee obligations established in the Development Agreement. The fee must be paid prior to building permit issuance. Alternative measures for compliance can be reviewed and approved by the Community Services Director, in consultation with the City arborist, particularly if noncompliance with tree replacement requirements is an interim state between development phases whereby full compliance is anticipated upon construction completion.

## NOISE

38. **MECHANICAL EQUIPMENT (NOISE) (COA NOI-1.1 FROM PROJECT SEIR):** 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 per City Code Section 21.26.
39. **INTERIOR NOISE LEVELS:** Construction drawings must confirm that measures have been taken to achieve an interior noise level of 45 dB(A)Ldn, or to a noise level as determined by the applicable building code, that shall be reviewed and approved by a qualified acoustical consultant prior to building permit submittal.
40. **CONSTRUCTION NOISE REDUCTION (COA NOI-1.1 FROM PROJECT SEIR):** 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.
41. **SITE-SPECIFIC BUILDING ACOUSTICAL ANALYSIS (COA NOI-2.2 FROM PROJECT SEIR):** A qualified acoustical consultant shall 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)Ldn or lower. The specific determination of what noise insulation treatments are necessary will be completed on a unit-by-unit basis. Results of the analysis, including the description of the necessary noise control treatments, shall be submitted to the City along with the building plans and approved prior to the issuance of a building permit. Building sound insulation requirements shall 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) shall be implemented as recommended by the qualified acoustical consultant to maintain interior noise levels at or below acceptable levels. These treatments shall include, but are not limited to, sound-rated windows and doors, sound-rated wall construction, acoustical caulking, protected ventilation openings, etc.
42. **PILE DRIVING NOISE REDUCTION (COA NOI-1.1 FROM PROJECT SEIR):** The following measures shall be incorporated into construction plans and contractor specifications if pile driving is proposed: (a) multiple pile drivers shall be considered to expedite construction. Although noise levels generated by multiple pile drivers would be higher than the noise generated by a single pile driver, the total duration of pile driving would be reduced; and (b) temporary noise control blanket barriers shall shroud pile drivers or be erected in a manner to shield the foundation pile holes as a standard construction noise control technique. Predrilling reduces the number of blows required to seat the pile.

## CC&RS AND DISCLOSURES

43. **CC&Rs:** One electronic PDF of the draft Covenants, Conditions, and Restrictions (CC&Rs) for the homeowners and/or commercial owners association shall be submitted to the Planning Division for content review and consent prior to building permit issuance per development phase. At building permit submittal, the Applicant shall provide a completed CC&R checklist along with a fee made payable to the City of Mountain View (this is a standard City processing fee). The checklist can be obtained by contacting the project planner or by email inquiry to [planning.division@mountainview.gov](mailto:planning.division@mountainview.gov).
44. **CC&Rs MASTER PLAN:** The Applicant shall prepare a CC&R's 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 North Bayshore Precise Plan and the North Bayshore Master Plan, and the content shall be approved by the Zoning Administrator. The CC&Rs shall specifically state that the CC&R master plan establishes the rules for additions/modifications to the building complex and that changes to the CC&R master plan require approval by the Zoning Administrator. The CC&Rs master plan must be incorporated into the CC&Rs, either as a section within the document or an exhibit, and shall be submitted to the Planning Division for review and approval.

45. **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.
46. **NOTICE OF DEVELOPMENT RESTRICTIONS:** A Notice of Development Restrictions indicating the related zoning permit conditions that are to be completed with the development of the property is required for: (1) all planned developments; (2) common-interest developments; and (3) any ground-floor commercial space (active-use space) in the Master Plan which is exempt from floor area as a neighborhood commercial use, community facilities use, or child-care facility. 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 either: (i) before the approval of the parcel or final map, if the use of the tenant space is determined to be consistent with this condition; or (ii) prior to issuance of a building permit for the tenant space, which is determined to be consistent with this condition. It shall run with the land and shall not be amended without prior City consent.
47. **ADDITIONAL NOTICES/DISCLOSURES:** In addition to required disclosures, the CC&Rs and all leasing and sales information must also include disclosures pertaining to: (a) notify potential buyers/renters/tenants about any known environmental contamination issues and the project site's environmental cleanup status with the U.S. Environmental Protection Agency (EPA), (b) information and details on the private district systems as outlined in the Implementation Plan, should the Applicant pursue installation; (c) nearby noise-generating uses and activities, including any new uses introduced within the development (e.g., Moffett Federal Airfield, VTA light rail, U.S. 101, public parks, Shoreline Amphitheatre, etc.); and (d) any other disclosures as required by the Davis-Stirling Act, California Commercial and Industrial Common Interest Development Act, or any other applicable law.
48. **EXISTING RESIDENT BENEFIT (COA AQ-1.1: Both Project Options):** At the onset of construction in the Master Plan area (Phase 1/Phase 2), the Applicant shall provide all the existing residents of the Santiago Villa Mobile Home Park a one-time offer of \$350 to purchase MERV-13 or higher rated air filters. The Applicant shall notify existing residents of this offer as part of the Applicant's preconstruction outreach and notification program.

#### AGREEMENTS AND FEES

49. **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 prior to issuance of a building permit.

#### CONSTRUCTION ACTIVITIES

50. **MULTI-PHASE DEVELOPMENT:** Construction of the project shall be done in multiple phases consistent with the Master Plan and, if approved, provisions of the Development Agreement during its term.
51. **DISTURBANCE COORDINATOR (COA NOI-1.1 FROM PROJECT SEIR):** The Applicant shall designate a person or persons who will be responsible for responding to any local complaints regarding construction noise (the "noise disturbance coordinator"). The noise disturbance 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.
52. **HEALTH AND SAFETY MEASURES:** Work within soil and groundwater contamination areas may expose construction workers to contaminants in the soil, groundwater, and associated vapors. The Applicant/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.

53. **HAZARDOUS MATERIALS CONTAMINATION (COA HAZ-1.3 FROM PROJECT SEIR):** To reduce the potential for construction workers and adjacent uses to encounter hazardous materials contamination from asbestos-containing materials (ACM) and lead-based paint, the following measures are to be included in the project:

- a. In conformance with local, State, and Federal laws, an asbestos building survey and a lead-based paint survey shall be completed by a qualified professional to determine the presence of asbestos-containing materials (ACMs) and/or lead-based paint on the structures proposed for demolition. The surveys shall be completed prior to demolition work beginning on the structures.
- b. A registered asbestos abatement contractor shall be retained to remove and dispose of all potentially friable ACMs, in accordance with the National Emissions Standards for Hazardous Air Pollutants (NESHAP) guidelines, prior to building demolition that may disturb the materials. All construction activities shall be undertaken in accordance with Cal/OSHA standards, contained in Title 8 of the California Code of Regulations (CCR), Section 1529, to protect workers from exposure to asbestos. Materials containing more than 1% asbestos are also subject to Bay Area Air Quality Management District (BAAQMD) regulations.

During demolition activities, all building materials containing lead-based paint shall be removed in accordance with Cal/OSHA Lead in Construction Standard, Title 8, CCR 1532.1, including employee training, employee air monitoring, and dust control. Any debris or soil containing lead-based paint or coatings shall be disposed of at landfills that meet acceptance criteria for the waste being disposed.

54. **AIR QUALITY CONSTRUCTION MEASURES (COA AQ-2.1 FROM PROJECT SEIR):** The Applicant shall require all construction contractors to implement the basic construction mitigation measures recommended by BAAQMD to reduce fugitive dust emissions. There shall be a designated on-site coordinator and monitor to ensure implementation of the below dust control measures. Measures to reduce diesel particulate matter (DPM) and PM<sub>10</sub> from construction shall be implemented to ensure that short-term health impacts to nearby sensitive receptors are avoided. Emission reduction measures will include, at a minimum, the following measures which also include additional measures identified in the project-specific air quality analysis and by BAAQMD:

- a. When the air quality index forecast exceeds 100 for particulates for the project area and the reading exceeds 100 for particulates by 10:00 a.m. for the project area, prohibit grading activities for that day.
- b. All exposed surfaces (e.g., parking areas, staging areas, soil piles, graded areas, and unpaved access roads) shall be watered at a frequency of no less than two times per day in order to maintain adequate soil moisture for dust control. Dewatering effluent extracted from the site may be utilized for watering all exposed surfaces, if found to meet VOC and Fuel General Permit NPDES permit requirements pursuant to a Site Management Plan required per Precise Plan EIR Mitigation Measure HAZ-3.1 in Section 5.8, Hazards and Hazardous Materials.
- c. Minimize the amount of excavated material or waste materials stored at the site or cover them with tarpaulin.
- d. All haul trucks transporting soil, sand, or other loose material off-site shall be covered and loaded material shall not extend above the walls or back of the truck bed.
- e. All visible mud or dirt track-out onto adjacent public roads shall be removed using wet power vacuum street sweepers at least once per day. The use of dry power sweeping is prohibited.
- f. All vehicle speeds on unpaved roads shall be limited to 15 miles per hour (mph).
- g. All roadways, driveways, and sidewalks to be paved shall be completed as soon as possible. Building pads shall be laid as soon as possible after grading unless seeding or soil binders are used.

- h. Prohibit off-road diesel-powered equipment from being in the “on” position for more than 10 hours per day.
  - i. 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 Measure Title 13, Section 2485 of California Code of Regulations (CCR)). Clear signage shall be provided for construction workers at all access points.
  - j. 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.
  - k. Post a publicly visible sign with the telephone number and person to contact at the City of Mountain View and the on site coordinator/monitor regarding dust complaints regarding dust complaints. The on-site coordinator/monitor shall respond and take corrective action within 48 hours. BAAQMD’s phone number will also be visible to ensure compliance with applicable regulations.
  - l. All excavation, grading, and/or demolition activities shall be suspended when average wind speeds exceed 20 mph and visible dust extends beyond site boundaries.
  - m. Wind breaks (e.g., trees, fences) shall be installed on the windward side(s) of actively disturbed areas of construction adjacent to sensitive receptors. Wind breaks should have at maximum 50% porosity.
  - n. Where applicable, vegetative ground cover (e.g., fast-germinating native grass seed) shall be planted in disturbed areas as soon as possible and watered appropriately until vegetation is established. Dewatering effluent extracted from the site may be utilized for watering all exposed surfaces, if found to meet VOC and Fuel General Permit NPDES permit requirements pursuant to the Site Management Plan required per Precise Plan EIR Mitigation Measure HAZ-3.1 in Section 5.8, Hazards and Hazardous Materials.
  - o. Excavation, grading, and ground-disturbing construction activities shall be phased in accordance with the phasing plan to reduce the amount of disturbed surfaces at any one time.
  - p. Avoid tracking of visible soil material on the public roadways by employing the following measures if necessary: (1) site accesses to a distance of 100’ from public paved roads shall be treated with 6” to 12” compacted layer of wood chips, mulch, or gravel; and (2) washing truck tires and construction equipment of soil prior to leaving the site.
  - q. Sandbags or other erosion control measures shall be installed to prevent silt runoff to public roadways from sites with a slope greater than 1%.
55. **DISCOVERY OF CONTAMINATED SOILS (COA HAZ-1.1 FROM PROJECT SEIR):** If contaminated soils are discovered, the Applicant will ensure the contractor employs engineering controls and Best Management Practices (BMPs) to minimize human exposure to potential contaminants. Engineering controls and construction BMPs will include, but not be limited to, the following: (a) contractor employees working on-site will be certified in OSHA’s 40 hour Hazardous Waste Operations and Emergency Response (HAZWOPER) training; (b) the contractor will stockpile soil during redevelopment activities to allow for proper characterization and evaluation of disposal options; (c) the contractor will monitor the area around the construction site for fugitive vapor emissions with appropriate field screening instrumentation; (d) the contractor will water/mist soil as it is being excavated and loaded onto transportation trucks; (e) the contractor will place any stockpiled soil in areas shielded from prevailing winds; and (f) the contractor will cover the bottom of excavated areas with sheeting when work is not being performed.
56. **DISCOVERY OF ARCHAEOLOGICAL RESOURCES (COA CUL-2.1 FROM PROJECT SEIR):** 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.

57. **DISCOVERY OF HUMAN REMAINS (COA CUL-2.1 FROM PROJECT SEIR):** In the event of the discovery of human remains during construction or demolition, there shall be no further excavation or disturbance of the site within a 50' radius of the location of such discovery or any nearby area reasonably suspected to overlie adjacent remains. The Santa Clara County Coroner shall be notified and shall make a determination as to whether the remains are Native American. If the Coroner determines that the remains are not subject to their authority, the Coroner shall notify the Native American Heritage Commission, which shall attempt to identify descendants of the deceased Native American. If no satisfactory agreement can be reached as to the disposition of the remains pursuant to this State law, then the landowner shall reinter the human remains and items associated with Native American burials on the property in a location not subject to further subsurface disturbance. A final report shall be submitted to the City's Community Development Director prior to release of a Certificate of Occupancy. This report shall contain a description of the mitigation programs and its results, including a description of the monitoring and testing resources analysis methodology and conclusions, and a description of the disposition/curation of the resources. The report shall verify completion of the mitigation program to the satisfaction of the City's Community Development Director.

58. **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 seven days prior to construction activities to locate any active nests as follows:

The Applicant shall retain a qualified biologist to conduct a survey of the project site and surrounding 500' for active nests—with particular emphasis on nests of migratory birds—if construction (including site preparation) will begin during the bird nesting season, from February 1 through August 31. 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.

59. **VIBRATION BEST MANAGEMENT PRACTICES CONSTRUCTION MEASURES:** The following measures are to be implemented with any construction activity that may create ground vibrations that may be experienced by nearby properties:

- a. Avoid impact pile driving and drill piles instead where possible. Drilled piles cause lower vibration levels where geological conditions permit their use.
- b. Avoid using vibration rollers and tampers near sensitive areas.
- c. In areas where project construction is anticipated to include vibration generating activities, vibration studies shall be conducted to determine the areas of impact and to present appropriate mitigation measures that may include the following:
  - i. Identification of sites that would be exposed to project vibration compaction activities and could result in vibration impacts to structures;
  - ii. Develop a vibration monitoring and contingency plan;
  - iii. Construction contingency plan; and
  - iv. Conduct a postsurvey on structures where either monitoring has indicated high levels or complaints of damage have been made.

60. **CULTURAL SENSITIVITY TRAINING (COA CUL-2.1 FROM PROJECT SEIR):** As requested during the Tribal Consultation process for the project, Cultural Sensitivity Training shall be provided to the construction crews at the beginning of the project to aid those involved in the project to become more familiar with the indigenous history of peoples in the vicinity of the project site.
61. **NATIVE AMERICAN ARCHAEOLOGICAL MONITOR (COA CUL-2.1 FROM PROJECT SEIR):** A Tamien National Tribal monitor shall be present for all ground-disturbing activities throughout the project construction process.
62. **DISCOVERY OF ARCHAEOLOGICAL AND TRIBAL CULTURAL RESOURCES (COA CUL-1.1 FROM PROJECT SEIR):** If indigenous or historic-era archaeological resources are encountered during construction activities, all activity within 100' of the find shall cease, and the find shall be flagged for avoidance. The City and a qualified archaeologist, defined as one meeting the U.S. Secretary of the Interior's Professional Qualifications Standards for Archaeology, and Tamien Nation shall be immediately informed of the discovery. The qualified archaeologist and Tamien Nation Tribal representative shall inspect the find within 24 hours of discovery and notify the City of their initial assessment. Indigenous archaeological materials might include obsidian and chert-flaked stone tools (e.g., projectile points, knives, scrapers) or toolmaking debris; culturally darkened soil (midden) containing heat-affected rocks, artifacts, or shellfish remains; and stone milling equipment (e.g., mortars, pestles, hand stones, or milling slabs); and battered stone tools, such as hammerstones and pitted stones. Historic-era materials might include building or structure footings and walls and deposits of metal, glass, and/or ceramic refuse. If the find is determined to be potentially significant, the archaeologist, in consultation with the Tamien Nation Tribal representative, will develop a treatment plan that could include site avoidance, capping, or data recovery.

#### MITIGATION MEASURES

Any number listed in a condition title (e.g., "MM AQ-1.1: Both Project Options") refers to the associated mitigation measure identified in the Project SEIR. Since the Project SEIR included two project options, project (with City utilities) and project with private district utilities option, applicable mitigation measures noted in this section may vary based on project option pursued.

63. **PROJECT SEIR MITIGATION CERTIFICATION:** Prior to occupancy of any structure or establishment of any use, the Applicant shall inspect the site and shall certify, in writing to the Planning Division, that all mitigation measures listed in their Project SEIR Mitigation, Monitoring, and Reporting Program have been correctly implemented. To the satisfaction of the Zoning Administrator, the Applicant must note how each mitigation measure has been addressed prior to building permit issuance of each development phase.
64. **EXISTING PRECISE PLAN MITIGATION MEASURES:** All mitigation measures identified in the North Bayshore Precise Plan Environmental Impact Report (EIR) (SCH No. 2013082088) apply to this project and must be addressed during building permit submittal and construction. Some of these mitigation measures may be superseded by more stringent City standards, code requirements, or with more detailed measures incorporated into the Project SEIR. To the satisfaction of the Zoning Administrator, the Applicant must note how each mitigation measure has been addressed prior to building permit issuance of each development phase.
65. **CONSTRUCTION MEASURES (MM AQ-1.1: Both Project Options):** The project shall implement the following measures during all phases of construction:
- a. On-road medium- and heavy-duty trucks and off-road equipment and aggregate handling equipment used for construction, as certified by the California Air Resources Board, shall be zero emissions or meet the current most stringent emissions standard, if feasible and commercially available. Where not feasible and commercially unavailable, ensure heavy-duty or medium-duty diesel-fueled trucks are manufactured within the last eight years.
  - b. All construction equipment larger than 25 horsepower used at the site for more than two continuous days or 20 hours total shall meet U.S. EPA Tier 4 emission standards for NO<sub>x</sub> and PM (PM<sub>10</sub> and PM<sub>2.5</sub>), if feasible; otherwise:
    - i. If use of Tier 4 equipment is not commercially available, alternatively use equipment that meets U.S. EPA emission standards for Tier 2 or 3 engines and include particulate matter emissions control equivalent to CARB Level 3 verifiable diesel emission control devices that altogether achieve an 85% reduction in particulate matter exhaust

in comparison to uncontrolled equipment, alternatively (or in combination). The project Applicant shall provide to the City for review and approval documentation showing that engines that comply with Tier 4 Final off-road emission standards are not commercially available for the specific off-road equipment necessary during construction. For purposes of this mitigation measure, "commercially available" shall take into consideration the following factors: (i) potential significant delays to critical-path timing of construction; and (ii) the geographic proximity to the project site of Tier 4 Final equipment.

- ii. Use of alternatively fueled equipment with lower NO<sub>x</sub> emissions that meet the NO<sub>x</sub> and PM reduction requirements above.
  - c. Use electric portable equipment, such as aerial lifts, air compressors, cement mortar mixers, concrete/industrial saws, cranes, and welders. Portable equipment shall be powered by grid electricity or alternative fuels (i.e., not diesel) instead of by diesel generators.
  - d. Provide line power to the site during the early phases of construction to minimize the use of diesel- or gas-powered equipment and access to charging infrastructure for zero-emission construction vehicles where applicable.
  - e. The project shall implement a program that incentivizes construction workers to carpool, use electric vehicles (EVs), or use public transit to commute to and from the project site. This program may include, but not be limited to, the following features, as feasible: providing a shuttle service to and from the Mountain View Caltrain station; preferential parking to carpool vehicles, vanpool vehicles, and EVs; and scheduling work shifts to be compatible with the schedules of local transit services.
  - f. Diesel engines, whether for off-road equipment or on-road vehicles, shall not be left idling for more than two minutes, except as provided in exceptions to the applicable State regulations (e.g., traffic conditions, safe operating conditions). The construction sites shall have posted legible and visible signs in designated queuing areas and at the construction site to clearly notify operators of idling limit.
  - g. Use low volatile organic compound (VOC) (i.e., ROG) coatings that are below current BAAQMD requirements (i.e., Regulation 8, Rule 3: Architectural Coatings) for at least 80% of all residential and nonresidential interior paints and 80% of exterior paints. This includes all architectural coatings applied during both construction and reapplications throughout the project's operational lifetime. At least 80% of coatings applied must meet a "super-compliant" VOC standard of less than 10 grams of VOC per liter of paint. For reapplication of coatings during the project's operational lifetime, the Declaration of Covenants, Conditions, and Restrictions shall contain a stipulation for low-VOC coatings to be used. Examples of "super-compliant" coatings are contained in the South Coast Air Quality Management District's website.
  - h. The City shall review on a biannual basis the measures above to ensure that these incorporate feasible measures recommended by BAAQMD. Project construction and introduction of new land uses would occur over 14 years or further into the future where newer measures and measures that are not considered feasible now would be available to further reduce emissions. These could include greater use of zero-emission construction and stationary equipment and more incentives to support zero-emission vehicles.
66. **STATIONARY EMERGENCY GENERATORS (MM AQ-1.2: Both Project Options):** Permanent stationary emergency generators installed on-site shall have engines that meet or exceed U.S. EPA Tier 4 standards for NO<sub>x</sub> and particulate matter emissions.
67. **ODOR-CONTROL PLAN (MM AQ-4.1: Project with District Utilities System Option):** The project Applicant shall develop and implement an odor-control plan that addresses plant design issues to control odors, identifies operating and maintenance procedures to prevent odors, and includes a corrective action plan to respond to upset conditions and odor complaints. The

odor-control plan shall describe the design elements and best management practices built into the facility, including the following:

- a. Ventilation of the system using carbon absorption, biofiltration, ammonia scrubbers, or other effective means to treat exhausted air from the enclosed facility;
- b. Odor proofing of refuse containers used to store and transport grit and screenings or biosolids; and
- c. Injection of chemicals to control hydrogen sulfide.

The plan shall describe procedures to address upset conditions caused by equipment failures, power outages, flow control, or treatment issues as well as odor complaints. Procedures would include investigating and identifying the source of the odor/odor complaint, and corrective actions could include installing specific odor-control technologies (e.g., odor-control units) or adjusting plant operations (e.g., by adding ferrous chloride injections). The plan shall be reviewed and approved by the Public Works Director (or the Director's designee) and BAAQMD prior to issuance of building permits for the District Central Plant (DCP). In the event the facility receives confirmed complaints related to five separate incidents per year averaged over a three-year period, pursuant to BAAQMD CEQA Guidelines, the plant shall revise the odor control plan and resubmit it to the City for review and approval. If implementation of additional measures to control odors described in the plan does not lessen the complaints to less than five per year, the plant shall cease operations. All wastewater generated by the project shall be directed to the municipal wastewater system, and subsequent environmental review shall be required to assess the impacts of continued operations of the facility.

Post a publicly visible sign with the telephone number and person to contact regarding odor complaints. This person shall respond and take corrective action within 48 hours. The Air District's phone number shall also be visible to ensure compliance with applicable regulations. A log of odor complaints and procedures implemented to respond to complaints shall be maintained by the operator and provided to the City upon request.

68. **RUDERAL HABITAT DISTURBANCE (MM BIO-1.1: Both Project Options):** Within two years prior to disturbance of ruderal habitat for construction of the Shoreline Amphitheatre parking structure, a qualified biologist shall conduct a survey for Congdon's tarplant during the appropriate season (e.g., late summer and fall) at a time when the species is detectable at nearby reference sites. The survey shall cover all areas within, and within 50' of, the construction area for the parking structure. If Congdon's tarplant is found in the survey area, the Applicant shall comply with North Bayshore Precise Plan Landscape Design Standard 4 to protect and manage the Congdon's tarplant. Management measures would be developed in coordination with the California Department of Fish and Wildlife and may include establishment of a new population or enhancement of existing populations at Shoreline at Mountain View (in coordination with the City of Mountain View).
69. **MASTER PLAN LANDSCAPING (MM BIO-1.2: Both Project Options):** Nonnative milkweeds shall not be included in Master Plan landscaping. Although native milkweeds are encouraged in landscaping, they shall not be irrigated after August to allow those plants to senesce so that monarch butterflies do not lay eggs on those plants too late in the fall and so that no suitable hostplants are present in late fall that might encourage monarchs to attempt winter breeding instead of migrating to coastal aggregation sites.
70. **MILKWEED PLANTS (MM BIO-1.3: Both Project Options):** Within two weeks prior to any clearing, construction, or maintenance in landscaped areas that provide milkweeds that have not completely senesced, a qualified biologist shall survey those milkweed plants for monarch butterfly eggs, larvae, or pupae. If the plants do not support monarch eggs, larvae, or pupae, the qualified biologist shall remove those plants immediately (during the survey) to prevent monarchs from laying eggs between the time of the survey and initiation of impacts. If any eggs, larvae, or pupae are detected within the survey area, then impacts to the plants supporting those individuals shall be delayed until the emergence of those individual butterflies as adults. If such a delay is infeasible, the Applicant shall coordinate with the U.S. Fish and Wildlife Service (USFWS) regarding recommendations. For example, larvae could be relocated to milkweeds outside the impact area if those milkweeds are not already occupied by monarch eggs or larvae. Alternatively, monarch butterflies could be raised in captivity and released (with USFWS approval).

71. **VAPOR INTRUSION CONTROL EVALUATION (MM HAZ-3.3: Both Project Options):** Prior to the start of any construction activity on properties with known contaminants of concern (COC) exceeding the lower of the then-current DTSC, Water Board, or U.S. EPA residential vapor intrusion screening levels, the project Applicant shall submit a Vapor Intrusion Control Evaluation to the City and the designated regulatory oversight agency for review and approval which consists of the following:
- a. An Air Monitoring Plan, which would assess the exposure of future on-site construction workers and neighboring occupants adjoining the site to COCs. This plan shall specify measures to be implemented if COC concentrations exceed threshold values.
  - b. A determination as to whether or not vapor intrusion controls are required to be designed and implemented into the project's construction. If vapor intrusion controls are required, the Vapor Intrusion Controls Evaluation shall detail the specific proposed controls, which shall comprise of project components designed specifically for vapor intrusion control (e.g., a sub-slab vapor barrier and/or ventilation system) and/or project components designed primarily for other purposes, which may also mitigate potential vapor intrusion (e.g., waterproofing systems or parking level ventilation). The Vapor Intrusion Controls Evaluation shall also summarize any anticipated operations and maintenance requirements for the planned vapor intrusion controls, if applicable, as well as a summary of planned activities to evaluate the performance of the planned vapor intrusion controls, such as postconstruction indoor air sampling.
  - c. If required by the regulatory agency, specific evaluation documents, including, but not limited to the following, shall be submitted to the City and the oversight agency for review and approval:
    - i. Vapor Intrusion Control Completion Report documenting installation of the vapor-control measures identified in the Vapor Intrusion Control Evaluation, including plans and specifications, and shall include results of postconstruction indoor air sampling and system commissioning, where applicable.
    - ii. Long-Term Operations, Maintenance, and Monitoring Plan, which shall describe actions to be taken following construction to maintain and monitor selected remedial measures.
72. **SITE MANAGEMENT PLAN (MM HAZ-3.5: Both Project Options):** At future project sites identified as being impacted or potentially impacted during the property-specific Phase I environmental site assessment (ESA) or subsequent studies, a Site Management Plan (SMP) shall be prepared prior to development activities to establish management practices for handling contaminated soil, soil vapor, or other materials during construction. The SMP shall be prepared by an environmental professional and be submitted to the overseeing regulatory agency for review and approval prior to construction. The project Applicant shall provide the oversight agency's written approval of the SMP to the City or confirmation from the oversight agency that their review is not required. The SMP for the property shall include the following activities:
- a. Property-control procedures to control the flow of personnel, vehicles, and materials in and out of the property.
  - b. Monitoring of vapors (if VOCs are determined to be a COC) during the removal of the underground utilities as well as any other underground features. An environmental professional shall be present to observe soil conditions, monitor vapors with a hand-held meter and low-level VOC detector, as appropriate, and determine if additional soil, soil gas, and air sampling should be performed. Protocols and procedures shall be presented for determining when soil sampling and analytical testing will be performed. If additional sampling is performed, a report documenting sampling activities (with site plans and analytical data) shall be provided to the oversight agency.
  - c. Minimization of dust generation, storm water runoff, and off-property tracking of soil.
  - d. Minimization of airborne dust during demolition activities.
  - e. Management of property risks during earthwork activities in areas where impacted soil, soil vapor, and/or ground water are present or suspected. Worker training requirements, health and safety measures, and soil-handling procedures shall be described.

- f. Decontamination to be implemented by the contractor to reduce the potential for construction equipment and vehicles to release contaminated soil onto public roadways or other off-property transfer.
- g. Perimeter air monitoring at the property during any activity that substantially disturbs the property soil (e.g., mass grading, foundation construction, excavation, or utility trenching). This monitoring shall be used to document the effectiveness of required dust- and vapor-control measures.
- h. Contingency measures for previously unidentified buried structures, wells, debris, or areas of impacted soil that could be encountered during property-development activities.
- i. Characterization and profiling of soil suspected of being contaminated so that appropriate disposal or reuse alternatives can be implemented. All soil excavated and transported from the property shall be appropriated disposed at a permitted facility.
- j. Segregation of “clean” and “impacted” soil stockpiles.
- k. Evaluation and documentation of the quality of soil imported to the property.
- l. Soil containing chemicals exceeding the lower of the then-current DTSC, Water Board, or U.S. EPA residential screening levels or typical background concentrations of metals shall not be accepted.
- m. Monitoring of excavations and trenches for the potential presence of VOC vapors (if a COC).
- n. Evaluation of the on-property soil conditions to determine if they will adversely affect the integrity of below ground utility lines and/or structures (e.g., the potential for corrosion).
- o. Measures to reduce potential soil vapor and ground water migration through trench backfill and utility conduits (if soil and/or ground water are contaminated). Such measures shall include placement of low-permeability backfill “plugs” at specified intervals on-property and at all locations where utility trenches extend off-property. In addition, utility conduits that are placed below ground water shall be installed with watertight fittings to reduce the potential for ground water to migrate into conduits.
- p. If the property is known to have COCs with the potential for mobilization, a Civil Engineer shall design the bottom and sides of vegetated swales and water retention ponds to be lined with a minimum 30 mil<sup>ii</sup> heavy duty plastic to help prevent infiltration.
- q. If deep foundation systems are proposed, the foundations shall incorporate measures to help reduce the potential for the downward migration of contaminated ground water (if present).
- r. Methods to mitigate the potential for vapor intrusion of VOC vapors (if present) into the planned structures.
- s. For construction activity that involves below-ground work (e.g., mass grading, foundation construction, excavating, or utility trenching), information regarding property risk management procedures (e.g., a copy of the SMP) shall be provided to the contractors for their review, and each contractor should provide such information to its subcontractors.
- t. If excavation dewatering is required, protocols shall be prepared to evaluate water quality and discharge/disposal alternatives; the pumped water shall not be used for on-property dust control or any other on property use if contaminated. If long-term dewatering is required, the means and methods to extract, treat, and dispose ground water also shall be presented and shall include treating/discharging ground water to the sanitary sewer under a Publicly Owned Treatment Works (POTW) permit or treating /discharging ground water to the storm drain system pursuant to a California Regional Water Quality Control Board—San Francisco Bay Region (Water Board) NPDES permit. If dewatering activities

---

<sup>ii</sup> A mil is a measurement that equals one one-thousandth of an inch, or 0.001”. One mil also equals 0.0254 millimeters.

may impact known ground water contaminant plumes in the vicinity of the property, the oversight agency responsible for the remediation of these contaminant releases shall be notified of planned activities.

- u. The project Applicant's environmental professional shall assist in the implementation of the SMP for the property and shall, at a minimum, perform part-time observation services during demolition, excavation, grading, and trenching activities. Upon completion of construction activities that significantly disturb the soil, the environmental professional shall prepare a report documenting compliance with the SMP; this report shall be submitted to the City and to the oversight agency (if the property is under regulatory oversight, which would require the project Applicant to provide the oversight agency's written approval of the SMP Completion Report to the City or confirmation that the oversight agency's review is not required).
73. **SOIL SAMPLING (MM HAZ-3.8: Both Project Options):** Due to the North Bayshore Precise Plan area's proximity to U.S. 101, soil sampling and analytical testing on a future site adjacent to U.S. 101 for lead shall be performed (due to historical leaded gasoline use). If lead is detected above the lower of the then-current DTSC, Water Board, or U.S. EPA residential screening levels, it shall be appropriately managed under regulatory agency oversight.

Neighborhoods and Housing Division—650-903-6379 or [neighborhoods@mountainview.gov](mailto:neighborhoods@mountainview.gov)

74. **CONDOMINIUM DEVELOPMENT INITIALLY RENTED:** If residential units within a new condominium development are planned to be rented for any period of time after receiving a Certificate of Occupancy, then the Applicant/property owner must enter into an agreement with the City prior to the building permit issuance for the new building(s) ~~and or~~ approval of the final map, whichever occurs first. The agreement shall provide the proposed length of the rental period and that one year before the expiration of the rental period, when the units within the development may be sold to individual purchasers, the Applicant/property owner shall prepare reports, serve notices, and shall agree to follow all requirements of State law and the City Code relative to the protection and relocation of tenants and prospective buyers in accordance with City Code Chapters 28 and 36. The Applicant/property owner may request to extend the agreement, which the City may consider in its sole discretion.
75. **HOUSING IMPACT FEE FOR NONRESIDENTIAL DEVELOPMENT:** Prior to the issuance of a grading or building permit (whichever occurs first) per development phase with net new nonresidential square footage, the Applicant shall pay a Housing Impact Fee based on the net new floor area and adopted fee in effect at the time of grading or building permit issuance. For purposes of calculating the fee, the project includes a maximum construction of 288,990 square feet of commercial retail (active-use space), demolition of 11,056 square feet of commercial retail (active-use space), ~~3,145,897~~ 3,111,931 square feet of high-tech office, demolition of ~~1,842,647~~ 1,814,681 square feet of high-tech office, and construction of 340,000 square feet of hotel, resulting in a total of 277,934 square feet of net new floor area of commercial retail (active-use space), 1,303,250 square feet of net new floor area of high-tech office, and 340,000 square feet of hotel. The current total estimated fee is \$1.95 million for commercial retail/hotel and \$39.69 million for high-tech office) based on the rate in effect for Fiscal Year 2022-23 (subject to annual increase). This fee is an impact fee and, if the Development Agreement (DA) is approved, this fee is subject to the provisions of ~~Exhibit I in~~ the DA, including Article IV of the DA, during its term.
76. **LAND DEDICATION OF AFFORDABLE HOUSING SITES:** Dedicate land of sufficient developable acreage to provide 1,050 affordable housing units (15% of 7,000 housing units). Parcels to be dedicated shall have a minimum parcel size of 0.75 acre of developable area unless approved by the City as part of the Master Plan and the City agrees to accept a smaller-sized parcel if it can yield sufficient units for a feasible affordable housing development.
- a. **Affordable Site Dedication:** The Applicant shall dedicate and convey Parcel PE-BR-2 (VTM Reference PE2) at 2.15 acres, Parcel JS-BR-2 (VTM Reference JS3 and JS4) at 1.6 acres, Parcel SB-BR-6 (VTM Reference SB25) at 1.4 acres, part of JN-BR-1 (VTM Reference JN6) at 0.83 acre, and part of Parcel JS-BR-1 (VTM Reference JS2) at 0.97 acre (the "Affordable Housing Sites"), a combined total of about 6.94 acres, to the City of Mountain View for the development of affordable housing. All parcels are referenced as shown ~~on the in~~ Appendix G (~~—Affordable Housing Plan~~) to Attachment 8 (Implementation Plan).
  - b. **Vacant Upon Delivery:** Each dedicated site shall be delivered vacant (without any existing buildings).

- c. **Timing of Conveyance:** The Affordable Housing Sites shall be conveyed to the City in accordance with [North Bayshore Affordable Housing Guidelines and Section 145](#), (City Land Dedication/~~Required Condition~~[Conveyance Requirements](#)) of the Administrative Procedures~~No. 14~~ for Implementation of the [North Bayshore](#) Master Plan (Exhibit B to Resolution No. \_\_\_\_ ) as agreed upon by the City and the Applicant in the project Development Agreement. (The provisions of Section 145 are also referred to in this condition of approval as the “City’s Land Dedication Requirements.”) Any demolition or building permit which is necessary for any site preparation requirements as part of the City’s Land Dedication Requirements can be issued at any time.
- ~~d. **Environmental Compliance:** The project Applicant must submit environmental conditions reports to the City, including, but not limited to, Phase I and II reports, and must perform any necessary remediation on the site prior to transferring to the City.~~
- ~~e. **Complete Remediation:** The project Applicant must submit environmental condition reports to the City, including, but not limited to, Phase I and II reports, and must perform any necessary remediation on the site prior to transferring to the City. If site clean-up actions are required to complete remediation, the Applicant shall complete the required remediation to the satisfaction of the oversight agency or the City, as applicable. If building design measures are required to complete remediation, the Applicant shall determine the extent of remediation that is reasonably required for that building design, along with a cost estimate based on the remediation required, in order to ensure that there is no unacceptable risk to human health or the environment, which was verified by the Community Development Director and/or Public Works Director (“Director”) during zoning permit review. The Applicant shall pay the cost estimate to the City.~~
- ~~f. **Required Site Preparation:** In addition to the (City Land Dedication/Conveyance Requirements) of the Administrative Procedure for Implementation of the Master Plan (Exhibit B to Resolution No. \_\_\_\_ ), the Applicant is responsible for installing the required street improvements in accordance with Precise Plan standards for all land dedication parcels prior to land dedication.~~

Community Services Department—650-903-6273 or [community.services@mountainview.gov](mailto:community.services@mountainview.gov)

- 77. **ECO GEM DESIGN:** Should the [City allows the](#) Applicant [to](#) design the Eco Gem, City design process and guidelines should be followed as described in Exhibit G of the Project Development Agreement (DA), including conducting a minimum of two public meetings and receiving a recommendation approval from the Parks and Recreation Commission prior to bringing [the](#) final design to City Council [for review and approval](#).
- 78. **ECO GEM PLANTING:** If any mitigation trees are planted within the Eco Gem [to comply with City Code tree replacement requirements](#), the Applicant shall be responsible for maintaining all planting areas within the Eco Gem (including plants, weed control, irrigation, and litter removal) for five years following construction of the park. The Applicant shall also maintain and operate the irrigation system for up to five years.
- 79. **OPEN SPACE TRANSITIONS:** At the time of subsequent zoning permit review for POPAs, the City and Applicant will determine and agree upon design concepts, as per Appendix E—Parks and Open Space Design Objectives in the Implementation Plan, for delineating dedicated park land from developer-owned property within the Master Plan area.
- 80. **GREEN LOOP MAINTENANCE:** At the time of subsequent zoning permit review [for a POPA with Green Loop](#), the City and Applicant will determine and agree upon a maintenance standard for the Green Loop and individually be responsible for maintaining their identified sections.
- 81. **HABITAT CONFIRMATION SURVEY (COA BIO-1.1: Both Project Options from FSEIR):** A habitat confirmation assessment for burrowing owls must be conducted and submitted for review with any Planned Community Permit (PCP) [requests-application](#) for development of parking structure at Subarea SA-BP-1. This assessment shall confirm the presence/absence of individual owls on the SA-BP-1 property at the time of PCP review, and this assessment shall also evaluate whether the suitability of the SA-BP-1 property as burrowing owl nesting or foraging habitat has changed since the preparation of the EIR. The assessment shall cover all areas within the construction area for the parking structure and Burrowing Owl Preservation Plan (BOPP) boundaries. Based on the results of the habitat survey assessment, the Applicant shall comply with Chapter 5.1, Habitat Overlay

Zone, of the Precise Plan, the BOPP, and the habitat assessment guidelines found in the CDFW Staff Report on Burrowing Owl Mitigation, 2012. Management measures would be developed by the City in consultation with the California Department of Fish and Wildlife and may include establishment of new nesting or foraging habitat, enhancement of existing habitat, or passive relocation of burrowing owls. This confirmation assessment would be in addition to the Preconstruction Nesting Bird Survey requirement as per the standard condition of approval prior to construction activities on site.

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

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

82. **BUILDING CODES:** Construction plans will need to meet the current codes adopted by the Building Division upon building permit submittal. Current codes are the 2022 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).
83. **USE AND OCCUPANCY CLASSIFICATION:** Provide proposed use(s) and occupancy(ies) for the proposed project per the CBC, Chapter 3.
84. **SPECIAL REQUIREMENTS BASED ON OCCUPANCY AND USE:** Project shall comply with the requirements per the CBC, Chapter 4.
85. **DWELLING UNIT SEPARATION:** Private garage separation required per the CBC, Section 406.3.2.
86. **OPENING PROTECTION:** Openings from a private garage directly into a room used for sleeping purposes shall not be permitted per the CRC, Section R302.5.1.
87. **BUILDING HEIGHT AND NUMBER OF STORIES:** The project shall comply with the requirements per the CBC, Chapter 5, Section 504.
88. **BUILDING AREA:** The project shall comply with the requirements per the CBC, Chapter 5, Section 506.
89. **MIXED USE AND OCCUPANCY:** The project shall comply with the requirements per the CBC, Chapter 5, Section 508.
90. **OCCUPANCY SEPARATION:** Proper separation is required to be provided between occupancies per the CBC, Table 508.4.
91. **TYPE OF CONSTRUCTION:** Provide the type of proposed construction per Chapter 6 of the CBC.
92. **FIRE AND SMOKE PROTECTION FEATURES:** The project shall comply with the requirements per the CBC, Chapter 7.
93. **MINIMUM DISTANCE OF PROJECTIONS:** The project shall comply with the requirements per the CBC, Chapter 7 (Table 705.2).
94. **BUILDINGS ON THE SAME LOT:** The project shall comply with the requirements per the CBC, Chapter 7, Section 705.3.
95. **FIRE-RESISTANCE RATING FOR EXTERIOR WALLS BASED ON FIRE SEPARATION DISTANCE:** The project shall comply with the requirements per the CBC, Chapter 7 (Table 705.5).
96. **MAXIMUM AREA OF EXTERIOR WALL OPENINGS BASED ON FIRE SEPARATION DISTANCE AND DEGREE OF OPENING PROTECTION:** The project shall comply with the requirements per the CBC, Chapter 7 (Table 705.8).

97. **FIRE WALLS:** Provide the required Fire Wall Resistance Ratings per CBC, Chapter 7, Table 706.4(c), as amended in MVCC Section 8.10.24.
98. **AUTOMATIC FIRE SPRINKLERS:** An automatic sprinkler system shall be installed for structures identified with Group R occupancy per the CBC, Chapter 9, Section 903.2.8.
99. **OCCUPANT NOTIFICATION BY FIRE ALARMS DETECTION SYSTEM:** Dwelling and sleeping units shall meet the visible alarm notification requirements of the CBC, Sections 907.5.2.3.2 and 907.5.2.3.3.
100. **FIRE PROTECTION (PROJECTIONS):** Overhangs and other projections will not be permitted to cross property lines, including any property lines between units.
101. **MEANS OF EGRESS:** The project is required to comply with the requirements per the CBC, Chapter 10, Means of Egress.
102. **OCCUPANT LOAD:** The project shall comply with Table 1004.5, Maximum Floor Area Allowance per Occupant, per the CBC, Chapter 10, Section 1004.
103. **ACCESSIBLE MEANS OF EGRESS:** The site must meet accessible means of egress per the CBC, Chapter 10, Section 1009.
104. **EXIT DISCHARGE:** The project shall comply with the exit discharge requirements per the CBC, Chapter 10, Section 1028.
105. **ACCESSIBILITY REQUIREMENTS:**
- **Chapter 11A:** The project will be required to comply with the accessibility requirements in the CBC, Chapter 11A.
  - **Chapter 11B:** The project will be required to comply with the accessibility requirements in the CBC, Chapter 11B.
  - **Parking (Chapter 11A):** The project will be required to comply with the accessible parking requirements in the CBC, Chapter 11A.
  - **Parking (Chapter 11B):** The project will be required to comply with the accessible parking requirements in the CBC, Chapter 11B.
  - **Assigned Accessible Parking Spaces (Chapter 11A):** When assigned parking spaces are provided, at least 2% of the assigned parking spaces are required to be accessible per the CBC, Chapter 11A, Section 1109A.4.
  - **Unassigned and Visitor Parking Spaces (Chapter 11A):** When parking is provided, at least 5% of the parking spaces are required to be accessible per the CBC, Chapter 11A, Section 1109A.5.
106. **MVGC CALGREEN:** The project shall comply with the Mountain View CALGreen checklist requirements available online at [www.mountainview.gov/greenbuilding](http://www.mountainview.gov/greenbuilding).
107. **REACH CODES FOR MULTI-FAMILY RESIDENTIAL (NEW CONSTRUCTION):**
- a. **EV Parking Requirements:** If there are 20 dwellings or less, parking shall comply with 40% Level 2 EVCS installed and 60% EV1-ready, as amended in MVCC Section 8.20.32 and per Table 101.10. If there are more than 20 dwellings, parking shall comply with MVCC per Table 101.10.
  - b. **Electric Requirements:** Natural gas is prohibited. The following list of items shall be electric installation: heat/cooling, water heaters, clothes dryers, fireplaces, fire pits, and cooking appliances. Water-heating systems and equipment shall be electric or solar, as amended in MVCC Section 8.20.9 and per Table 101.10.

- c. **Photovoltaic System Requirements:** Photovoltaic (PV) installation on roof area to accommodate an all-electric building to 100% of annual kWh consumption offset, as amended in MVCC Section 8.20.9 and per Table 101.10.
108. **REACH CODES FOR NONRESIDENTIAL (NEW CONSTRUCTION):**
- a. **EV Parking Requirements:** Parking shall comply with Table 101.10 and Table A5.106.5.3.2, as amended in MVCC Section 8.20.42.
  - b. **Electric Requirements:** Natural gas is prohibited. The following list of items shall be electric installation: heat/cooling, water heaters, clothes dryers, fireplaces, fire pits, and cooking appliances. Water-heating systems and equipment shall be electric or solar, as amended in MVCC Section 8.20.12 and per Table 101.10.
  - c. **Photovoltaic System Requirements:** Photovoltaic (PV) installation on roof area to accommodate an all-electric building to 100% of annual kWh consumption offset as amended in MVCC Section 8.20.12 and per Table 101.10.
  - d. **Bird-Safe Glass Requirements:** Bird-safe glass shall be installed on the exterior of the structure, as amended in MVCC Section 8.20.12 and per Table 101.10.
109. **REACH CODES FOR MIXED-USE BUILDINGS (NEW CONSTRUCTION):**
- a. **EV Parking Requirements:** Parking shall comply and meet the requirements applicable to each primary occupancy in accordance with Table 101.10 and Table A5.106.5.3.2, as amended in MVCC Section 8.20.42.
  - b. **Electric Requirements:** Electric installation shall comply and meet the requirements applicable to each primary occupancy, as amended in MVCC Section 8.20.13 and per Table 101.10.
  - c. **Photovoltaic System Requirements:** Photovoltaic (PV) installation shall comply and meet the requirements applicable to each primary occupancy, as amended in MVCC Section 8.20.13 and per Table 101.10.
  - d. **Bird-Safe Glass Requirements:** Bird-safe glass shall comply and meet the requirements applicable to each primary occupancy, as amended in MVCC Section 8.20.13 and per Table 101.10.
110. **PLUMBING FIXTURES:** The project shall comply with Table 422.1 of the California Plumbing Code (CPC), Section 4.
111. **DUAL PLUMBING:** New buildings and facilities shall be dual-plumbed for potable and recycled water systems for toilet flushing when recycled water is available, per California Green Building Standards Code, Appendix A5, A5.303.5, and as amended in MVCC Section 8.30.4.
112. **PLUMBING:** The project will be subject to the submetering requirements per Senate Bill 7 (Housing: Water Meters for Multi-Unit Structures).
113. **UTILITIES:** No utilities shall cross property lines.
114. **BUILDING UTILITIES:** Utilities (gas, electrical, etc.) shall comply with PG&E Green Book requirements.
115. **FIRE ACCESS LANE(S):** The site must always meet/maintain the existing fire access lane(s).
116. **STRUCTURAL CALCULATIONS:** Structural calculations may be required once the application for a building permit is submitted.
117. **ADDRESSES:** All street names, street numbers, residential apartment numbers, ADU numbers, and suite numbers will be processed by the Building Division prior to permit issuance.

118. **APPROVALS REQUIRED:** The project requires approval of the Santa Clara County Environmental Health Department (SCCHD) prior to building permit submittal to the Building Division. Visit SCCHD online at <https://ehinfo.sccgov.org/home> or by phone at 408-918-3400 to obtain information and requirements for approval.
119. **HAZARDOUS MATERIALS:** Any installation of hazardous materials will require submittal of HMIS forms for the Fire Protection Engineer *and* the Hazardous Materials Specialist. Visit the City of Mountain View Fire and Environmental Protection Division online at [www.mountainview.gov/fep](http://www.mountainview.gov/fep) or by phone at 650-903-6378 to obtain information and submittal requirements.
120. **COMMERCIAL TENANT IMPROVEMENTS:** The tenant improvements for the commercial space(s) will be required to obtain a separate building permit(s).
121. **CAR STACKERS:** All car stackers will need to be UL-listed and meet any other requirements adopted at the time of building submittal, up to and including NFPA approval.
122. **SUPERFUND SITE (MEW);CONTAMINATION SITE:** The project site resides in ~~three~~ **contamination areas: Teledyne/Spectra-Physics (TSP) the Middlefield-Ellis-Whisman (MEW) Superfund area, Montwood Site Plume area, and 1625 North Shoreline Boulevard Site Plume area.** ~~The project and~~ may be required to implement Environmental Protection Agency (EPA) mitigation measures prior to and during construction. Provide EPA acknowledgement and approval prior to building permit issuance.
123. **SURVEY REQUIRED:** Structures within 6' of a property line, or required setback, shall provide a site survey certificate and obtain approval from the City prior to concrete pour.
124. **SCHOOL IMPACT FEE:** The project is subject to school impact fees. To obtain information, fee estimates, and procedures, please contact the following local school districts: Mountain View Los Altos Union High School District at [www.mvla.net](http://www.mvla.net) or 650-940-4650; *and* Mountain View Whisman School District at [www.mvwsd.org](http://www.mvwsd.org) or 650-526-3500; or Los Altos School District at [www.lasdschools.org](http://www.lasdschools.org) or 650-947-1150.
125. **ALTERNATE MATERIALS METHODS REQUEST (AMMR):** Any AMMR(s) is required to be formally submitted with the initial building permit. AMMRs will be reviewed by the Chief Building Official during the building plan check process. Approvals of AMMRs are not processed or provided prior to submittal to the Building Division.
126. **DEMOLITION PERMIT(S):** Demolition permit(s) are issued under a separate permit application. Visit the City of Mountain View Building Division online at [www.mountainview.gov/building](http://www.mountainview.gov/building) or contact by phone at 650-903-6313 to obtain information and submittal requirements.
127. **ELECTRICAL VEHICLE CHARGERS (EVs) AND PHOTOVOLTAIC SYSTEM (PVs) PERMITS:** Proposed EV and PV are to be a deferred submittal under a separate building permit application.
128. **SIGNS:** Proposed signs are to be a deferred submittal under a separate building permit application.
129. **FEMA FOR RESIDENTIAL DEVELOPMENT (CRC):** Projects located within Flood Zones A, V, and Coastal A shall comply with Section R322, Flood-Resistant Construction, by the CRC and MVCC Sections 8.160 to 8.164. Proposed structures are to be built per FEMA requirements and enforced by the Mountain View Public Works Department.
130. **FEMA FOR NONRESIDENTIAL DEVELOPMENT (CBC):** Projects located within Flood Zones A, V, and Coastal A shall comply with Chapter 1612, Flood Loads, by the CBC, Appendix G, Flood-Resistant Construction, by the CBC, and MVCC Sections 8.160 to 8.164. Proposed structures are to be built per FEMA requirements and enforced by the Mountain View Public Works Department.
131. **WORK HOURS/CONSTRUCTION SITE SIGNAGE:** No work shall commence on the job site prior to 7:00 a.m. nor continue later than 6:00 p.m., Monday through Friday, nor shall any work be permitted on Saturday or Sunday or any holiday unless prior approval is granted by the Chief Building Official. The general contractor, applicant, developer, or property owner shall erect a sign at all construction site entrances/exits to advise subcontractors and material suppliers of the working hours (see job card

for specifics) and contact information, including an after-hours contact. Violation of this condition of approval may be subject to the penalties outlined in Section 8.70 of the MVCC and/or suspension of building permits.

132. **RESPONSIBLE CONSTRUCTION:** This project is subject to the City's Responsible Construction Ordinance. For projects covered by this Ordinance, owners, contractors, and/or qualifying subcontractors are required to acknowledge responsibilities and make specified certifications upon completion of a project. The required certifications include that: (a) employees are provided written wage statements and notice of employers' pay practices as required under State law (or, alternatively, are covered by a valid collective bargaining agreement); and (b) they have no unpaid wage theft judgements. Acknowledgement forms are required to be submitted at building permit application, which is available online at [www.mountainview.gov/building](http://www.mountainview.gov/building). More information is available at [www.mountainview.gov/wagetheft](http://www.mountainview.gov/wagetheft).

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

#### FIRE PROTECTION SYSTEMS AND EQUIPMENT

133. **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.
134. **ON-SITE WHARF HYDRANTS:** Provide ground-level wet standpipes (wharf hydrants). On-site wharf hydrants shall be so located as to reach any portion of combustible construction with 150' of hose. Installation shall be complete and the system shall be tested prior to the start of combustible construction. The wharf hydrant shall be capable of providing a combination flow of 500 GPM with two 2.5" outlets flowing. Shop-quality drawings shall be submitted electronically for review and approval. (NFPA 24 and Mountain View Fire Department requirements.)
135. **FIRE APPARATUS ACCESS ROADS:** Access roads shall have 13'6" unobstructed vertical clearance, 20' of unobstructed width (26' where building occupied floors exceed 30' height), and minimum turning radii of 21' (inside turning radius). Unobstructed width shall mean a clear travelway, excluding parking width, and designed for an emergency vehicle weight of 70,000 pounds. Unobstructed width shall not include the width of rolled curbs, sidewalks, or nondrivable surfaces. (California Fire Code, Section 503, and Mountain View City Code, Sections 14.10.14, 14.10.15, and 14.10.16.)
136. **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 apparatuses. "Approved provisions" shall mean that turnarounds, in accordance with Mountain View Fire Department specifications, are provided in locations such that fire apparatuses shall never be more than 150' away from the closest turnaround. (California Fire Code, Section 503.)
137. **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. (California Fire Code, Section 503.)
138. **ALL-WEATHER FIRE APPARATUS ACCESS ROADS:** Prior to combustible construction, an all-weather access road capable of supporting emergency vehicles (70,000 pounds) and on-site wharf hydrants 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.) Wharf hydrants spaced at a maximum of 300' apart and within 150' of all exterior walls can be constructed to allow fire access within 150' of every portion of the project.

#### EGRESS AND FIRE SAFETY

139. **ON-SITE DRAWINGS:** Submit electronic (.pdf) drawing files according to Fire Department specifications prior to final Certificate of Occupancy.
140. **EMERGENCY PROCEDURE MAPS (OFFICE BUILDINGS):** In all office buildings two (2) or more stories in height, except high-rise buildings, a floor plan providing emergency procedures information shall be posted at every stairway landing, at every elevator landing, and immediately inside all public entrances to the building. The information shall be posted so that it describes the

represented floor level and can be easily seen immediately upon entering the floor level or the building. Emergency procedures information shall be printed with a minimum of 3/16" high nondecorative lettering providing a sharp contrast to the background. Emergency procedures information shall include, but not be limited to, the following: (1) location of exits and fire alarm initiating stations, if required; (2) what the fire alarm, if required, sounds and looks like (audible and visual warning devices); (3) Fire Department emergency telephone number, 9-1-1; and (4) the prohibition of elevator use during emergencies, if any. (California Code of Regulations, Title 19, Section 3.09.)

141. **EMERGENCY PROCEDURE MAPS (HOTELS/MOTELS):** In hotels, motels, and lodging houses, every guest room available for rent shall have clearly visible emergency procedures information printed on a floor plan representative of the floor level and posted on the interior of each entrance door or immediately adjacent to such door. The bottom of the information shall not be located more than 4' above the floor level. Emergency procedures information shall be printed with a minimum of 3/16" high nondecorative lettering providing a sharp contrast to the background. Emergency procedures information shall include, but not be limited to, the following: (1) location of exits and fire alarm initiating stations, if required; (2) what the fire alarm, if required, sounds and looks like (audible and visual warning devices); (3) Fire Department emergency telephone number, 9-1-1; and (4) the prohibition of elevator use during emergencies, if any. (California Code of Regulations, Title 19, Section 3.09.)

#### HAZARDOUS CONDITIONS

142. **HAZARDOUS PROCESSES:** Comply with all applicable provisions of the California Fire Code and the California Building Code. Submit a completed FPE—Hazardous Materials Inventory Statement. FPE—Hazardous Materials Inventory Statements shall be obtained from the Building Division and submitted for review by the Fire Protection Engineer. Additional hazardous materials forms, disclosure statements, and/or other documentation will be required by the Fire and Environmental Protection Division of the Fire Department online at [www.mountainview.gov/fep](http://www.mountainview.gov/fep).
143. **MEDICAL GAS SYSTEMS:** Medical gas systems shall comply with the California Fire Code, Section 5306.
144. **ELECTRICAL ENERGY STORAGE SYSTEMS:** Electrical Energy Storage Systems shall comply with the California Fire Code, Section 1207.

#### EXTERIOR IMPROVEMENTS

145. **REFUSE AREAS:** Refuse areas within 5' of combustible construction or building openings shall be protected with automatic fire sprinklers. A maximum of two sprinkler heads are permitted off a 1" domestic water service. Approved accessible shutoff valves shall be provided. (California Fire Code, Section 304.3.)
146. **PREMISES IDENTIFICATION:** Approved numbers or addresses shall be provided for all new and existing buildings in such a position as to be plainly visible and legible from the street or road fronting the property. Address signs shall be a minimum of 6" in height and a minimum of 0.5" in width. (Mountain View City Code, Section 14.10.18.)

#### OTHER

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

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

**NOTE:** For the following conditions, "building permit" refers to all permits issued by the Building Division for construction of the project, excluding permits for demolition and grading activities.

#### OWNERSHIP AND PROPERTY

148. **PROJECT PHASING AND CITY REQUIREMENTS:** Individual zoning permits will be reviewed and conditioned in a manner which ensures that each phase of development is self-sufficient and is not dependent on subsequent phases to fulfill City

requirements, except as otherwise provided in the Development Agreement or other conditions of approval. As zoning permits are submitted, the City shall apply project conditions of approval to address the project’s requirements, including, but not limited to, infrastructure implementation, Transportation Demand Management, and sequencing.

149. **SUBDIVISION:** The project site is a subdivision of existing parcels. Any combination or division of land for sale, lease, or financing purposes requires the filing and approval of a 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 City Council agenda, all related materials must be completed and approved a minimum of 40 calendar days prior to the Council meeting date.

RIGHTS-OF-WAY

150. **STREET DEDICATION (STREET WIDTHS):** Dedicate a public street easement on the face of the final map to widen or create the public streets as noted below to meet minimum required full-street build out widths, as required by the Public Works Director and consistent with the North Bayshore Precise Plan:

Public Street	Existing ROW Width	Additional Width Required	Total ROW Build-Out Width
Marine Way (half-street) (between Casey Avenue and Garcia Avenue)	70'	3'	76 <sup>iii</sup> '
Casey Avenue (half-street) (between North San Antonio Road and Marine Way)	70'	3'	76 <sup>iv</sup> '
North San Antonio Road (half-street) (between Bayshore Parkway and Casey Avenue)	60'	16'	76'
Bayshore Parkway (half-street) (between Garcia Avenue and North San Antonio Road)	45'	5'	50'
Charleston Road (half-street) (between Huff Avenue and Joaquin Road)	56'	52' (varies)	108' (varies)
Charleston Road (half-street) (between Joaquin Road and North Shoreline Boulevard)	56' (varies)	22' (varies)	78'
Charleston Road (half-street) (between North Shoreline Boulevard and Inigo Way)	70' (varies)	14' (varies)	84'
Charleston Road (fronting Eco Gem)	70'	0'	70'
North Shoreline Boulevard (north of Plymouth Street)	105' (varies)	28' (varies)	130'-140' <sup>v</sup> (varies)
North Shoreline Boulevard (south of Plymouth Street/Space Park Way)	97' (varies)	43' (varies)	140' (varies)

<sup>iii</sup> Additional 3' to be dedicated on the opposite side of the street by other property owners.

<sup>iv</sup> Additional 3' to be dedicated on the opposite side of the street by other property owners.

<sup>v</sup> Additional dedication of street right-of-way may be required to accommodate a possible transit stop, which requires evaluation [and mutual agreement between the City and Applicant](#).

Shorebird Way (between North Shoreline Boulevard and Manzanita Street)	60'	16'	76'
Shorebird Way (between Manzanita Street and Inigo Way)	60'	16'	70'
Shorebird Way (between Inigo Way and west of 1201 Charleston Road)	60'	7'	67'
Shorebird Way (between west of 1201 Charleston Road and Black Street)	New Street	67'	67'
Joaquin Road (between Charleston Road and Plymouth Street)	20'	60'	80'
Huff Avenue (half-street) (between Charleston Road and Plymouth Street)	20'	53'	73'
Inigo Way (between Charleston Road and Space Park Way)	New Street	80'	80'
Space Park Way (between Manzanita Street and Inigo Way)	70'	15' (varies)	80'
Space Park Way (between North Shoreline Boulevard and Manzanita Street)	60'	20' (varies)	80'
Plymouth Street (between Huff Avenue and Joaquin Road)	20'	60'	80'
Plymouth Street (between Joaquin Road and North Shoreline Boulevard)	20'	66' (varies)	89' (varies)
Monarch Street (between Huff Avenue and North Shoreline Boulevard, and between Manzanita Street and Black Street)	New Street	66'	66'
Manzanita Street (between Space Park Way and Shorebird Way)	New Street	66'	66'
Black Street (between Monarch Street and Shorebird Way)	New Street	66'	66'
Main Street	New Street	58'	58'
B Street	New Street	78'	78'
C Street	New Street	58'	62' <sup>vi</sup>

151. **STREET DEDICATION (CHARLESTON ROAD-INIGO WAY ROUNDABOUT):** Dedicate a public street easement for a roundabout at the Charleston Road-Inigo Way intersection as shown on Page 81 of the North Bayshore Master Plan entitlement document. The proposed design shown on entitlement documents has not been evaluated, and the required street dedication is dependent on the final details of the roundabout design and dimensions, which shall accommodate large vehicles, including,

<sup>vi</sup> Additional 4' to be dedicated on the opposite side of the street by other property owners.

but not limited to, shuttles, emergency vehicles, and waste collection vehicles. In addition, the roundabout design and dimensions are to be determined as part of the development of the adjacent private properties and included in subsequent City zoning permits for the associated development phase. Any additional street right-of-way required on the Applicant's lands to accommodate the improvements shall be at no cost to the City.

152. **STREET DEDICATION (CHARLESTON ROAD EVA TURNAROUND):** Dedicate a public street easement for an emergency vehicle turnaround at the eastern terminus of Charleston Road as shown on Page 83 of the North Bayshore Master Plan entitlement document. The EVA turnaround shall have a minimum radius of 50' to satisfy emergency vehicle truck turning and City standards as required by the Public Works Director. The design and dimensions shall be determined as part of the development of the adjacent private properties and included in corresponding zoning permit applications. Any additional street right-of-way required on the Applicant's lands to accommodate the improvements shall be at no cost to the City.
153. **STREET DEDICATION (MARINE WAY AND CASEY AVENUE):** Dedicate a public street easement to widen Marine Way and Casey Avenue 3' from the centerline of the street, as required by the Public Works Director. Marine Way and Casey Avenue are access streets and shall be designed and dimensioned consistent with North Bayshore Precise Plan standards.
154. **STREET DEDICATION (NORTH SAN ANTONIO ROAD):** Dedicate a public street easement to widen North San Antonio Road 16' from the centerline of the street where it fronts the new development, as required by the Public Works Director. North San Antonio Road is an access street and shall be designed consistent with North Bayshore Precise Plan standards.
155. **STREET DEDICATION (BAYSHORE PARKWAY):** Dedicate a public street easement to widen Bayshore Parkway 5' from the centerline of the street where it fronts the new development, as required by the Public Works Director. Bayshore Parkway is a transit boulevard and shall be designed consistent with North Bayshore Precise Plan standards.
156. **STREET CORNER DEDICATION:** Dedicate a 30' radius public street corner return easement at all intersections where a 30' radius arc is not already provided from the property line, as required by the Public Works Director.
157. **PUBLIC ACCESS EASEMENTS (MULTI-MODAL CONNECTIONS THROUGH SITES):** Prior to issuance of any building permits or approval of a final map per development phase, the owner shall dedicate public access easements (PAE) on private property (within private streets and/or an emergency vehicle access lane) for multi-modal connections as shown on the Vesting Tentative Map and as identified in Condition No. ~~159158~~. The dedication shall be per the City's standard form and provide that:
  - a. Public access shall be granted for automotive and nonautomotive use at all times except for Black Street north of Shorebird Way. For this segment of Black Street, nonvehicular modes shall be granted use at all times, but public vehicular access may be restricted to certain conditions or times of day as mutually agreed upon by the City and owner. Access restrictions, if any, shall be determined during zoning permit application prior to issuance of a building permit review for adjacent properties;
  - b. The 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 be recorded, run with the land, and be binding upon any successors;
  - d. If the owner fails to abide by the PAE, the owner shall pay all reasonable costs and expenses incurred by the City in enforcing the performance of such obligations; and
  - e. The owner agrees to defend, indemnify, and hold the City and the City's 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 the performance of services or operations under the PAE, including maintenance operations performed on the PAE by the owner or the owner's contractors, subcontractors, agents, or employees, except to the extent caused by the gross negligence or willful misconduct of the City or the City's officers, employees, or agents.

A legal description (metes and bounds) and plat map (drawing) 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 Public Works Department for review and approval. The legal description and plat must be prepared and stamped by a California-registered civil engineer or land surveyor. Associated improvements within the PAE (PAE Improvements) shall be constructed by the owner and approved by the City.

158. **PUBLIC ACCESS EASEMENTS (MULTI-MODAL AND VEHICULAR LOCATIONS AND WIDTHS):** Public Access Easements (PAE) shall be provided at multi-modal connection locations with minimum widths indicated below, in accordance with the North Bayshore Precise Plan:

Street Name	Location in Master Plan	Type of Connection	Minimum Width of Public Access
Grove Street	Between Shorebird Way, Manzanita Street, and Space Park Way	Private street with all modes allowed	66'
Willow Street	Between Shorebird Way and Monarch Street	Private street with all modes allowed	66'
Black Street	Between Charleston Road and Shorebird Way, adjacent to the District Utility System Plant and 1201 Charleston Road	Private street with all modes allowed	42'

159. **PUBLIC ACCESS COVENANTS AND DEED RESTRICTIONS (MULTI-MODAL CONNECTIONS THROUGH SITES):** Prior to the issuance of any building permits or approval of a final map per development phase, the owner shall execute a Public Access Covenants, Agreements, and Deed Restrictions (PAC) with the City for multi-modal connections on private property and as identified in Condition No. ~~161~~160. The PAC shall be per the City’s standard form and provide that:

- a. Public access shall be granted for nonautomotive use to the public for its intended multi-modal connection uses generally from 6:00 a.m. to 12:00 midnight on all calendar days, subject to Applicant’s right to temporarily exclude the public for maintenance and repair and to temporarily limit access to, and use of, the Public Access Covenant area as necessary for the owner or its authorized occupants or users, or their respective employees, agents, and contractors, to construct, repair, maintain, relocate, or replace improvements in the Public Access Covenant area from time to time. Except as necessary for such construction and maintenance, in no event shall the owner exclude the public from the Public Access Covenant area more frequently than on five (5) calendar days in the aggregate during any calendar year (“Special Event Closures”). The owner shall notify City in writing two (2) weeks before any closure, including any Special Event Closure (which written notice may be made by electronic mail to the Zoning Administrator (which email address shall be provided by City upon request by owner or to another email address as the City hereafter may designate in a written notice to owner). The owner shall post on-site notification signs a minimum of seven (7) calendar days before any closure. The owner shall indicate the dates and times and purpose of any closure when noticing the City. The rights of the public to the Public Access Covenant area shall not include the use of any motorized scooters (except as needed for disabled persons), motorcycles or ATVs, or any automobiles, trucks, recreational vehicles, or other motorized vehicles on any portion of the Public Access Covenant area;
- b. The owner reserves the right to impose reasonable rules, regulations, and conditions on the use of said Public Access Covenant area to the extent the owner deems necessary: (i) to reasonably impose safety and security requirements, (ii) for purposes of reasonably preventing interference by any member of the public with the operation of any business conducted by the owner or its authorized occupants or users of the owner’s property and/or the improvements and buildings thereon; (iii) for purposes of preventing damage to the owner’s property, including any improvements thereon; and/or (iv) to reasonably ensure that the Public Access Covenant area remains unobstructed and may be used for its intended use as a public multi-use path;
- c. The owner shall maintain, inspect, and monitor the PAC improvements in good order, condition, and repair and in compliance with the Americans with Disabilities Act (ADA);

- d. The PAC shall be recorded, run with the land, and be binding upon any successors;
- e. If the owner fails to abide by the PAC, the owner shall pay all reasonable costs and expenses incurred by the City in enforcing the performance of such obligations; and
- f. The owner agrees to defend, indemnify, and hold the City and the City’s 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 the performance of services or operations under the PAC, including maintenance operations performed on the PAC by the owner or the owner’s contractors, subcontractors, agents, or employees, except to the extent caused by the gross negligence or willful misconduct of the City or the City’s officers, employees, or agents.

A legal description (metes and bounds) and plat map (drawing) of: (1) the owner’s property; and (2) the PAC area shall be prepared by the owner in accordance with the City’s Legal Description and Plat Requirements and submitted to the Public Works Department for review and approval. The legal description and plat must be prepared and stamped by a California-registered civil engineer or land surveyor. Associated improvements within the PAC (PAC Improvements) shall be constructed by the owner and approved by the City.

160. **PUBLIC ACCESS COVENANTS AND DEED RESTRICTIONS (MULTI-MODAL LOCATIONS AND WIDTHS):** Public Access Covenants and Deed Restriction Areas (PAC) shall be provided at multi-modal connection locations with minimum widths indicated below, in accordance with the North Bayshore Precise Plan:

Location in Master Plan	Type of Access	Minimum Width of Public Access
Within Lot JN 1: (a) north south between Charleston Road and Joaquin Terrace West; (b) east-west between Huff Avenue and Joaquin Road	Bike and pedestrian access	22'
North-south between Lots JN 5/ JN 6 and Lot JN 4	Bike and pedestrian access	22'
East-west between Lot JN 5 and Lot JN 6	Bike and pedestrian access	22'
North-south between Lots JN 7 and Lots JN 8/JN 9	Bike and pedestrian access	22'
East-west between Lots JN 8 and JN 9	Bike and pedestrian access	22'
East-west between Lots Of JS 1 and JS 2	Bike and pedestrian access	22'

Within Lot JN 10: north-south between Charleston Road and Lot JN 11	Bike and pedestrian access	22'
Within Lot JN12: north-south between Lots JN 11 and JN 16	Bike and pedestrian access	22'
North-south between Lots JN 17/JN 19 and JN 18	Bike and pedestrian access	22'
East-west between Lots JN 17 and JN 19	Bike and pedestrian access	22'
North-south between Lots JS 7 and JS 8	Bike and pedestrian access	22'
Lot SB 4—Social Spine	Pedestrian Access Easement (no bike access)	40'
East-west between Lots SB 1 and SB 2	Bike and pedestrian access	22'
East-west between Lots SB 20 and SB 21	Bike and pedestrian access	22'
Within Lot SB 5: east-west between Lot SB 4 and Manzanita Street (private)	Bike and pedestrian access	22'
Within Lot SB5: Manzanita Street (private) between Charleston Road and Shorebird Way	Bike and pedestrian access	22'
Within Lot SB5: north-south between Charleston Road and Lot SB 6	Bike and pedestrian access	22'
Within Lot SB5: east-west between Manzanita Street (private) and Inigo Way	Bike and pedestrian access	22'
North-south between Lots SB24 and SB25	Bike and pedestrian access	22'

Within Lot SB25: north-south between Monarch Street and Space Park Way	Bike and pedestrian access	22'
Within Lot SB7: north-south and east-west between Charleston Road, Inigo Way, and Lot SB9	Bike and pedestrian access	22'

161. **FRONTAGE PUBLIC UTILITY EASEMENT DEDICATION:** Dedicate a 10' wide public utility easement (PUE) along project street frontage(s), or an amount equal to the setback of the building for setbacks less than 10', 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. However, auxiliary structures that extend from the building frontages, such as front porches, stairs, and stoops, are permitted within the PUE.

Exceptions to these PUE requirements may be considered by the Public Works Director in conjunction with the review and approval of the off-site improvement plans and building permit plans for the project.

162. **UTILITY EASEMENT AND APPROVALS:** Dedicate utility easements as required by utility companies and as approved by the Public Works Director. All street and public service easement dedications are to be shown on a phased final map, including information indicating whether said easements are to be dedicated on the final map or by separate instrument. The subdivider shall submit two copies of the map to PG&E, AT&T (SBC), and Comcast (Xfinity) for their review and determination of easement needs. The public service easement dedications must be approved by the utility companies prior to the approval of a phased final map.
163. **EASEMENT VACATIONS AND QUITCLAIMS:** All existing easements that are or will no longer be needed or conflict with the proposed buildings and structures shall be vacated or quitclaimed. Easements in conflict with a proposed building shall be vacated prior to issuance of the building permit by separate recorded instrument. The recording number of the easement vacation and quitclaim document(s) shall be included in the phased final map.
164. **CITY OF MOUNTAINVIEW UTILITY EASEMENT ON SHOREBIRD WAY:** Dedicate a minimum 30' wide, exclusive utility easement to the City of Mountain View along or adjacent to the existing north-south alignment of Shorebird Way. The easement shall be clear of any existing, non-City facilities/utilities and shall not overlap any other easements. Removal of any existing facilities/utilities within the easement shall be at no cost to the City. The alignment, length, and dedication statement of the easement shall be to the satisfaction of the Public Works Director.
165. **NORTH BAYSHORE PRECISE PLAN CURB CUTS:** Curb cuts on Transit Boulevards shall be minimized and shared whenever possible. Only one curb cut is allowed along northbound Shoreline Boulevard, between Shorebird Way and Charleston Road. The design of the curb cuts shall comply with North Bayshore Precise Plan and applicable City curb cut standards. The approval of any curb cut installation in the North Bayshore Precise Plan Area will be at the sole discretion of the Public Works Director.

~~**NEIGHBORHOOD STREETS (GENERAL):** For neighborhood street cross sections that do not include a curbside zone on both sides of the street, the Applicant shall make on-site accommodations to provide the same functionality as indicated on p. 149 of the North Bayshore Precise Plan.~~

166. **CHARLESTON ROAD (EAST) BETWEEN NORTH SHORELINE BOULEVARD AND INIGO WAY CROSS SECTION:** The Applicant shall install improvements to the south side of Charleston Road ~~shall have which will result in~~ an interim condition in which the north side of the road will not be developed and only the west bound travel lane will be modified. The road as improved by the

**Applicant** shall have the following street facility widths: 17' landscape zone with meandering sidewalk, 6' bike lane, 11' travel lane, 12' center two-way left-turn lane, 11' travel lane, 8' curbside zone, 5' green buffer, 7' one-way cycle track, 7' sidewalk.

Charleston Road shall have the following final street facility widths after both sides of the roadway are developed: 7' sidewalk, 7' one-way cycle track, 9' green buffer, 11' travel lane, 12' center two-way left-turn lane, 11' travel lane, 8' curbside zone, 5' green buffer, 7' one-way cycle track, and 7' sidewalk. This condition supersedes the street cross section shown on Page 80 of the North Bayshore Master Plan entitlement document. The street design shall comply with City and North Bayshore Precise Plan requirements and shall be to the satisfaction of the Public Works Director.

167. **HUFF AVENUE IMPROVEMENTS:** The Applicant shall submit street cross section(s) for an interim condition that allows for the east side of the roadway to be developed while maintaining existing conditions and functionality on the west side of the roadway. This condition supersedes the street cross section shown on Page 84 of the North Bayshore Master Plan entitlement document. The street design shall comply with City and North Bayshore Precise Plan requirements and shall be to the satisfaction of the Public Works Director.

168. **INIGO WAY CROSS SECTION:** Inigo Way shall have the following street facility widths: 7' sidewalk, 7' one-way cycle track, 8' landscape zone, 8' curbside zone, two 10' travel lanes, 8' curbside zone, 8' landscape zone, 7' one-way cycle track, and 7' sidewalk. This condition supersedes the street cross section shown on Page 85 of the North Bayshore Master Plan entitlement document. The street design shall comply with City and North Bayshore Precise Plan requirements and shall be to the satisfaction of the Public Works Director.

169. **JOAQUIN ROAD CROSS SECTION:** Joaquin Road shall have the following street facility widths: 7' sidewalk, 7' one-way cycle track, 8' landscape zone, 8' curbside zone, two 10' travel lanes, 8' curbside zone, 8' landscape zone, 7' one-way cycle track, and 7' sidewalk. This condition supersedes the street cross section shown on Page 86 of the North Bayshore Master Plan entitlement document. The street design shall comply with City and North Bayshore Precise Plan requirements and shall be to the satisfaction of the Public Works Director.

170. **NEIGHBORHOOD STREET B TYPICAL CROSS SECTION:**

- a. Monarch Street, between Huff Avenue and Shoreline Boulevard, shall have the following street facility widths: 1' pedestrian access easement, 6' sidewalk, 3' sidewalk/landscape, 7' one-way cycle track, 3' landscape zone, two 10' travel lanes, 8' curbside zone, 3' landscape zone, 7' one-way cycle track, 3' sidewalk/landscape, 6' sidewalk, and 1' pedestrian access easement.
- b. **Curbside Zone Study:** No later than the time of zoning permit application, the Applicant shall submit a technical study of loading demand on adjacent streets. If the study concludes that the amount of passenger loading space within the curbside zones is insufficient as a result of a curbside zone on only one side of the street, the development parcels are required to incorporate a designated passenger loading area on site to the satisfaction of the Community Development and Public Works Directors. ~~The Applicant shall make on-site accommodations to address not having a curbside zone on both sides of the street.~~
- c. Monarch Street, between Inigo Way and Black Street, shall have the same cross section as shown on Page 88 of the North Bayshore Master Plan entitlement document.

This condition supersedes the street cross section shown on Page 89 of the North Bayshore Master Plan entitlement document. The street design shall comply with City and North Bayshore Precise Plan requirements and shall be to the satisfaction of the Public Works Director.

171. **PLYMOUTH STREET (WEST OF JOAQUIN ROAD) AND SPACE PARK WAY:** Plymouth Street west of Joaquin Road and Space Park Way shall maintain a 26' foot clear width to accommodate emergency vehicles. This condition supersedes the street cross section shown on Page 90 of the North Bayshore Master Plan entitlement document, which shows storm water treatment areas (trees) within the two 10' curbside zones that may not satisfy emergency vehicle clear street width standards. The street

design shall comply with City and North Bayshore Precise Plan requirements and shall be to the satisfaction of the Public Works Director.

**172. SHOREBIRD WAY-GREENWAY CROSS SECTION:**

- a. Shorebird Way shall include a 7' public sidewalk immediately adjacent to the proposed 14' green loop for consistency with Plan 6.1.2 as shown on Page 57 of the North Bayshore Master Plan entitlement document.
- b. The 7' sidewalk (meanders) shown on private property on Page 92 of the North Bayshore Master Plan entitlement document shall be accessible to the public for consistency with Plan 6.1.2.

This condition supersedes the street cross section shown on Page 92 of the North Bayshore Master Plan entitlement document. The street design shall comply with City and North Bayshore Precise Plan requirements and shall be to the satisfaction of the Public Works Director.

**173. SHOREBIRD WAY-SHOREBIRD WILDS A CROSS SECTION:**

- a. Shorebird Way shall include a 7' public sidewalk immediately adjacent to the proposed 13' green loop for consistency with Plan 6.1.2 as shown on Page 57 of the North Bayshore Master Plan entitlement document.
- b. The 7' sidewalk (meanders) shown on private property on Page 93 of the North Bayshore Master Plan entitlement document shall be accessible to the public. A continuous sidewalk along the north side of Shorebird Way shall be constructed for consistency with Plan 6.1.2.
- c. A 3' pedestrian access easement is not allowed along the south side of Shorebird Way as shown on Page 93 of the North Bayshore Master Plan entitlement document. The 10' multi-use path along the south side of Shorebird Way shall be within the dedicated street easement between Inigo Way and Black Street.
- d. Shorebird Way shall have the following street facility widths: 7' sidewalk, 13' green loop, 4.5' landscape/curb, two 10' travel lanes, 8' curbside zone, 4.5' green buffer, and 10' multi-use path.

This condition supersedes the street cross section shown on Page 93 of the North Bayshore Master Plan entitlement document. The street design shall comply with City and North Bayshore Precise Plan requirements and shall be to the satisfaction of the Public Works Director.

**174. SHOREBIRD WAY-SHOREBIRD WILDS B CROSS SECTION:**

- a. Provide a continuous sidewalk along the north side of Shorebird Way for consistency with Plan 6.1.2 of the North Bayshore Master Plan entitlement document.
- b. A 3' pedestrian access easement is not allowed along the south side of Shorebird Way as shown on Page 94 of the North Bayshore Master Plan entitlement document. The 10' multi-use path along the south side of Shorebird Way shall be within the dedicated street easement between Inigo Way and Black Street.
- c. Shorebird Way shall have the following street facility widths: 7' sidewalk, 13' two-way cycle track, 4.5' landscape/curb, two 10' travel lanes, 8' curbside zone, 4.5' green buffer, and 10' multi-use path.

This condition supersedes the street cross section shown on Page 94 of the North Bayshore Master Plan entitlement document. The street design shall comply with City and North Bayshore Precise Plan requirements and shall be to the satisfaction of the Public Works Director.

175. **PLYMOUTH STREET (WEST OF JOAQUIN ROAD) AND SPACE PARK WAY CROSS SECTION:**

- a. Maintain a 26' clear width for emergency vehicles at stormwater treatment area choke points.
- b. The Applicant shall submit street cross section(s) for an interim condition that allows for the north side of the roadway to be developed while maintaining existing conditions and functionality on the south side of the roadway.

This condition supersedes the street cross section shown on Page 90 of the North Bayshore Master Plan entitlement document. The street design shall comply with City and North Bayshore Precise Plan requirements and shall be to the satisfaction of the Public Works Director.

176. **TRANSIT NETWORK:** The City has not evaluated the feasibility of a transit stop at the North Shoreline Boulevard/Space Park Way location as shown on Page 68 of the North Bayshore Master Plan entitlement document. A future study and effort will identify the location of the transit stop(s) north of Pear Avenue.

FEES AND PARK LAND

177. **IMPACT FEES AND OTHER FEES, GENERAL:** The Applicant shall pay all applicable impact fees and other fees in effect and at the rates in effect at the time the fees are due and paid (or at the time paid if early payment is authorized under the City Code). Certain existing impact fees and other fees are identified in these Conditions of Approval below for information purposes; however, if there are any inconsistencies between these conditions and the applicable City Code provisions, the Code provisions shall control. If new or revised fees are adopted that are not reflected in the specific conditions below, those new fees or revised may apply to the project, and nothing herein is intended to provide that the fees identified below are the only fees that may be applied to this project. If a Development Agreement (DA) is approved, during the DA term, the provisions of the DA shall control to the extent that they are in conflict with this Condition.

178. **IMPACT FEE CREDIT FOR OFFICE SPACE:** The Applicant shall receive office-related impact fee credits as specified in Section 4.1.3.1 of the DA (during the term of the DA) and Administrative Procedures Section 11 (Exhibit B to Resolution No. \_\_\_\_\_).

179. **MAP PLAN CHECK FEE; PLAN CHECK AND INSPECTION FEE:**

- a. Map Plan Check Fee: Prior to issuance of any building permits and prior to approval of a phased final map, as applicable, the Applicant shall pay the map plan check fee in accordance with Sections 28. 7.b and 28.6.b of the City Code per the rates in effect at time of payment. An initial map plan check fee shall be paid at the time of initial map plan check submittal per the adopted fee in effect at time of payment. This is a standard City processing fee.
- b. Plan Check and Inspection Fee: Prior to issuance of any building permits and prior to approval of a 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 fee in effect at time of payment. This is a standard City processing fee.

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 fees will be deducted from the approved final plan check fee.

~~**MAP PLAN CHECK FEE:** Prior to issuance of any building permits and prior to approval of a phased final map, as applicable, the Applicant shall pay the map plan check fee in accordance with Sections 28. 7.b and 28.6.b of the City Code per the rates in effect at time of payment. An initial map plan check fee shall be paid at the time of initial map plan check submittal per the adopted fee in effect at time of payment. This is a standard City processing fee.~~

~~**PLAN CHECK AND INSPECTION FEE:** Prior to issuance of any building permits and prior to approval of a 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 fee in effect at time of payment. This is a standard City processing fee.~~

~~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 fees will be deducted from the approved final plan check fee.~~

180. **NORTH BAYSHORE PRECISE PLAN DEVELOPMENT FEE:** As required by Section 47 of City Code, prior to issuance of any building permits, for any net new square footage, the Applicant shall pay the North Bayshore Precise Plan development impact fee for the new development. ~~The total fee is the combined subtotal of a transportation facilities fee, a potable water facilities fee, a sewer facilities fee, and a recycled water facilities fee. The total fee is categorized by land use: office/R&D, retail, and hotel based on the unit type, with credit given for existing uses on-site and allowable exemptions per Section 47.19 of the City Code.~~ This fee is an impact fee and subject to the adopted fee in place at time of payment, except with approval of the Development Agreement (DA) and during its term when the fee is subject to the provisions of ~~Exhibit I of the DA, including Article IV of the DA.~~

181. **TRANSPORTATION IMPACT FEE:** As required by Section 43 of City Code, prior to issuance of any building permits and approval of a final map, for any net new square footage, the Applicant shall pay the transportation impact fee for the development included in each building permit and in the subdivision. ~~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 shall be given for the existing development of each site(s), as applicable. This is an impact fee and subject to the adopted fee, if any, in place at time of payment, except that during the term of the Development Agreement (DA) and during its term when the fee is subject to the provisions of the DA, ~~in Exhibit I thereto and other applicable sections including Article IV of the DA.~~

182. **WATER AND SEWER CAPACITY CHARGES:** Prior to issuance of any building permits, the Applicant shall pay the water and sewer capacity fees for the development. The water and sewer capacity charges for residential connections are based on the number and type of dwelling units. Separate capacity charges apply for different types of residential categories to reflect the estimated demand of each type of connection. The water and sewer capacity charges for nonresidential connections are based on the water meter size, building area, and building use, respectively. Credit is given for the existing site use(s) and meter size(s), as applicable. Fees shall be paid prior to approval of a final map. These fees are capacity fees and subject to the adopted fee in place at time of payment, except where the fee is subject to the provisions of Exhibit I of the DA.

183. **PARK LAND DEDICATION ACREAGE:** The maximum development program in the Master Plan requires a park land dedication of 35.7 acres, based on 5,950 market-rate residential units at a required acreage per density of 0.006. To meet this obligation for 26.1 acres, the Applicant shall: (i) obtain park land credit for a privately owned, publicly accessible (POPA) open space per Condition of Approval No. 186; or (ii) dedicate land to the City for park and recreational purposes prior to building permit issuance and prior to approval of the final map and, if a Development Agreement is in effect, according to the Parks Delivery Plan in the Development Agreement. The remaining park land dedication requirement shall be made by the Park In Lieu Fee: for each development phase as listed below:

Referenced Name/Parcel	Size in Square Feet (Acreage)
Greenway Park West (VTM Lot SB6)	79,907 sf (1.8 acres)
The Portal (VTM Lot JN14)	32,478 sf (0.7 acre)
Shorebird Square (VTM Lot SB18)	13,324 sf (0.3 acre)

EcoGem (VTM Lot SB26)	468,552 sf (10.8 acres)
Shorebird Wilds (VTM Lot SB9)	<del>194,815</del> <del>202,016</del> sf (4.65 acres)
Greenway Park East (VTM Lot SB8)	28,275 sf (0.6 acre)
Joaquin Grove (VTM Lot JN11)	61,558 sf (1.4 acres)
Joaquin Commons (VTM Lot JN16)	111,025 sf (2.5 acres)
Joaquin Terrace East (VTM Lot JN3)	55,952 sf (1.3 acres)
Joaquin Terrace West (VTM Lot JN2)	39,256 sf (0.9 acre)
Gateway Plaza (VTM Lot JS9)	<del>39,466</del> <del>38,731</del> sf (0.9 acre)
Shoreline Square (VTM Lot JS5)	14,614 <del>127</del> sf (0.3 acre)
Total	1,145,688 <del>38,735</del> sf (26.31 acres)

184. **PARK LAND CREDIT:** Per Chapter 41 of the City Code, this project has been approved with a credit toward the park land requirements of the development, specifically:

A 100% credit on the value of the land dedication or Park Land Dedication In-Lieu Fee for providing an 11.3 acre privately owned, publicly accessible (POPA) open space alternate proposal, consistent with the term and maintenance requirements per Section 41.11.a and the objectives of Section 41.11.a.2.b of the City Code. This credit exceeds the 75% credit allowed under Chapter 41 of the City Code, and has been authorized for this project by Ordinance No. approving the Development Agreement. The conceptual POPA design is included in the approved Master Plan to be further refined through subsequent zoning permits for each phase of development adjacent to the POPA (Phases 1, 2, 3, 4, and 7). Credit for the resulting POPA design will be issued with verification of design compliance with each subsequent zoning permit and upon construction completion per Condition No. ~~187~~185.

Minor modifications to the approved POPA open space plans for construction, such as adjustments to element location, dimensional area, specifications, and/or site modifications to comply with building and fire codes, can be approved by the Community Services Director and/or Community Development Director. All other modifications are considered major modifications and must be approved by the City Council at a duly noticed public hearing.

185. **PARK LAND CREDIT—POPA PUBLIC ACCESS COVENANT, AGREEMENT, AND DEED RESTRICTIONS (POPA AGREEMENT):** The Applicant/owner shall execute a Public Access Covenant, Agreement, and Deed Restrictions with the City for the privately owned, publicly accessible open space shown on the Vesting Tentative Map (“POPA Open Space”), which: (a) provides the POPA Open Space as accessible to the public for passive and active recreational use in alignment with City park hours; (b) allows extended hours for public passive and active recreational use in ~~the plaza portion of~~ the POPA Open Space until 9:00 p.m. on weekdays and 10:00 p.m. on weekends; (d) describes the owner’s maintenance responsibilities; (e) sets forth procedures for future modifications or upgrades to the POPA Open Space; and (f) provides compliance requirements. The POPA Agreement shall be in a form acceptable to the City Attorney, recorded, and run with the land. The recorded document shall provide indemnification of the City for liabilities arising out of activities of the land and use of the POPA Open Space, except to the extent attributable to the gross negligence or willful misconduct of the City. All documentation for the POPA Agreement shall be submitted to the Planning Division at initial building permit submittal for the first phase of development that includes the POPA Open Space. The POPA Agreement must be executed prior to issuance of a building permit and/or final map for that first development phase with the POPA Open Space and will become effective upon construction completion of the POPA Open Space.
186. **USE OF CITY LAND DURING CONSTRUCTION:** If City land is proposed to be used for construction staging or parking, the Applicant must enter into a license agreement with the City, in a form approved by the City Attorney, providing for the use of any City land at the fair market rental rate of the land, subject to the City’s standard terms and requirements in place at time of the agreement. It is at the full discretion of the City to enter into such a license agreement. Use of City land without a license agreement is strictly prohibited.

187. **STORM DRAINAGE FEE:** Prior to issuance of any building permits and prior to approval of a final map, the Applicant shall pay the off-site storm drainage fee per Section 28.51(b) ~~with~~ the rates in effect at the time of payment.
188. **PARK LAND DEDICATION PROCESS:** Dedicate and convey in fee a total of 1,1~~38,73545,688~~ square feet (approximately 26.~~31~~ acres) of public park land in accordance with Chapter 41 of the City Code. Due to the infill nature of the phased development, the Master Plan will not fully meet park land requirements per development phase through land dedication and will be required to satisfy an interim obligation of equivalent compliance, as follows: (i) the Applicant shall submit a letter of credit to the City for the deficiency in park land in equal value to the Park Land Dedication In-Lieu Fee in each phase of development; and (ii) the Applicant shall ensure that the letter of credit remains in full force and effect throughout the period that the project is subject to the interim obligation, unless other means to satisfy the interim obligation are met as provided below. The Park Land Dedication In-Lieu Fee (or letter of credit amount) is subject to the fee noted in Subsection b. below and must be provided to the City prior to issuance of the building permit generating the associated park land requirement. The City shall retain that letter of credit until such time the obligation is met or is adjusted with reissued letter of credit, based on incremental land dedication provided per ~~developer~~development phase; or (iii) the Applicant shall provide an irrevocable offer of land dedication for park land in an earlier phase of development as an interim obligation until such time the land can be dedicated to the City. Park land dedications shall follow the City's land dedication/conveyance requirements as described in Section 14 (City Land Dedication/Required Condition) of the Administrative Procedures for Implementation of the North Bayshore Master Plan~~City Land Dedication/Conveyance Requirements in Administrative Procedure No. 14 (Exhibit B to Resolution No. \_\_\_\_)~~.
- a. **Dedication Timing:** Each parcel for dedication of park land is to be conveyed in each development phase consistent with this condition, Project Condition No. ~~185188~~, and, with approval of the Development Agreement (DA), in accordance with the DA provisions and Exhibit G of the DA during the DA term.
  - b. **Park Land Dedication In Lieu Fee (Letter of Credit amount):** When necessary for interim compliance, the Applicant shall pay the applicable portion of the Park Land Dedication In-Lieu Fee (Park Fee) with an irrevocable standby ~~a~~ letter of credit, based on the number of net new market rate residential units included in the applicable building permit. The total Park Fee is based on 5,950 market-rate units currently at \$70,200 for each net new market-rate residential unit with a project total fee of \$112,320,000, based on a land valuation of \$11.7 million per acre and a required acreage per density of \$269/sf in accordance with Chapter 41 of the City Code and the 2023 Master Fee Schedule. (This fee amount is subject to change annually based on the formula and methodology in Chapter 41, and as it may be further updated by future nexus studies and adopted/revised fees.) The letter of credit is required to be provided to the City prior to issuance of the building permit generating the associated park land requirement. During the term of the Development Agreement, this fee is subject to the provisions of the DA, including Article XIV of the DA in Exhibit I thereto ~~and~~ other applicable sections.
  - c. **Required Site Preparation and Remediation:** All site preparation and remediation activities for the land to be dedicated must occur in accordance with the City's land dedication/conveyance requirements Section 14 (City Land Dedication/Required Condition) of the Administrative Procedures for Implementation of the North Bayshore Master Plan ~~in Administrative Procedure No. 14 (Exhibit B to Resolution No. \_\_\_\_)~~. Any demolition or building permit that is necessary for any site preparation requirements as part of the City's land dedication/conveyance requirements can be issued at any time. In addition, any land dedicated to the City shall be clear of any easements. Any existing easements within dedicated City land shall be vacated/quitclaimed at no cost to the City prior to issuance of a building permit.

~~**CITY LAND DEDICATION/CONVEYANCE REQUIREMENTS:** For any land to be conveyed to the City, the following process is required for the City to accept the land parcel(s):~~

- ~~a. **Required Site Preparation:** The Applicant shall complete the following activities prior to City issuance of the building permit for the project:~~

- ~~(1) **Complete Remediation:** If site clean-up actions are required to complete remediation, the Applicant shall complete the required remediation to the satisfaction of the oversight agency or the City, as applicable. If building~~

~~design measures are required to complete remediation, the Applicant shall determine the extent of remediation that is reasonably required for that building design, along with a cost estimate based on the remediation required, in order to ensure that there is no unacceptable risk to human health or the environment, which was verified by the Community Development Director and/or Public Works Director (“Director”) during zoning permit review. The Applicant shall pay the cost estimate to the City.~~

~~(2) **Site Construction/Infrastructure.** The Applicant shall ensure that the dedicated parcel is “development ready” by removing all existing structures, landscaping, and improvements on-site, including existing utilities, and finish the site to a rough grade finish, graded toward the public street, and the topsoil stabilized. The parcel must be clear of all debris and clear of any easements.~~

~~(a) For land dedicated for park development, the Applicant shall provide utility stubs to the property line and install all frontage improvements along the public street(s).~~

~~(b) For land dedicated for residential development, the Applicant shall provide all infrastructure necessary to serve the units to the property line from the public street, including sewer, utilities, water, electricity, street access, and all frontage improvements on the dedicated parcel(s).~~

~~Any “development ready” work will require a separate demolition permit for on-site work if: (1) it is completed earlier than prescribed herein; or (2) it is not included on the building permit plans for a given development phase. All work in the public right-of-way will require an excavation permit.~~

~~b. **Indemnity Agreement:** The Applicant shall execute an agreement with the City to protect, defend, indemnify, and hold harmless the City and the City’s directors, officers, employees, and agents from and against any environmental liability related to any hazardous substances arising from or caused by acts of the Applicant or the Applicant’s agents or contractors (collectively referred to as the “Applicant” herein) 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 or contamination arising from or caused by acts of the 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, or arising from, acts of the Applicant; injury to persons, property, or business caused by, or arising from, acts of the Applicant; or damage to natural resources in connection with the activities of Applicant, the foregoing being collectively referred to as “claims,” which:~~

~~(1) 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;~~

~~(2) 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;~~

~~(3) Arise out of the breach of any covenant, warranty, or representation by the Applicant contained in any statement or other information given by the Applicant to the City in connection with environmental matters; or~~

~~(4) Arise out of any enforcement or remedial action or any judicial or administrative action brought pursuant to any environmental law.~~

~~The Applicant and the Applicant’s 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 the 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.~~

~~c. **Land Transfer:** The Applicant shall offer the fee interest parcel(s) in dedication to the City on the face of a phased final map. Prior to conveying the land to the City, the Applicant shall provide a preliminary title report and a grant deed, each subject to City approval. For dedicated parcels for residential development only, conveyance shall be accepted through escrow with a title company that the Applicant and City mutually and jointly instruct.~~

#### STREET IMPROVEMENTS

189. **SUBSEQUENT SITE-SPECIFIC MULTI-MODAL TRANSPORTATION ANALYSIS (SSTA):** At time of zoning permit submittal for a proposed building or multiple buildings, the Applicant shall provide site-specific multi-modal transportation information as follows:

- a. Transportation information to determine the potential impact of each proposed building or buildings, including worksheet(s) and/or attachments, as required materials for submission of a zoning permit application;
- b. Site specific TDM and Parking Management Plans as described in Project Condition Nos. ~~1817~~ and ~~266265~~ to ~~272271~~; and
- c. Site-specific project information including loading/flex zones, street frontage parking regulations (including driveway red curb zones), driveway widths, driveway locations, driveway throat lengths, site parking, building size, and building use, and off-site improvements (e.g., signal locations, crosswalk locations, etc.) were not analyzed or designed with the Master Plan Multi-Modal Transportation Analysis (“MTA”); therefore, subsequent Site Specific Multi-Modal Transportation Analysis (“SSTA”, also referred to in the project materials, approvals and the DA as “subsequent MTA”) may be required as part of subsequent zoning permit approvals for each phase of development. The MTA shall be available for reference and used in subsequent zoning permit applications. The City may contract with a consultant to analyze the information presented, which the Applicant shall fund at contract cost plus the City administration fee.

Should ~~the approved SSTA identify localized access improvements not previously identified in any minor or major modifications be approved that differ from~~ the MTA, the Applicant may be required to modify project plans and dedicate additional right-of-way to accommodate those changes to the satisfaction of the Public Works Director. Any additional right-of-way required shall be at no cost to the City.

~~The SSTA scope shall not exceed what is required to support localized impacts for access, such as nearby intersections, for the zoning permit application(s) under review.~~

190. **REIMBURSEMENT AGREEMENT:** ~~City and Applicant may mutually agree, in their independent discretion, that the Applicant will design and construct one or more of the City Funded Transportation Projects (as defined herein) that City is responsible for implementing and funding. If City and Applicant agree that Applicant will design and construct, The~~ City shall reimburse the Applicant for the costs to design and construct the identified City Funded Transportation Project(s). “City Funded Transportation Projects” as used herein means: (1) the North Bayshore Precise Plan Priority Transportation Projects identified in the February 3, 2016 North Bayshore Development Impact Fee Nexus Study; and (2) improvements beyond the Master Plan Project frontage that are not a requirement of the Master Plan Project. ~~The City is financially responsible and shall pay the cost of the projects identified in (1) and (2). The projects identified in (1) and (2) shall be known herein as the “City Funded Transportation Projects”. The City and Applicant shall mutually agree whether Applicant shall voluntarily perform any City Funded Transportation Projects on behalf of the City.~~ The City shall determine the which City Funded Transportation Projects may be needed, and which it will request Applicant to implement, at the time of zoning permit application submittal.

To be reimbursed by the City, the Applicant must enter into a reimbursement agreement with the City. The reimbursement agreement requires the Applicant to competitively bid the street improvements and submit a minimum of three itemized bids from contractors who meet the City’s minimum requirements, including the requirement to pay prevailing wages, for approval

and selection of the lowest responsible bidder. The reimbursement agreement shall be executed prior to building permit issuance.

191. **REQUIRED TRANSPORTATION IMPROVEMENTS:** Per the Master Plan and the Master Plan Multi-Modal Transportation Analysis (MTA), full development of the Master Plan may result in adverse motor vehicle effects at several North Bayshore intersections. The MTA identified potential improvements that would lessen these adverse effects. However, these potential improvements may not be feasible due to right-of-way requirements, conflicts with currently planned infrastructure projects, or other physical constraints. In lieu of requiring the Applicant to complete these proposed improvements, the Applicant shall support the study and implementation of multi-modal improvements along key corridors identified as having adverse motor vehicle effects (including Shoreline Boulevard, Charleston Road, and Plymouth Street). The subsequent Multi-Modal Transportation Corridor Studies will identify traffic management strategies and multi-modal improvements (including additional public transit service and TDM programs) that would lessen the adverse vehicle impacts. Given that these three corridors are all Priority Transportation Projects (“PTP”) previously identified in the NBSPP and Nexus Study, the Applicant shall contribute for these future studies with a maximum cost to Applicant of \$75,000 per corridor. The Multi-Modal Transportation Corridor Studies shall be conducted by the City and/or the City’s consultants as soon as reasonably possible following adoption of these Conditions of Approval with the Shoreline Corridor being the first study performed. For the Shoreline Boulevard, Charleston Road, and Plymouth Street corridors, the Applicant shall pay its fair share up to \$5 million maximum for all corridors to help implement capital improvements identified through the Multi-Modal Transportation Corridor Studies. Each Multi-Modal Transportation Corridor Study shall clearly demonstrate the Applicant’s fair share of project costs based on adverse motor vehicle impacts related to the Master Plan; however, the Applicant’s total payments for its fair-share contributions shall not exceed the combined maximum amount of \$5,225,000 (“Maximum Cost”), which is the sum of: (1) three Multi-Modal Transportation Corridor studies at a maximum cost of up to \$75,000 per corridor for three corridors; and (2) a maximum cost of up to \$5 million for the Applicant’s fair-share contribution for improvements to the: (i) Shoreline Boulevard; (ii) Charleston Road; and (iii) Plymouth Street corridors as stated above. The City and Applicant agree that the Maximum Cost fully satisfies any and all Applicant obligations for required transportation improvements for the North Bayshore Master Plan Project, except as expressly set forth in the following paragraph.

The MTA also identified three currently unsignalized intersections that need to be fully signalized to operate effectively at full Master Plan development. The Applicant will contribute a fair-share contribution of 41% to the future cost of the intersection signalization at the following locations:

- Plymouth Street/Huff Avenue
- Plymouth Street/Joaquin Road
- Inigo Way/La Avenida

Timing of these improvements will be tied to the phasing of Master Plan development components and will be identified through the subsequent Site-Specific Multi-Modal Transportation Analysis for each component. These signalization improvements are in addition to the required fair share of up to \$5 million total corridor improvements.

192. **REQUIRED STREET AND BICYCLE/PEDESTRIAN IMPROVEMENTS:** The Master Plan includes improvements to existing streets and proposed new public streets. These improvements, which include on and off-street pedestrian and bicycle facilities, shall be consistent with the North Bayshore Precise Plan or include modifications proposed by the Applicant and approved by the City. ~~The Applicant shall be reimbursed for the construction costs to construct street improvements, subject to a reimbursement agreement acceptable to the Applicant and the City Attorney to reimburse the Applicant’s fair share of the cost, based on current market rates (at the time of permit issuance) for bicycle/pedestrian improvements to existing streets outside of the Project’s frontage(s). To ensure proper street connections and internal circulation,~~ The the following street segments, related frontage and other associated improvements shall be completed by final occupancy of each Master Plan phase except for City Funded Transportation Projects and City Funded Utility Projects:

Phase 1:

- a. Black Street;

- b. Charleston Road/Shoreline Boulevard intersection (subject to MTA and/or corridor analysis and ~~potential mitigations~~recommended improvements);
- c. Existing Shorebird Way (interim two-way) plus frontage improvements;
- d. Inigo Way from Charleston Road to Shorebird Way (full street section, including roundabout);
- e. Pear Avenue (frontage) related to affordable housing parcel;
- f. Shoreline Boulevard (east side Space Park Way to Charleston Road frontage);
- g. Shoreline Boulevard (frontage south of Space Park Way) related to affordable housing parcel;
- h. Main Street (frontage) between Plymouth Street and southern parcel boundary, and at Applicant’s frontage on the south side of Plymouth Street related to affordable housing parcel;
- i. Amphitheatre Garage (frontage-) plus Shoreline/Amphitheatre intersection (based on MTA and/or corridor analysis);
- j. Shoreline Boulevard west side frontage and cycle track (Plymouth Street realignment to greenway/Shorebird Way); and
- k. Charleston Road west of Inigo Way~~Shoreline Boulevard (frontage south of Charleston Road intersection on the west side)~~
  - 1. ~~Applicant funds and builds and City reimburses for Cycle Track element~~
  - 2. ~~City establishes CIP to build Cycle Track after Phase 1~~

Phase 2:

- a. Shorebird Way to Black Street (converted to one-way west of Inigo Way);
- b. Removal of Shorebird Way, north-south (Shorebird Way to Charleston Road);
- c. Manzanita Avenue, entire length (Shorebird Way to Space Park Way);
- d. Charleston Road east of Inigo Way (one-way);
- e. Bike/pedestrian (ADA-compliant) connection from Charleston Road to Stevens Creek Trail; ~~and~~
- f. Bike/pedestrian (ADA-compliant) connection from Monarch Street to Stevens Creek Trail;~~;~~
- g. Monarch Street east of Grove Street;
- h. Space Park Way east of Shoreline Boulevard;
- i. Grove Street; and
- j. Willow Street.

Phase 3: All off-sites done in Phases 1 and 2.

Phase 4: Shoreline Boulevard (frontage south of Charleston Road intersection on the west side)—same options as “k.” from Phase 1.

Phase 5: Joaquin Road, both sides, between Charleston Road and Plymouth Street.

Phase 6:

- a. Huff Avenue east side along Applicant's frontage with interim condition (north portion); and
- b. Garage frontages if Marine Way garages are built.

Phase 7:

- a. Huff Avenue east side along Applicant's frontage with interim condition between Monarch Street and Plymouth Street (south portion).
- b. Monarch Street west of Shoreline Boulevard.

Phase 8: (deferred for now)

If a revised phasing plan is proposed by the Applicant, a modified schedule for street improvements will be developed by the City. The initial zoning permit application by the Applicant ~~should~~ shall include the construction of essential new street connections for internal circulation as identified by the City. At a minimum, that ~~should~~ shall include the new Inigo Way connection from Charleston Road to Shorebird Way.

- 193. **PEAR AVENUE IMPROVEMENTS:** The street frontage along Pear Avenue and required ~~frontage off-site~~ utility improvements shall be designed and constructed for consistency with adjacent street right-of-way improvements at the time of land dedication. The exact location and dimensions of the street easement dedication required on Pear Avenue shall be shown on the Vesting Tentative Map. Any additional street right-of-way required on the Applicant's lands to accommodate the improvements and the construction of all required off-site improvements shall be at no cost to the City.
- 194. **AFFORDABLE HOUSING LAND DEDICATION IMPROVEMENTS:** With the exception of City Funded Transportation Projects and City Funded Utility Projects, ~~The~~ the street frontages and required off-site utility improvements along affordable housing land dedication sites shall be designed and constructed for consistency with adjacent right-of-way improvements at the time of land dedication. The exact location and dimension of any street and public easement dedication required shall be shown on a final map. Any additional street right-of-way required on the Applicant's lands to accommodate the improvements and the construction of all required off-site improvements shall be at no cost to the City. An excavation permit and/or an improvement agreement with off-site improvement plans are required for work in the public right-of-way.
- 195. **TRAFFIC SIGNAL AGREEMENT:** Prior to issuance of any building permits and prior to approval of a final map, the Applicant shall sign a traffic signal payment agreement for the construction of new traffic signal(s) or modifications to an existing nearby signal(s) to support localized impacts for access, as identified through subsequent Site-Specific Transportation Analysis for each building permit application. The agreement shall require the owner to pay the City the proportional fair share (percentage of project traffic) of the total cost for the traffic signal improvements if a traffic signal is required to be installed within five years after the date of completion of that phase of the owner's project. The date of completion shall be measured by the date on the Certificate of Occupancy issued by the Building Division for that phase of the owner's project. The cost of the traffic signal improvements shall include all design, construction, inspection, testing, and administration costs. Prior to the issuance of the building permit and prior to approval of a final map, the owner must submit a security deposit made payable to the City to guarantee payment of the proportional share of the traffic signal improvements required. The amount of the security will be determined and shall be paid prior to issuance of a building permit. The agreement shall also require the owner to dedicate easements on the owner's property that are necessary for the applicable traffic signal improvements.
- 196. **PUBLIC IMPROVEMENTS:** Install or reconstruct standard public improvements required for the project and as required by Chapters 27 and 28 of the City Code, which can be executed per phase of development as identified in the Master Plan. Bonds, securities, and insurance requirements are subject to current City requirements in place at the time of the building permit submittal of the associated improvement plans.

- a. **Required Improvements:** The Applicant is responsible to install the following public improvements:
  - i. Curb, pavement, gutter, driveway aprons, sidewalks, and landscape strips along all project frontages as shown in Figures 6.2.1 through 6.2.23 of the Master Plan, in accordance with City standards and consistent with dimensions in the North Bayshore Precise Plan (as revised herein via Council approval), unless an alternative or interim is approved in a subsequent zoning permit;
  - ii. All required utility laterals per City standards;
  - iii. All bike lane installations along all roadways as shown in Figure 6.1.3 of the Master Plan, including both sides of Joaquin Road, Monarch Street, C Street, B Street, Main Street, North Shoreline Boulevard, Manzanita Street, Inigo Way, Black Street, Shorebird Way consistent with the North Bayshore Precise Plan, unless otherwise noted in these conditions of approval;
  - iv. All bike lane installations along Applicant's frontage as shown in Figure 6.1.3 of the Master Plan, including Huff Avenue, Charleston Road, Plymouth Street, Space Park Way, and Pear Avenue consistent with the North Bayshore Precise Plan, unless otherwise noted in these conditions of approval; and
  - v. Any additional public improvement(s) required for a parcel(s) to be dedicated to the City per Condition Nos. ~~190~~ 188 and ~~191~~ Administrative Procedures Section 14 (Exhibit B to Resolution No. \_\_\_\_\_).
- b. **Improvement Agreement:** The property owner must sign a Public Works Department improvement agreement in standard City form, for the installation of the public improvements prior to the issuance of a building permit or approval of a final map.
- c. **Bonds/Securities:** Sign a Public Works Department faithful performance bond (100%) and materials/labor bond (100%), or provide a cash deposit (100%), or provide a letter of credit (150%) securing the installation and warranty of the off-site 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 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.
- d. **Insurance:** Provide a Certificate of Insurance and endorsements for Commercial General Liability and Automobile Liability naming the City as an additional insured from the entity that will sign the improvement agreement prior to the issuance of a building permit or approval of a 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 Legal Liability Insurance, and One Million Dollars (\$1,000,000) Workers' Compensation. The insurance requirements are available from the Public Works Department.

197. **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" x 36" 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 impact 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, an initial plan check fee and map plan check fee based on the Public Works fee schedule, Improvement Plan Checklist, and items noted within the checklist must be submitted together as a separate package concurrent with the first submittal of the building plans and final map. All required materials shall be submitted electronically (i.e., flattened PDFs).

The off-site plans must be approved and signed by the Public Works Department. After the plans have been signed by the Public Works Department, 10 full-size and two half-size black-line sets, one Xerox Mylar (4 mil) set of the plans, and a CD with CAD file and PDF must be submitted to the Public Works Department prior to the issuance of a building permit or approval of a final map. CAD files shall meet the City of Mountain View's Digital Data Submission Standards.

198. **TRAFFIC CONTROL PLANS:** Upon submittal of an 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). A completed Traffic Control Checklist shall be included with each traffic control plan submittal.

Traffic control plans shall be prepared, stamped, and signed by a California-registered Traffic Engineer (T.E.).

199. **ENGINEER'S INFRASTRUCTURE COST ESTIMATE:** Upon submittal of an initial building permit and improvement plans, submit a construction cost estimate indicating the quantities of street and utility improvements. Construction cost estimate shall include private common street and utility improvements for 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.
200. **EXCAVATION PERMIT:** Upon submittal of an initial building permit and improvement plans, submit a complete Excavation Permit Application for all applicable work within the public right-of-way to the Public Works Department. Permit applications are available online from the Public Works Department website: [www.mountainview.gov/landdevelopment](http://www.mountainview.gov/landdevelopment). All work within the City right-of-way must be consolidated on the site, off-site, and/or utility plans. Plans of the work, traffic control plans for work within the public roadway and/or easement, insurance certificate and endorsements, and permit fees are required with the Excavation Permit Application. An excavation permit is required for any work in the public right-of-way.
201. **ENCROACHMENT AGREEMENT FOR STREET EASEMENTS OR RIGHT-OF-WAY:** At the sole discretion of the Public Works Director, nonstandard private facilities, including, but not limited to, structures, steps, doors (including door swing), handrails, backflow preventers, signs, fences, retaining curbs, retaining walls, and toe slopes which prevent or limit the intended use of sidewalk and public utility easements require a separate Encroachment Agreement to be signed by the property owner(s). The Encroachment Agreement shall be prepared and executed prior to issuance of a building permit.
202. **TIE-BACK ENCROACHMENTS:** Temporary tiebacks or earthen nails for construction purposes require a separate Encroachment Agreement, plat and legal description, and bond (100%) or letter of credit (100%), or cash security (100%) securing the installation and warranty of the temporary tiebacks. The Encroachment Agreement shall be prepared and executed prior to issuance of a building permit.
203. **SIGHT TRIANGLES:** The project shall be designed to comply with the following sight triangles to the satisfaction of the Public Works Director:
- a. Street Corners: At street corners of controlled and/or uncontrolled intersections, the site shall be compliant with Corner Triangles of Safety per the Public Works Standard Details and Chapter 36 (Zoning) of the City Code.
  - b. Driveways: Within the pedestrian and/or vehicle traffic safety sight triangle(s), the site shall be compliant with height and clearance requirements per the Public Works Standard Details and Chapter 36 (Zoning) of the City Code.
204. **NEW STREETLIGHTS:** At subsequent zoning permit submittal at each development phase, the Applicant shall submit a photometric analysis that include all existing or proposed new streetlights (e.g., height, arm-length, and location) at all street intersection, crosswalks, and midblock crossings and shall calculate the minimum, maximum, and average illuminance values as well as uniformity ratios, for each crosswalk shown separately. The Applicant is required to install new or modify existing streetlights to ensure locations are compliant with minimum requirements per the City's current standard details in place at

time of submittal (City Standard Detail E-1A/E-1B). The Applicant may be required to install new, or modify existing, streetlights beyond the immediate project frontage to show compliance with the standards.

New streetlights shall be installed along the project street frontages within or immediately adjacent to street improvements of the Master Plan per City standards. Streetlights shall be installed at/near crosswalks, driveways, intersections, midblock crossings (one on each side of the street), or other locations deemed necessary by the City Traffic Engineer. The design, spacing, and placement of the new streetlights shall be to the satisfaction of the City Traffic Engineer. Appropriate clearances per PG&E requirements between existing overhead lines shall be provided where applicable.

205. **TRAFFIC SIGNAL MODIFICATIONS:** Existing traffic signals shall be modified as required by the project's MTA. The design of the modifications shall be to the satisfaction of the City Traffic Engineer.
206. **TRAFFIC SIGNAL EQUIPMENT:** Any existing traffic signal equipment (e.g., poles, cabinet, pullboxes, conduits, etc.) impacted (e.g., moved, damaged, or fails to remain at existing grade) by the project during any phase, shall be redesigned and upgraded to the latest standards at the Applicant's sole cost. Supplementary equipment will also be upgraded as needed. Additionally, if new curb ramps result in inaccessible pedestrian push buttons (non-ADA), new pedestrian push button posts with new push buttons may be needed to comply with CA MUTCD design standards.
207. **TRAFFIC SIGNAL EQUIPMENT ON PRIVATE PROPERTY:** Any traffic signal equipment in an existing signalized location that will become private property must be relocated to the public right-of-way or be subject to an easement at the discretion of the City Traffic Engineer. This includes, but is not limited to, the traffic signal cabinet and pullboxes.
208. **STREET OVERLAY AND/OR PAVEMENT RECONSTRUCTION:** Portions of full-street and/or half street overlay (minimum 2" grind and overlay) and/or pavement reconstruction along the Master Plan project street frontage shall be required to address the existing roadway conditions, multiple utility trenches, and impacts from the anticipated construction traffic.

#### CURBS, SIDEWALKS, AND DRIVEWAYS

209. **SIDEWALK IMPROVEMENTS:** Construct new curb, gutter, and sidewalk along the project frontages of all Master Plan street frontages. Sidewalk shall be detached and designed with a consistent 2% cross slope from the top of curb to back of walk and minimal grade breaks in the longitudinal slope of the curb line.
210. **CURB SIDE ZONE:** Uses within the curbside zone may include passenger loading, on-street parking, stormwater treatment, sidewalk bulb-outs, and other amenities consistent with the North Bayshore Precise Plan and as approved by the Public Works Director. On-street parking within curbside zones shall be subject to time restrictions that encourage use as short-term parking, such as for retail customers and residential visitors.
211. **UTILITY BOX RELOCATION OUT OF SIDEWALK:** Move existing utility boxes out of the sidewalk and relocate to the Public Utility Easement, landscape strip, or behind the back of the curb, such that utility boxes are located entirely within the utility easement, landscape strip, or behind the curb and not encroach into the sidewalk.
212. **DRIVEWAY THROAT LENGTHS:** All driveways, including those leading to private or service roads, shall have adequate throat lengths to accommodate all inbound traffic without obstructing the public right of-way to the satisfaction of the City Traffic Engineer.
213. **MASTER PLAN BIKE PARKING:** Bike parking ratios (short-term and long-term) are not approved as part of the Master Plan; however, at minimum, the Master Plan and subsequent zoning permits must comply with the bike parking requirements of the North Bayshore Precise Plan. Bike parking ratios, including ancillary requirements, such as repair stations, will be established as part of subsequent zoning permit approvals for each phase of development; the Master Plan Multi-Modal Transportation Analysis is available for reference and use in subsequent zoning permits.

## STREET TREES

214. **STREET TREE LOCATION:** The location of existing trees to remain, existing trees to be removed, and new street trees shall be shown on the grading, utility, and landscaping plans. New street trees shall be planted in accordance with Detail F-1 of the Standard Provisions a minimum of 10' from sanitary sewer lines, traffic signals, stop and yield signs, and streetlights and 5' from water lines, fire lines, and driveways. New street tree species must be selected from the City's adopted Master Tree list or an approved alternate by the City arborist. The Applicant shall complete the "Proposed Street Tree" form available from the Planning Division online at [www.mountainview.gov/planningforms](http://www.mountainview.gov/planningforms). Once completed, the Applicant shall email the original to the Parks Division at [parks@mountainview.gov](mailto:parks@mountainview.gov) and provide a duplicate copy to the Building Division with building permit submittal.
215. **STREET TREE IRRIGATION:** Street trees are to be irrigated by the property owner(s) in accordance with Chapter 32 of the City Code.

## UTILITIES

**PRIVATE DISTRICT UTILITY SYSTEMS.** If the Applicant pursues a private district utility system in accordance with the District Utility System Concept Plan (Appendix K) in the Implementation Plan, the following conditions apply:

216. **PRIVATE DISTRICT UTILITY SYSTEMS (SANITARY SEWER AND RECYCLED WATER SERVICES.** *For Sanitary Sewer and Recycled Water services, the Applicant intends to connect and rely on the City systems described in Sections 2.1 (City Sanitary Sewer System) and 2.2 (City Recycled Water System) of Exhibit K of the District Systems Concept Plan. In the event the Applicant can justify to the City why the City's recycled water quality is not acceptable, in terms of potential impacts on landscaping or plumbing systems, the City and the Applicant shall reconvene to discuss options for the Applicant to improve the quality on-site through additional treatment, blending, or other processes. If such processes are inadequate or otherwise impractical, the City and Applicant will discuss if and how private and collaborative options for wastewater collection, treatment, and recycled water distribution described in Sections 3.4 (District Utility Systems Wastewater Collection and Treatment System), 3.5 (District Utility Systems Nonpotable Water Distribution System), and 3.6 (District Water: Collaborative Option) may be deployed in the Project.*
217. **DISTRICT UTILITY SYSTEMS MASTER ENCROACHMENT AGREEMENT:** If the Applicant elects to implement the optional district utility systems, the district utility system infrastructure shall be permitted to be located within certain portions of the public right-of-way with the execution of a Master Encroachment Agreement (MEA), between the City and Applicant, in a form acceptable by the City Attorney. The MEA shall be prepared and provided to the Applicant as part of the City's response to the first zoning permit application, which includes the district utility system and the District Utility System Implementation Plan, as described in Appendix L of the Implementation Plan. The MEA shall include the terms in Exhibit N of the Development Agreement (DA) and be executed prior to approval of a final map incorporating the district utility systems, and prior to issuance of the associated building permit that includes the district utility system infrastructure. With approval of the DA, the terms and provisions of the district utility system and MEA (Exhibit N) in the DA apply.
218. **DISTRICT UTILITY SYSTEMS ENCROACHMENT LOCATIONS:** Subject to execution of the Master Encroachment Agreement (MEA) and subsequent City permits, the district utility system will be permitted to encroach multiple crossings (perpendicular and nonperpendicular) of the public right-of-way on Joaquin Road, Plymouth Street, Monarch Street, North Shoreline Boulevard, Shorebird Way, [Manzanita Street](#), and Inigo Way to allow for a continuous district utility system. District utility system shall not be constructed parallel to Shoreline Boulevard within the City's right-of-way. District utility system facilities and any related appurtenances shall not be installed within any land dedicated to the City. No encroachment may limit use, interfere with, or prevent the City's development of a future capital improvement project, and specific installation depths of district utility systems within the public right-of-way shall be at the City's discretion.
219. **APPLICANT RESPONSIBILITY FOR PRIVATE DISTRICT UTILITY SYSTEMS:** It is the sole responsibility of the Applicant to determine the necessity of obtaining any agreements, authorizations, licenses, permits, and/or easements for a private district utility systems, and to comply with all local, regional, State, or Federal-rules, regulations, laws, and legal rights of property owners related to the design, construction, operation, maintenance, and abandonment of all private utility improvements.

- 220. **APPROVALS FOR PRIVATE DISTRICT UTILITY SYSTEMS:** The Applicant shall obtain all necessary local, regional, State, and Federal permits, licenses, authorizations, and approvals related to connections to the private district utility systems.
- 221. **SCHEDULE FOR APPROVALS:** As part of subsequent zoning permit(s) that includes a district utility system, the Applicant shall submit a schedule for obtaining all relevant agreements, authorizations, licenses, permits, environmental clearances, and/or easements, required for private district utility system improvements to the City. Issuance of building permit(s), occupancy, or execution of the Master Encroachment Agreement may be contingent upon City review and consent of the Applicant's submitted schedule(s).
- 222. **PRIVATE DISTRICT UTILITY SYSTEMS OPERATOR:** Private district utility systems shall be designed, constructed, operated and maintained by qualified personnel, as required by the relevant local, regional, State, or Federal oversight/permitting agencies.
- 223. **OTHER APPROVALS AND AGREEMENTS:** Prior to building permit issuance, the Applicant shall submit to the City a copy of all agreements, authorizations, licenses, permits, environmental clearances, and/or easements, and affiliated documents issued or required by any regulatory oversight/permitting agency related to the private utilities. If one or more of these items are not available prior to building permit issuance, then the Applicant must provide the item(s) when available, but no later than prior to construction or final inspection.
- 224. **COMPLY WITH UTILITY LAWS AND RATE EQUITY:** The Applicant shall identify and comply with all relevant utility laws and regulations, including, but not limited to, those related to utility rates. Unless precluded by such applicable laws and regulations, the rates shall be comparable to those of other public utility providers providing similar service in Mountain View.
- 225. **UTILITY LEVEL OF SERVICE:** Private utilities shall maintain a level of service comparable to those of other utility providers available in Mountain View.
- 226. **NOISE:** Private utilities shall not create nuisance noise per City Code Section 21.26.

**ALL UTILITY SYSTEMS (PUBLIC AND PRIVATE).** Whether the Applicant pursues the private district utility system and/or installs new City utility connections, the following conditions apply in all cases:

- 227. **CITY UTILITY CONNECTIONS:** As required by the Public Works Director, and per Section 35.38 of the City Code, each parcel shall connect directly to City utilities to provide primary service, or back-up service if private utilities are proposed.
- 228. **OWNERSHIP OF PRIVATE SYSTEMS:** All on-site and/or district utility systems shall be privately owned and maintained. The City of Mountain View has no responsibility for funding, constructing, owning, operating, maintaining, replacing, or abandoning private district utility systems and related appurtenances.
- 229. **UTILITY REIMBURSEMENT:** City and Applicant may mutually agree, in their independent discretion, that the Applicant will design and construct one or more of the utility improvements identified in the 2016 North Bayshore Precise Plan Nexus Study (the "City Funded Utility Projects"), subject to the City's reimbursement to Applicant for the costs to design and construct. The City shall determine the City Funded Utility Projects required and request Applicant to undertake such work if desired by City at the time of zoning permit application submittal.

To be reimbursed by the City, the Applicant must enter into a reimbursement agreement with the City. The reimbursement agreement requires the Applicant to competitively bid the street improvements and submit a minimum of three itemized bids from contractors who meet the City's minimum requirements, including the requirement to pay prevailing wages, for approval and selection of the lowest responsible bidder. The reimbursement agreement shall be executed prior to building permit issuance.

- 230. **MASTER PLAN UTILITY IMPACT STUDY (UIS) IMPROVEMENTS (SEWER):** As part of the project, the Applicant shall upgrade or pay their fair-share cost to upgrade existing and/or install sewer pipelines identified by the Master Plan Utility Impact Study prepared with the Project SEIR only for projects beyond those identified in the 2016 North Bayshore Precise Plan Nexus Study or otherwise determined to be necessary by the City which includes but not limited to the upsizing and realignment of the

existing sewer which crosses through the eastern portion of the project to and along Inigo Way, upsizing portions of the existing sewer mains at the eastern side of on North Shoreline Boulevard which extends from Charleston Road to Shorebird Way, Huff Avenue, Charleston Road, and Joaquin Road, and the Long Lonesome Road CIP, as outlined in the Gateway Master Plan UIS. Should the Applicant's sewer flows increase above those forecasted in the UIS, the Applicant will be responsible for the utility impacts of the additional flows as determined by subsequent utility impact analysis. Any additional utility impact analysis will be conducted by the City and funded by the Applicant at the consultant cost, along with the City's administration fee.

The Applicant shall pay its fair share based on current market rates (at the time of permit issuance) of the incremental cost of upsizing the required sewer mains or, provided that the Applicant agrees, install the upsized sewer mains at its costs, but subject to a reimbursement agreement acceptable to the Applicant and the City Attorney to reimburse the Applicant for costs in excess of its fair share.

231. **MASTER PLAN UTILITY IMPACT STUDY IMPROVEMENTS (WATER):** As part of the project, the Applicant shall coordinate with the City in the development of a comprehensive and reliable water system, including to install and/or abandon domestic water pipelines identified by the Master Plan Utility Impact Study (UIS) prepared with the Project SEIR only for projects beyond those identified in the 2016 North Bayshore Precise Plan Nexus Study, which include but not limited to portions of Monarch Street, Black Street, Shorebird Way, Inigo Way, and Manzanita Street. Also, the Applicant shall coordinate the design and implementation of said water system that is not within City right-of-way and Google's owned parcels, but which are necessary to serve the Project, including to install and/or abandon domestic water pipelines identified in the Gateway Master Plan Area to promote a reliable looped potable water system. The Applicant shall pay their fair-share cost above the costs otherwise the responsibility of the City for the domestic water pipelines. Should the Applicant's water demand increase above the demand forecasted in the UIS, the Applicant will be responsible for the utility impacts as determined by the UIS. Any additional utility impact analysis will be conducted by the City and funded by the Applicant at the consultant cost, along with the City's administration fee.

The Applicant shall pay its fair share based on current market rates (at the time of permit issuance) of the incremental cost for the installation of domestic water mains or, provided that the Applicant agrees, install the domestic water mains at its costs, but subject to a reimbursement agreement acceptable to the Applicant with the City Attorney to reimburse the Applicant for costs in excess of its fair share.

232. **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.
233. **SEPARATE FIRE SERVICE:** Domestic water and fire services shall have separate lines connected to the City's water main, except when supplying NFPA 13D fire sprinkler systems, as approved by the City Fire Protection Engineer. On-site fire lines, post indicator valves, Fire Department connections, and detector checks also require approval from the City's Fire Protection Engineer.
234. **SEPARATE IRRIGATION SERVICE AND METER:** A separate water service and water meter for irrigation will be required. The existing water service may be adequate to serve multiple meters, depending on size, and would require advance approval from the Public Works Director.
235. **CATHODIC PROTECTION:** Cathodic protection shall be required for all new water installations (if constructed of metallic pipe or fittings) per City Standards due to the high soil corrosivity in this area.
236. **UTILITY MAINTENANCE:** On-site water, sanitary sewer, and storm drainage facilities shall be privately maintained by the property owner(s).
237. **UNDERGROUND SERVICES:** All new and existing electric and telecommunication facilities serving the sites are to be placed underground, including transformers. 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. If allowed by the City, aboveground transformers, power meters, and pedestals shall be located so they are screened in the least visible location from the street or to the general public, as approved by the Community Development and Public Works Departments.

238. **JOINT UTILITY PLANS:** Upon submittal of an initial building permit and improvement plans, the improvement plans shall include joint utility plans showing the location of the proposed electric, gas, and telecommunication conduits and associated facilities, including, but not limited to, vaults, manholes, cabinets, pedestals, etc. Joint trench intent drawings will be accepted at the first improvement plan submittal. All subsequent improvement plan submittals shall include joint trench design plans. Appropriate horizontal and vertical clearances per PG&E requirements shall be provided between gas transmission lines, gas service lines, street trees, and building structures. Dedicate utility easements that are necessary for the common utility on a final map.

#### RECYCLED WATER

239. **RECYCLED WATER:** Private recycled water systems serving irrigation, cooling, dual-plumbing, and other approved nonpotable uses shall be consistent with the most current City Code, State, or Federal law, the City's Recycled Water Customer Guidelines, and as provided in the District Utility Systems Concept Plan.

240. **RECYCLED WATER USE REQUIREMENT:** This site is within the City's current recycled water service area. Recycled water use is required per the City Code for all irrigation within the City's current or future recycled water service area. All irrigation shall be designed, inspected, and tested per City's Customer Guidelines for Recycled Water Use.

241. **RECYCLED WATER USE PERMIT:** Submit a Recycled Water Use Permit Application.

242. **RECYCLED WATER SERVICES:** Each recycled water use must have its own individual meter (i.e., exterior irrigation, dual-plumbing, cooling towers, etc.). All recycled water services must have a meter and a reduced-pressure backflow preventer. Recycled water irrigation services must also have a pressure regulating valve.

243. **RECYCLED WATER PLANS:** Prepare recycled water plans in accordance with the City's Customer Guidelines for Recycled Water Use and all applicable State regulations in place at time of the building permit submittal. The Applicant shall follow the Guidelines, including, but not limited to, showing on the plans: size and location of all existing and new water meters, backflow preventers, new potable and recycled water pipelines, and existing potable and recycled water pipelines (if available); location of irrigation system components (controllers, quick couplers, valves, strainers, and constant pressure main lines); boundaries of the intended potable and recycled water use areas; locations of proposed recycled water advisory signs; a completed Site Information Box; and all applicable recycled water standard notes and details. If recycled water is being used for both irrigation and dual-plumbing, submit a color-coded recycled water plan package with all recycled water systems included (i.e., civil, irrigation, plumbing, and/or mechanical), which will be reviewed by the City and State.

244. **RECYCLED WATER FEES AND COSTS:** Project Applicant shall be responsible for paying all applicable costs and fees including, but not limited to, cross-connection testing, construction inspections and State review, as part of the approval of any recycled water project, prior to issuance of any building permits and/or map approval.

245. **DUAL-PLUMBED BUILDINGS:** Pursuant to Section 8.30.5 of Mountain View City Code, this project shall incorporate dual plumbing in the design of any commercial building over 25,000 square feet to allow the use of recycled water. The dual-plumbed recycled water system must comply with the requirements of the City's-Customer Guidelines for Recycled Water Use, California Code of Regulations Title 17 and Title 22, and the adopted California Plumbing Code in place at the time of the building permit submittal. For dual-plumbed buildings, the owner/tenant is required to hire an AWWA Cross-Connection Specialist to perform a visual cross-connection inspection every year and a four-year shutdown test. Additional conditions may be imposed on individual buildings as needed.

246. **MASTER PLAN UTILITY IMPACT STUDY IMPROVEMENTS (RECYCLED WATER):** As part of the project, the Applicant shall coordinate with the City in the development of a comprehensive and reliable recycled water system, including installation of recycled water pipelines identified by the Master Plan Utility Impact Study (UIS) prepared with the Project SEIR only for projects beyond those identified in the 2016 North Bayshore Precise Plan Nexus Study to expand the recycled water system to serve the Project, which include, but are not limited to, portions of Monarch Street, Inigo Way corridor, and Manzanita Street. ~~Also,~~

~~the~~The Applicant shall install recycled water pipelines identified in the Gateway Master Plan Area to promote a reliable looped recycled water system. The Applicant and the City shall coordinate the design and implementation of said recycled water system that is not within City right-of-way and Google's owned parcels, but which are necessary to serve the Project.

The Applicant shall pay their fair-share cost of the pipeline identified in the UIS prepared with the Project SEIR, which includes the loop within Shorebird Way and Charleston Road. Should the Applicant's recycled water demand increase above those forecasted in the UIS, the Applicant will be responsible for the utility impacts as determined by subsequent utility impact analysis. Any additional utility impact analysis will be conducted by the City and funded by the Applicant at the consultant cost, along with the City's administration fee.

The Applicant shall pay its fair share of the current market rates (at the time of permit issuance) of the cost for the installation of recycled water mains or, provided that the Applicant agrees, install the recycled water mains at its costs, but subject to a reimbursement agreement acceptable to the Applicant with the City Attorney to reimburse the Applicant for costs in excess of its fair share.

- 247. **STATE DEPARTMENT OF DRINKING WATER APPROVAL:** Approval of the dual plumbing plans and the dual plumbing engineering report is required from the State Department prior to the issuance of a building permit.
  
- 248. **HORTICULTURE STUDY:** Prior to subsequent zoning permit submittal for development in the Egret Rookery area (SB9) and adjacent parcels (SB7, SB14), the applicant shall retain a qualified horticulturist who shall prepare a horticultural study assessing the potential impacts on the trees in Egret Rookery area of using recycled water for irrigation, taking into account the high concentration of bird droppings in this area, and making recommendations to mitigate any harmful impacts, which may include the use of only potable water. The horticultural study shall require review and approval by the Public Works Director prior to submittal of the zoning permit application. The project shall implement the mitigation actions recommended in the horticulture study approved by the Public Works Director.

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

- 249. **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 a building permit or final map.
  
- 250. **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 prior to approval of a building permit or final map.

#### FLOOD ZONE

- 251. **SEA LEVEL RISE MINIMUM FINISH FLOOR ELEVATION:** Properties within the "Low Sea Level Rise inundation zone" envelope, where the envelope is shown to include any part of the property, as identified in the Shoreline Regional Park Community Sea Level Rise Study Feasibility Report and Capital Improvement Program (December 2012, or current equivalent document), shall be subject to constructing building finish floor elevations to account for sea level rise. New buildings or additions to buildings, shall be constructed to meet the minimum finish floor elevation to be at or above the projected low sea level rise elevation.
  
- 252. **SEA LEVEL RISE DESIGN:** Buildings and infrastructure should be designed to accommodate sea level rise and coastal flooding by incorporating system enhancements such as increased drainage system capacity and higher on-site stormwater capture. At a minimum, design shall comply with guidelines identified in Section 7.5 of the North Bayshore Precise Plan.
  
- 253. **FLOOD ZONE (MM HYD6.1: Both Projection Options):** Areas of the Master Plan are located within a Special Flood Hazard Zone, and the building and site designs must comply with the Floodplain Management Section of the City Code that are in place at time of the building permit submittal. The Applicant shall obtain a Flood Development Permit from the Public Works

Department prior to issuance of a building permit, including foundation work. It is recommended this permit be obtained before the design of building plans is complete in order to avoid potential redesign of the building.

- 254. **GRADING REQUIREMENTS:** For sites located within a special flood hazard zone, the grading or site plan must show the elevation of the finished pad, lowest floor, highest adjacent grade for Flood Zone AO, and base flood elevation for Flood Zone AE. All elevations must be referenced to a City elevation benchmark. The benchmark number, description, elevation, and datum year shall be noted on the grading plan.
- 255. **DRY FLOODPROOFING:** Nonresidential and mixed use structures may be made watertight (dry floodproofing) below the base flood and minimum elevation in lieu of elevating the building. The structure must be dry floodproofed per current City Code. A registered engineer or architect must submit a floodproofing certificate which certifies the designs and construction floodproofing requirements. The following note shall be clearly shown on the first sheet of the plans: "A floodproofing certificate for nonresidential structures shall be submitted to the Chief Building Official and Public Works Land Development Division prior to the issuance of a Certificate of Occupancy."
- 256. **BELOW-GRADE PARKING STRUCTURE WITHIN THE SPECIAL FLOOD HAZARD ZONE (SFHZ):** The construction of below-grade residential parking garages is prohibited within the SFHZ. Below-grade nonresidential parking garages within SFHZ shall not be floodproofed and must be elevated per current City Code. The use of levees to dry floodproof a nonresidential parking garage within the SFHZ will not be permitted.

SOLID WASTE AND RECYCLING

- 257. **MOUNTAIN VIEW GREEN BUILDING CODE/CONSTRUCTION AND DEMOLITION ORDINANCE:** The Applicant shall comply with the Mountain View Green Building Code and Construction and Demolition Debris Ordinance. The Applicant shall complete and submit a Construction and Demolition Debris Management Plan for approval by the Public Works Department, Solid Waste Section, in each development phase. A final Construction and Demolition Debris Recycling Report shall be submitted within a time frame specified by the Solid Waste Section for approval.
- 258. **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.
- 259. **AUTOMATED/PNEUMATIC WASTE COLLECTION SYSTEM:** The project's waste collection system shall comply with the City's trash, recycling, and compost/organics collection programs in effect at the time of [subsequent](#) zoning permit submittal, subject to the terms and provisions of the Development Agreement [as applicable](#).
- 260. **TRADITIONAL SOLID WASTE COLLECTION SYSTEM:** The Project shall have an alternative collection system in place at each building to accommodate traditional waste management collection methods for the basic trash, recycling and composting streams should in the future the Automated Waste Collection System (AWCS) become inoperable. Incorporate design for back-up infrastructure into future zoning permit submittals.
- 261. **MINIMUM COLLECTION VEHICLE ACCESS:** The project shall meet the following City standard for collection vehicle access, which may be updated from time to time based on the City's service provider:

Minimum Required Clearances	In Feet
Width	12'
Length (for roll-off, add length of box, or compactor)	40'
Travelway Vertical <sup>(a)</sup>	15'

Height for Tipping <sup>(a)</sup>	22'
Inside Turning Radius	34'
Outside Turning Radius	41'
Backing Distance <sup>(b)</sup>	150'

<sup>(a)</sup> Required clearance is from finished grade to structural appurtenances (e.g., overhangs, sprinklers, mechanical, electrical, plumbing). When the travelway has wires above, vertical clearance requirement is increased to 18'.

<sup>(b)</sup> Trucks will not back around corners or into areas with high volumes of traffic, pedestrians, or bicycles.

262. **SOLID WASTE DEVELOPMENT GUIDELINES:** The project shall comply with the City's Solid Waste Program Development Guidelines in effect at time of subsequent zoning permit submittal.

CONSTRUCTION ACTIVITIES, NOTES, AND OTHER APPROVALS

263. **CONSTRUCTION MANAGEMENT PLAN (MM TRN-3.1: Both Project Options):** A preliminary construction management plan may be required at subsequent zoning permit submittal for each development phase as identified in the Master Plan Phasing/Implementation Plan. Upon submittal of subsequent building permits per development phase, the Applicant shall provide a construction traffic and parking management plan with the associated building plans. The plan must be approved prior to the issuance of a building permit, including demolition. The plan must show 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;
2. **Construction Phasing, Equipment, Storage, and Parking:** Show and identify construction vehicle and equipment parking area, material storage and lay-down area, sanitation facilities, and construction trailer location for each phase of construction. All construction vehicles, equipment, and 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, unless approved by the Public Works Director due to special conditions. 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;
3. **Sidewalks:** Sidewalk closure or narrowing is not allowed during any on-site construction activities; and
4. **Traffic Control and Detour Plans:** Traffic control plans, including detour plans, shall be submitted to the Public Works Department for review and approval and included with building permit plans to the Building Division for any on-site improvements and/or work related to any phase of the construction management plan that requires temporary roadway closure, lane closure, shoulder closure, and/or bike lane closure. Pedestrian detour plans shall be provided when necessary. Traffic control plans shall be prepared in accordance with the latest edition of the California Manual of Uniform Traffic Control Devices (CA MUTCD). A completed Traffic Control Checklist shall be included with each traffic control plan submittal. A separate Excavation Permit from the Public Works Department may be required prior to issuance of the building permit.

264. **CALTRANS PERMIT:** The Applicant shall be responsible for applying for, and obtaining approval of, a Caltrans Encroachment Permit for all work within Caltrans' jurisdiction. Work within the State right-of-way must be in accordance with Caltrans requirements. Prior to building permit approval, submit a copy of the approved Caltrans Encroachment Permit to the Public Works Department.

265. **MASTER PLAN TRANSPORTATION DEMAND MANAGEMENT PROGRAM FOR NONRESIDENTIAL (OFFICE) DEVELOPMENT:** The property owner(s), property manager(s), or their representative(s) (collectively, “the owners”) are required to maintain a Transportation Demand Management (TDM) program which provides commute and transportation alternatives to employees which will reduce peak period vehicle trips to/from and within the Master Plan area in accordance with this Condition of Approval, except properties subject to a TDM Agreement entered into pursuant to an approved Development Agreement shall be subject to the provisions of the TDM Agreement in lieu of this Condition and Condition No. 266.

The peak period shall be initially defined as 8:00 a.m. to 11:00 a.m. and 4:00 p.m. to 7:00 p.m. on all weekdays (“Peak Period”), but the three-hour periods may be adjusted as conditions warrant. For means of clarification, the a.m. and p.m. Peak Periods shall not be expanded beyond a three (3) hour period, but the periods may be changed as conditions warrant.

The TDM program shall comply with the minimum requirements of the North Bayshore Precise Plan TDM measures, as modified by the North Bayshore Circulation Feasibility Study approved by the City Council in December 2021 (Circulation Study). The TDM program measures shall be formally accepted by the owner(s) prior to building permit issuance through a legal agreement or recorded document, ~~as reasonably determined in a form approved~~ by the City Attorney, with contents to the reasonable satisfaction of the Zoning Administrator. The mandatory TDM measures include:

The TDM program requirements specified in this Condition of Approval apply to the newly constructed office buildings (collectively “New Office Buildings” and singularly a “New Office Building”) within the Master Plan.

**Office Trip Cap:**

The project is subject to office vehicle trip cap(s) (collectively “Master Plan “Office Trip Caps” and singularly a “Master Plan Office Trip Cap”) that shall apply to each ~~new-New office-Office building-Building~~ that the Applicant develops in the North Bayshore Master Plan area. Subject to the Applicant and City’s mutual agreement, the Office Trip Caps may be modified if necessary to accommodate significant changes to the Applicant’s development plans or the City’s Priority Transportation Improvements.

Any existing office building in the Master Plan not proposed to be rebuilt will not be subject to the Master Plan Office Trip Cap requirement.

~~The Office Trip Caps shall be integrated into the Applicant’s existing TDM programs for each new building and provide a comprehensive approach to TDM and parking management that supports the NBPP goal of reducing vehicle traffic and supporting nondriving modes.~~

The Master Plan Office Trip Cap shall be for the a.m. and p.m. Peak Periods and based on the following assumptions: (i) a 35% single-occupancy vehicle (SOV) mode-share target for all-each of the ~~Applicant’s new-New office-Office buildingsBuildings~~; (ii) consistency with the peak-period vehicle trip generation rate that was used in the North Bayshore Master Plan Subsequent Environmental Impact Report (SEIR) Transportation Analysis or the North Bayshore Multi-Modal Transportation Analysis; (iii) a.m. and p.m. trip caps based on peak-direction trips (inbound a.m. trips and outbound p.m. trips); and a trip generation rate based on 4 person trips per 1,000 square feet of office space. The Office Trip Cap shall be proposed by the Applicant and approved by the City.

Applicant shall submit an Office Trip Cap Implementation Plan to the City prior to submission of the initial building permit application for the first North Bayshore Master Plan ~~New office-Office buildingBuilding~~. A consolidated Office Trip Cap Implementation Plan may be submitted for multiple New Office Buildings so long as it specifies individual building trip cap numbers for each New Office Building. The Office Trip Cap Implementation Plan for each ~~new-New Office building-Building~~ shall be approved by the Community Development Director and Public Works Director prior to issuance of the core and shell permit for the first North Bayshore Master Plan ~~New Office buildingBuilding~~; however, the Office Trip Cap Implementation

Plan can be submitted at an earlier date if desired by the Applicant and shall be timely reviewed by the City. ~~The Each~~ Office Trip Cap Implementation Plan shall include the following:

- a. A trip cap for the a.m. and p.m. Peak Periods, based on the following assumptions:
  - 35% single-occupancy vehicle (SOV) mode-share target for each of the ~~Applicant's new~~ New office ~~Office buildings~~ Buildings.
  - Consistency with the peak-period vehicle trip generation rate that was used in the North Bayshore Master Plan Subsequent Environmental Impact Report (SEIR) Transportation Analysis or the North Bayshore Multi-Modal Transportation Analysis.
  - A trip generation rate based on 4 person-trips per 1,000 square feet of office space.
  - The a.m. and p.m. trip caps shall be based on peak-direction trips (inbound a.m. trips and outbound p.m. trips).
  - The district trip monitoring shall include site specific count data as defined in updated TDM guidelines (e.g., each district garage, individual blocks, hourly count data etc.)
- b. A detailed plan to collect driveway traffic count data per the requirements of this condition, including the driveway locations and monitoring technology to be used. For shared driveways that have a mix of office and nonoffice trips, the Office Trip Cap Implementation Plan shall include a methodology to estimate the percentage of trips attributable to the applicable New Office ~~office buildings~~ Buildings and district parking locations.

Other required TDM measures include:

- a. Join and maintain ongoing membership in the Mountain View Transportation Management Association (MVTMA) for the life of the New Office Building ~~project~~.
- b. Provide an on-site Employee Transportation Coordinator (ETC) to implement, manage and monitor the TDM program and to serve as a liaison between the employer/tenant and the MVTMA. Annual monitoring reports will be submitted to the City's TDM Coordinator. The ETC shall carry out the following tasks in coordination with third parties, such as the MVTMA, vendors, and independent consultants, to ensure successful implementation of the TDM program:
  - i. Organizing and implementing promotional programs; develop and distribute marketing and information materials to inform employees and visitors about the TDM program and encourage their participation.
  - ii. Updating information in physical locations and via the online Intranet/employee HR resource pages;
  - iii. Providing trip-planning assistance and/or ride-matching assistance to employees and visitors;
  - iv. Promotion and presentation of transportation alternative choices at new hire/intern orientations (including public/private transit options, car share, and bike share, etc.);
  - v. Managing and facilitating annual employee commute mode-share surveys, visitor surveys, and conducting annual driveway counts with an independent consultant as specified below for TDM monitoring. For district parking locations, the ETC shall refine the commute survey methodology to identify the office buildings with which the trips at garage driveways are associated;
  - vi. Supplying up-to-date transit schedules, parking availability data, route maps and stop locations for commuter last mile shuttles, VTA transit lines, MVgo, and Caltrain.

- c. Provide a flexible, alternative work schedule program to allow employees to travel outside of peak periods; provide telecommute work options.
- d. Provide a Guaranteed Ride Home program to encourage use of alternative transportation.
- e. Provide publicly accessible shuttle services to connect employees and visitors to existing public transit stops/hubs, either directly or through the MVTMA.
- f. Provide bicycle parking, along with showers and changing facilities, as defined in the Precise Plan; provide sufficient self-repair station(s) for bikes.
- g. Provide ride-share matching services to encourage carpooling by employees and provide bike matching services to encourage employees to bike to work together.
- h. Include site design features to further alternative modes of travel, such as: (i) give priority parking locations to carpools and vanpools as defined in the Precise Plan; (ii) provide car-share parking as defined in the Precise Plan; and (iii) orient building entrances toward sidewalks, transit stops, and bicycle facilities.

Additional measures that should be considered as needed to maintain trip cap compliance: (i) provide access to a fleet of shared vehicles; (ii) provide subsidized membership to external car-sharing organizations; (iii) provide a bike loaner program to provide bikes on an extended basis to visiting or short-term employees for commuting; (iv) for carpool services, employers provide vans, fuel, toll expenses, and vehicle maintenance; (v) provide monetary incentive for employees to purchase bikes; and (vi) provide a parking cash out program to encourage use of alternative modes in accordance with California state law AB 2206.

266. **MASTER PLAN TRANSPORTATION DEMAND MANAGEMENT MONITORING FOR NONRESIDENTIAL (OFFICE) DEVELOPMENT:** The property owner(s), property manager(s), or their representative(s) (collectively, “the owners”) shall prepare an annual Transportation Demand Management (TDM) report and submit it to the City to document the effectiveness of their TDM program in maintaining compliance with the [Master Plan](#) Office Trip Cap for each ~~new-New office-Office buildingBuilding~~. The TDM report shall be prepared by an independent consultant and paid for by the property owner(s) or their representative; the consultant shall work with the property’s TDM coordinator. To verify the details of the TDM program, the City can hire a third-party consultant to review, which shall be funded by the Applicant (at contract cost plus the City’s administrative fee).

**TDM Reporting:** The initial TDM report for each ~~new-New office-Office buildingBuilding~~ shall be submitted on December 1, or the following business day thereafter if a weekend, one year after the granting of the Certificate of Occupancy for the [New Office buildingBuilding](#). Subsequent reports will be submitted to City’s TDM Coordinator annually on December 1.

**Master Plan Office Trip Cap Compliance:** To monitor compliance with the [Master Plan](#) Office Trip Cap, driveway traffic counts shall be prepared and provided by an independent, licensed consultant and paid for by the property owner. The driveway counts and resulting data shall be included in the TDM report provided to the City. The monitoring period will consist of one full work week (5 days), Monday through Friday and contain the following:-

- Driveway traffic counts shall be collected for peak-direction traffic (inbound a.m. trips and outbound p.m. trips) during the a.m. and p.m. three-hour peak periods Monday through Friday.
- To monitor compliance with the [Master Plan](#) Office Trip Cap, individual driveway traffic counts shall be added together and compared to the cumulative Office Trip Cap number:
  - a.m. peak period driveway traffic counts shall be added together and compared to the a.m. [Master Plan](#) Office Trip Cap.
  - p.m. peak period driveway traffic counts shall be added together and compared to the p.m. [Master Plan](#) Office Trip Cap.

- Compliance with the Master Plan Office Trip Cap shall be calculated using the average of the three highest volume weekdays of a.m./p.m. counts to determine compliance for the a.m./p.m. peak period.
- Any penalty amount would be the greater of either the a.m. or the p.m. exceedance.
  - For example, if the three-day average for the a.m. peak period counts shows an exceedance of the a.m. trip cap, and the three-day average for the p.m. peak period counts shows an exceedance of the p.m. trip cap, Applicant shall pay the greater of the two exceedances.

The City may conduct vehicle counts on its own accord at the same driveway locations used for the Applicant’s count, under contract with an independent consultant, to verify compliance with the Master Plan Office Trip Cap that applies to Applicant’s district trip cap building. Should the City’s counts exceed the Applicant’s counts by 2% or more and result in noncompliance with the Master Plan Office Trip Cap and the Applicant does not accept calculation of penalties based on City’s count, a third-party traffic consultant mutually acceptable to the City and the Applicant, and paid for by the Applicant, shall be hired to assess the validity of the count data for purposes of determining compliance with the Master Plan Office district trip cap Cap and any applicable penalties for noncompliance.

**Report Conclusions/Program Modifications:** The TDM report shall either state: (1) the project building has remained below the required building project peak period Master Plan Office Trip Cap, providing supporting statistics and analysis to establish attainment of the goal; or (2) the building project has not achieved the peak period Master Plan Office Trip Cap, 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 required for the building project.

If the Master Plan Office Trip Cap is exceeded, the property owner(s) or representative(s) shall submit a revised TDM plan to the City’s TDM Coordinator identifying new programs or measures to address the exceedance and reduce the number of site-specific vehicle trips. If the following annual monitoring report indicates that, despite changes to the TDM program, the site still does not comply with the Master Plan Office Trip Cap, then the City will assess the employer(s)/property owner(s)/property managers(s) a financial penalty.

**Penalty for Noncompliance:** If, after an initial TDM report shows noncompliance, the second next annual report indicates that, in spite of the changes in the TDM program, the Master Plan Office Trip Cap is still not being met, or if the Applicant fails to submit such a TDM report at the times described above, ~~provisions of the NBPP for noncompliance would apply. In addition,~~ the City may assess a penalty in the maximum amount of One Hundred Thousand Dollars (\$100,000) for the first percentage point above the specified Master Plan Office Trip Cap and an additional Fifty Thousand Dollars (\$50,000) for each additional percentage point above thereafter (“TDM Penalty”). The penalty applies whether a.m. or p.m. trips are exceeded; the monetary penalty is based on whichever trip cap is the highest percent above the Master Plan Office Trip Cap for the specified office building. In determining whether the TDM Penalty is appropriate, the City may consider whether the owner(s) has made a good-faith effort to meet the TDM goals and allow a six (6) month “grace period” to implement additional TDM measures to meet the Master Plan Office Trip Cap. If the project building does not achieve the necessary reductions to meet the Master Plan Office Trip Cap after the six (6) month grace period, the City may require the owner(s) to pay a TDM Penalty as shown in the sample table below. Any expenses that are put toward achieving the Master Plan Office Trip Cap can be offset against the TDM Penalty. Applicant will be required to provide invoices of said expenses to offset a corresponding amount of the TDM penalty. The TDM penalty shall be paid in accordance with NBPP requirements and used to promote alternatives to single-occupancy vehicle use in the City.

Percent Above <u>Master Plan</u> Office Trip Cap	Penalty Amount
0%	-0-
1%	\$100,000
2%	\$150,000
3%	\$200,000

267. **MASTER PLAN TRANSPORTATION DEMAND MANAGEMENT (TDM) PROGRAM FOR HOTELS:** The property owner of a parcel(s) within the project area with a hotel use is required to maintain a TDM program for the life of the project which will reduce peak-hour vehicle trips to the site, ensure the project does not exceed a 45% SOV rate and complies with an established trip cap during the morning peak period. 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. Should the Applicant wish to propose an alternative vehicle trip performance standard, the Applicant shall submit a study providing justification for the alternative approach. This study, to be completed by a traffic engineer, shall include a strategy for monitoring, reporting, and ultimately achieving the vehicle trip performance standard and non-driving mode share required in the North Bayshore Precise Plan. The revised requirements shall be subject to City review and approval prior to inclusion in the owner's TDM program. The specific TDM measures to be used in the program can be any combination of measures which achieve the required trip reduction, but shall at a minimum include the following mandatory measures:

- a. Join and maintain ongoing membership in the Mountain View Transportation Management Association (MVTMA) for the life of the project.
- b. Provide an on-site employee transportation coordinator to implement and manage the TDM program and to serve as a liaison between the employer/property owner and the TMA.
- c. Develop and distribute marketing and information materials to inform employees and guests about the TDM program and encourage their participation.
- d. Provide a flexible work schedule program to allow employees to travel outside peak periods.
- e. Provide a Guaranteed Ride Home program for employees to encourage use of alternative transportation.
- f. Provide shuttle services to connect employees and guests to existing transit (covered by TMA membership dues).
- g. Provide bicycle parking along with showers and locker facilities to encourage bicycling.
- h. Implement a bike sharing program on the site for use by employees or guests.
- i. Locate priority parking for carpools and vanpools.
- j. Provide rideshare matching services to encourage carpooling by employees.

268. **TRANSPORTATION DEMAND MANAGEMENT (TDM) MONITORING FOR HOTELS:** The property owner, or tenant, of a parcel(s) within the project area with a hotel use shall prepare an annual TDM report and submit it to the City's TDM Coordinator to document the effectiveness of the TDM program in meeting the required trip cap of inbound vehicle trips generated by the project during the morning peak period. 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 the building. Subsequent reports shall be submitted to the City's TDM Coordinator annually thereafter.
- b. **Report Requirements:** The TDM report shall provide the data collected by the consultant and shall state whether the project has resulted in more than the trip cap for inbound vehicle trips during the morning peak period. If the TDM report states the project has not met the trip cap requirement, the report shall provide an explanation of how and why the goal

has not been reached and a description of additional measures that will be implemented by the property owner and/or tenants in order to attain the goal.

- c. **Penalty for Noncompliance:** If, after an initial TDM report shows noncompliance, the ~~second~~ next annual report indicates that, in spite of the changes in the TDM program, the vehicle trip cap is still not being met, or if the Applicant fails to submit such a TDM report at the times described above, the City may assess the property owner a penalty in the maximum amount of \$100,000 for the first 10 trips (or portion thereof) over the vehicle trip cap and an additional \$50,000 for each additional 10 trips thereafter (“TDM Penalty”).
- d. In determining whether the TDM Penalty is appropriate, the City may consider whether the property owner has made a good-faith effort to meet the TDM goals and may allow the property owner a six-month “grace period” to implement additional TDM measures to meet the vehicle trip cap. If the ~~project~~ building does not achieve the necessary reductions to meet the trip cap after the six-month grace period, the City may require the property owner or tenant to pay a TDM Penalty as shown in the sample table below. Any expenses that are put towards the goal of meeting the trip cap can be offset against the TDM Penalty. Applicant will be required to provide invoices of said expenses to offset a corresponding amount of the TDM penalty. TDM Penalties shall be paid in accordance with NBPP requirements and used to promote alternatives to single-occupancy vehicle use in the City.

Inbound A.M. Peak Period Trips	Penalty Amount
<del>Under</del> At or under trip cap	-0-
1 to 10 trips above trip cap	\$100,000
11-20 trips above trip cap	\$150,000
21-30 trips above trip cap	\$200,000

- 269. **TMA MEMBERSHIP:** The property owner or building occupants shall maintain ongoing membership in the Mountain View Transportation Management Association (MVTMA) for the life of the project.

TRANSPORTATION DEMAND MANAGEMENT CONDITIONS—RESIDENTIAL

- 270. **MASTER PLAN TRANSPORTATION DEMAND MANAGEMENT PROGRAM FOR RESIDENTIAL DEVELOPMENT:** The property owner(s), property manager(s), and homeowners association (HOA) or their representative(s) (collectively, “the owners”) are required to maintain a Transportation Demand Management (TDM) program which provides commute and transportation alternatives to employees/residents which will reduce peak-hour vehicle trips to/from and within the Master Plan area. Each individual building must maintain a separate TDM program, but the measures must comply with the minimum requirements of the Master Plan TDM program and the North Bayshore Precise Plan TDM measures, as modified by the North Bayshore Circulation Feasibility Study approved by Council in December 2021 (Circulation Study). The TDM program measures shall be formally accepted by the owner(s) prior to building permit issuance per development approvals 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 include:

**For Residential Development:** Each residential building is required to comply with North Bayshore Residential TDM Guidelines. The residential project shall establish and comply with the residential parking maximums in the NBPP, which serve as a TDM strategy that limits vehicle trip generation while minimizing the operational burden levied on residential development. Should the Applicant request a residential parking ratio above the maximum defined in the North Bayshore Precise Plan, the Applicant shall comply with the requirements for residential parking maximum exceptions defined in the North Bayshore Precise Plan and the North Bayshore Residential TDM Guidelines. The Applicant shall submit a Parking Study, to be completed by a traffic engineer, which shall include justification for the additional parking and other Parking Study elements as specified in the North Bayshore Residential TDM Guidelines. The Parking Study shall include a strategy for monitoring, reporting, and ultimately

eliminating and converting excess parking spaces over time so the project will meet the Master Plan's residential parking standards. Other required TDM elements include:

- a. Establish a residential vehicle trip performance standard for peak hour vehicle trips and a minimum 50% nondriving mode for a site's daily trips (as required by the North Bayshore Residential TDM Guidelines). Should the Applicant wish to propose an alternative interim vehicle trip performance standard and/or non-driving mode share based on a higher interim parking ratio, the Applicant shall submit a study providing justification for the alternative approach. This study, to be completed by a traffic engineer, shall include a strategy for monitoring, reporting, and ultimately achieving the vehicle trip performance standard and non-driving mode share required in the North Bayshore Residential TDM. The revised requirements shall be subject to City review and approval prior to inclusion in the owner's TDM program.
- b. Join and maintain ongoing membership in the Mountain View Transportation Management Association (MVTMA) for the life of the project.
- c. Provide on-site car share spaces at a rate of two spaces per building plus one space for every 200 units over 200.
- d. Provide short-term bike parking at a rate of 1 per 10 units and long-term bike parking at a rate of 1 per unit.
- e. Unbundle parking from all residential leases for market-rate housing.

Additional measures that should be considered as needed to maintain trip cap compliance:

- a. Provide an on-site Transportation Coordinator (ETC) to implement, manage, and monitor the TDM program and to serve as a liaison between the residents and property owners, the MVTMA and the City. Annual monitoring reports will be submitted to the City's TDM Coordinator.
  - i. Organizing and implementing promotional programs;
  - ii. Updating information in physical locations and via the online Intranet/new resident welcome packets;
  - iii. Promotion and presentation of transportation alternative choices at new resident/prospective tenant/onsite employee orientations (including public/private transit options, Carshare, and bike share etc);
  - iv. Managing and conducting annual driveway counts with an independent consultant as specified below for TDM monitoring;
  - v. Supplying up-to-date transit schedules, parking availability data, route maps and stop locations for commuter last mile shuttles, VTA transit lines, MVgo, and Caltrain.
- b. For buildings with over 100 units, provide and maintain shared, common, collaborative workspaces with WiFi for residents and their guests. This amenity can be offered in partnership with nearby residents and businesses.
- c. Provide monetary incentives for alternative modes of travel, including subsidized transit passes and bike-share for residents.
- d. Provide publicly accessible shuttle services to connect residents to existing public transit stops/hubs and to nearby nonresidential destinations and services, either directly or through the MVTMA.
- e. Provide and maintain accessible and secure storage spaces for grocery and package delivery within each residential/mixed-use building.
- f. Provide local transportation information to all residents through orientation welcome guides, as well as maintained and accessible via up-to-date website(s), leasing office, and/or initial sale information.

- g. Support Safe Routes to Schools programs, including facilitating parent gatherings and coordination of walking, school buses, and/or bike trains.
- h. Include site design features to further alternative modes of travel, such as: (i) orient building entrances toward sidewalks, transit stops, and bicycle routes; and (ii) provide conveniently located ride-share drop-off and waiting areas on-site.

**Penalty for Noncompliance (For Residential Developments):** If, after an initial TDM report shows noncompliance, the second annual report indicates that, in spite of the changes in the TDM program, the vehicle trip cap is still not being met, or if the Applicant fails to submit such a TDM report at the times described above, the City may assess a penalty in the maximum amount of Twenty Five Thousand Dollars (\$25,000) to Fifty Thousand Dollars (\$50,000) (depending on the number of units) for the first percentage point above the specified project vehicle trip cap and an additional Ten Thousand Dollars (\$10,000) to Twenty Five Thousand Dollars (\$25,000) for each additional percentage point above thereafter (“TDM Penalty”). The penalty applies whether a.m. or p.m. trips are exceeded, or a combination of both; the monetary penalty is based on whichever trip cap is the highest percent above the trip cap. In determining whether the TDM Penalty is appropriate, the City may consider whether the owner(s) has made a good-faith effort to meet the TDM goals and allow a six (6) month “grace period” to implement additional TDM measures to meet the vehicle trip cap. If the ~~project-building~~ does not achieve the necessary reductions to meet the trip cap after the six (6) month grace period, the City may require the owner(s) to pay a TDM Penalty as shown in the table below from the North Bayshore Residential TDM Guidelines. Any expenses that are put toward achieving the trip cap can be offset against the TDM Penalty. Applicant will be required to provide invoices of said expenses to offset a corresponding amount of the TDM penalty. The TDM Penalty shall be paid in accordance with NBPP requirements and used to promote alternatives to single-occupancy vehicle use in the City.

Annual Financial Penalties for Noncompliance Number of Units	Financial Penalty for Exceeding Project Vehicle Trip Performance Standard by 1%	Penalty for Each Additional Percent Exceeded
10 to 99 units	\$25,000	\$10,000
100 or greater units	\$50,000	\$25,000

271. **PARKING MANAGEMENT PLAN:** The Applicant shall prepare an initial, or interim, parking management plan as part of the zoning permit application that addresses the first phase (or time frame) of the Master Plan. The plan could include temporary office parking but shall maintain compliance with the parking phasing strategy outlined in the Master Plan. Additional Parking Management Plans will be required for each zoning permit application that includes use of district parking. Such parking ratios, including the number of loading spaces, car-sharing spaces, short-term/drop-off spaces, and moving van spaces, will be established as part of subsequent zoning permit approvals for each phase of development.

For an interim plan and future district parking applications, the Parking Management Plan shall include a detailed multi-modal access plan illustrating how employees, residents and visitors will travel to and from their destination. This plan should include ~~public~~ shuttle service that serves users of the district parking if the district parking is beyond a reasonable walk distance.

Regular long-term parking on public streets shall not be allowed in curbside zones and shall be limited to deliveries, passenger pick-ups/drop-offs, and other short-term uses agreed to by the Applicant and the City. The City will be responsible for management of curbside zones.

The Employer Transportation Coordinator (ETC) shall manage the implementation of the Parking Management Plan to ensure right-size parking. The plan shall identify a combination of incentives and policies that work to manage the daily demand for

on-site and district parking and shift users to alternative modes as efficiently as possible. Potential TDM measures for the program include:

- a. Redeemable points given to an employee for number of alternative trips completed/SOV trips avoided;
- b. Awards for joining a commute program; large awards for hitting key milestones;
- c. Mobility App to access up-to-date parking data;
- d. Parking cash-out program; and
- e. Shared parking strategies.

272. **MONITORING REPORT REQUIREMENTS:** The Applicant shall prepare an annual monitoring report for the Parking Management Plan following approval of the interim or other plan. The monitoring report shall include: (i) a list of TDM measures used to minimize parking demand; and (ii) the results of a parking survey of on-site and district parking locations. The survey will be conducted by an independent consultant and paid for by the property owner(s) or their representative and will include parking counts to measure peak parking demand and resulting parking utilization rate against existing inventory. The ~~TDM-Parking monitoring-Monitoring report-Report~~ shall include a description of measures in place and any new or modified measures since the last monitoring period. The initial Parking ~~monitoring-Monitoring report-Report~~ for the project will be submitted one year after the granting of the Certificate of Occupancy for the building or district parking location. Subsequent reports shall be submitted to the City's TDM Coordinator annually thereafter.

The Applicant may choose to satisfy this condition by providing the information specified in this Condition of Approval No. 272 as part of the annual TDM monitoring reports that are required under Condition of Approval No. 266 (Transportation Demand Management Monitoring for Non-Residential [Office] Development) or other annual TDM monitoring reports, so long as the monitoring reports meet the requirements of this condition.

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

#### ENVIRONMENTAL SAFETY

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

273. **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.
274. **FOOD SERVICE CHECKLIST:** Complete a "Food Service Checklist: Grease Control and Stormwater Pollution Prevention" for building plan review. All applicable items in the checklist should be completed and shown on the building plan submittal.
275. **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.
276. **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.
277. **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.

278. **ENGINEERED DRAWINGS:** Treatment systems and/or porous pavement, pavers, and other uncompacted surfaces require engineered drawings.
279. **WASTEWATER DISCHARGE PERMIT:** All treatment systems connected to the sanitary sewer require a Wastewater Discharge Permit.
280. **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.
281. **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.
282. **LANDSCAPE DESIGN:** Landscape design shall minimize runoff and promote surface filtration. Examples include: (a) no steep slopes exceeding 10%; (b) using mulches in planter areas without ground cover to avoid sedimentation runoff; (c) installing plants with low water requirements; and (d) installing appropriate plants for the location in accordance with appropriate climate zones. Identify which practices will be used in the building plan submittal.
283. **EFFICIENT IRRIGATION:** Common areas shall employ efficient irrigation to avoid excess irrigation runoff. Examples include: (a) setting irrigation timers to avoid runoff by splitting irrigations into several short cycles; (b) employing multi-programmable irrigation controllers; (c) employing rain shutoff devices to prevent irrigation after significant precipitation; (d) use of drip irrigation for all planter areas which have a shrub density that will cause excessive spray interference of an overhead system; and (e) use of flow reducers to mitigate broken heads next to sidewalks, streets, and driveways. Identify which practices will be used in the building plan submittal.
284. **FIRE SPRINKLERED BUILDINGS:** New buildings that will have fire sprinkler systems shall be provided with a sanitary sewer drain in a protected area, which can adequately accommodate sprinkler water discharged during sprinkler system draining or activation of the inspector test valve. Show the location and provide a detail of the fire sprinkler drain on the plans.
285. **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.
286. **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").
287. **VEHICLE/EQUIPMENT FUELING FACILITIES:** Vehicle or equipment fueling facilities 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 extending the cover at least 10' beyond the fuel pumps in the directions of vehicle or equipment access and egress; (c) sloping the area inward (negative slope) or installing a berm or curb around its perimeter; and (d) roof drainage shall be directed outside of the fueling pad area located underneath the canopy. No roof drainage shall flow across the covered fueling pad area. There shall be no storm drains in the fueling area.
288. **OUTDOOR VEHICLE/EQUIPMENT MAINTENANCE:** Outdoor equipment or vehicle maintenance areas (excluding washing) 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 maintenance area.
289. **OUTDOOR VEHICLE/EQUIPMENT WASHING FACILITIES:** Outdoor vehicle/equipment washing areas 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) sloping the area inward (negative slope) or installing a berm or curb around its perimeter; (c)

installing a roof over the wash pad area; and (d) discharging the wash water to an approved wastewater treatment system connected to the sanitary sewer.

290. **HAZARDOUS MATERIALS/WASTE LOADING DOCKS:** Loading docks used for hazardous materials or hazardous waste shipping/receiving shall be designed to prevent the run-on of stormwater and runoff of spills by all of the following: (a) paving the dock with concrete or other nonpermeable surface; (b) covering the dock or installing a rain sensor which automatically opens the storm drain in the dock; and (c) sloping the dock inward (negative slope) or installing a berm or curb around its perimeter. There shall be no storm drains in the loading docks unless they are normally in the closed position and interlocked to open when triggered by the rain sensor.
291. **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.
292. **HIGH-EROSION STORAGE AREAS:** High-erosion areas (areas paved with loose sand/gravel, areas used for storage of high-sediment-producing materials, such as rock or sand, or areas designated for high traffic or heavy equipment traffic) shall be designed to prevent the run-on of stormwater and runoff of spills by one of the following: (a) covering the area and either sloping the area inward (negative slope) or providing a berm or curb around its perimeter; or (b) retrofitting the area with a treatment system to intercept and remove sediments from storm drain runoff.
293. **PARKING GARAGES:** For multiple-level parking garages, interior levels shall be connected to an approved wastewater treatment system discharging to the sanitary sewer.
294. **STORMWATER TREATMENT (C.3):** This project will create or replace more than five thousand (5,000) square feet of impervious surface; therefore, stormwater runoff shall be directed to approved permanent treatment controls as described in the City's guidance document entitled, "Stormwater Quality Guidelines for Development Projects." 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.

295. **STORMWATER TREATMENT (C.3)—SPECIAL LAND USE CATEGORIES:** For retail gasoline outlets, auto service facilities, restaurants, and uncovered parking lots that create or replace more than five thousand (5,000) square feet of impervious surface, stormwater runoff shall be directed to approved permanent treatment controls as required 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 are required to enter into a formal recorded Maintenance Agreement with the City.

296. **HYDROMODIFICATION MANAGEMENT:** Postconstruction stormwater runoff shall drain to approved permanent Hydromodification Management (HM) controls to mitigate increases in peak runoff flow and increased runoff volume. Projects that will decrease impervious surface area in comparison to the preproject condition are not subject to the HM requirement. Information related to this requirement, including the exemption criteria, is included in the City's document entitled, "Hydromodification Management Plan Guidelines for Development Projects," and the Santa Clara Valley Urban Runoff Pollution Prevention Program's manual entitled, "C.3 Stormwater Handbook: Guidance for Implementing Stormwater Requirements for New and Redevelopment Projects."

The City's "Hydromodification Management Plan Guidelines for Development Projects" manual requires applicants to submit a Stormwater Management Plan, including information such as the type, location, and sizing requirements of the controls that will be installed. Include the Stormwater Management Plan with the building plan submittal. Property owners of projects that include stormwater controls constructed in accordance with this condition are required to enter into a formal recorded self-inspection and maintenance agreement with the City.

297. **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).
298. **FULL TRASH CAPTURE:** Projects located in "moderate," "high," or "very high" trash generating areas as outlined in the City's Long-Term Trash Load Reduction Plan that are undergoing site improvements shall install full trash capture protection within the existing 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.
299. **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.
300. **BUILDING DEMOLITION PCB CONTROL:** Nonwood-frame buildings constructed before 1981 that will be completely demolished are required to conduct representative sampling of priority building materials that may contain polychlorinated biphenyls (PCBs). If sample results of one or more priority building materials show PCBs concentrations  $\geq 50$  ppm, the applicant is required to follow applicable Federal and State notification and abatement requirements prior to demolition of the building. Submit a completed "Polychlorinated Biphenyls (PCBs) Screening Assessment Applicant Package" with the building demolition plans for the project. A demolition permit will not be issued until the completed "PCBs Screening Assessment Applicant Package" is submitted and approved by the City Fire and Environmental Protection Division (FEPD). Applicants are required to comply with applicable Federal and State regulations regarding notification and abatement of PCBs-containing materials. Contact the City's FEPD at 650-903-6378 to obtain a copy of the "PCBs Screening Assessment Applicant Package" and related guidance and information.
301. **MUNICIPAL REGIONAL PERMIT (MRP):** The project is subject to the applicable Municipal Regional Permit (MRP) issued by the Regional Water Quality Control Board (RWQCB) and administered by the City of Mountain View Fire and Environmental Protection Division in place at time of building permit submittal.

The current MRP was adopted for a five-year term effective July 1, 2022. Information regarding the MRP can be found online at [www.waterboards.ca.gov/sanfranciscobay/water\\_issues/programs/stormwater/](http://www.waterboards.ca.gov/sanfranciscobay/water_issues/programs/stormwater/). The MRP requirements may be updated from time to time based on RWQCB reissuance and adoption.

302. **GREEN STORMWATER INFRASTRUCTURE:** The applicant should consider implementing Green Stormwater Infrastructure (GSI) for portions of the project which are unregulated by C3 requirements, such as existing public streets: [scvurppp.org/wp-content/uploads/2019/09/SCVURPPP-GSIHandbook-Sept-2019\\_9-5-19.pdf](http://scvurppp.org/wp-content/uploads/2019/09/SCVURPPP-GSIHandbook-Sept-2019_9-5-19.pdf). Explore innovative full trash capture systems in and/or associated with the storm drainage systems.

**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.

**ADMINISTRATIVE PROCEDURES FOR  
IMPLEMENTATION OF THE NORTH BAYSHORE MASTER PLAN  
APPLICATION NO: PL-2021-181**

This document contains administrative procedures and project requirements to implement the North Bayshore Master Plan, which supplements and expands upon City regulations and procedures, North Bayshore Precise Plan (Precise Plan) requirements, the Review Approval Framework, and the Project Conditions of Approval. NOTE: References include: (a) condition numbers that are referencing Project Conditions of Approval in Exhibit A in this Resolution; (b) the Review and Approval Framework, which is Exhibit L in the North Bayshore Implementation Plan; and (c) if approved by City Council, the Development Agreement (DA) associated with this Project (Application No. PL-2021-248).

1. **SUBSEQUENT PERMITS:** Subsequent permits are required to entitle and construct within the Master Plan Area, subject to the City's permit review process, City Code, Review and Approval Framework, and, if the Development Agreement (DA) is approved, the DA.
  - A. **Zoning Permits:** Zoning permits must be applied for in order to entitle development and specific land uses on any given parcel(s) within the Master Plan Area. Zoning permits, including any extension, are valid per Section 36.56.65 of the City Code, except with approval of the DA, when zoning permits will be valid for a period not to exceed four years with no permit extension during the DA term. If construction has not commenced under a valid building permit prior to the zoning permit expiration, the Applicant must reapply for a zoning permit. Similarly, if a DA is approved but construction has not commenced under a valid building permit prior to the zoning permit expiration during the DA term or after the DA term, the Applicant must reapply for a zoning permit. All zoning permits are to be processed per Procedure No. 2 (below) and the City Code, primarily Chapter 36.
  - B. **Building Permits:** Building permits must be obtained to allow construction activities and building occupancy for new construction in the Master Plan Area. All building permits are to be processed in accordance with the City Code, including, but not limited to, Chapter 8 of the City Code.
  - C. **Public Works Permits:** Applications for any permits issued by the Public Works Department must be obtained to allow and prior to commencement of construction activities in the public right-of-way and/or to connect to public infrastructure. All permits are to be processed in accordance with the City Code, including, but not limited to, Chapters 27, 28, 34, 35, 38, 41, and 43.
2. **EXPEDITED ZONING PERMIT REVIEW:** Subsequent zoning permit entitlements that are compliant with the Master Plan and consistent with the Precise Plan can be reviewed under an expedited planning entitlement process per Section 3.5.2.10 of the North Bayshore

Precise Plan and as referred to in Appendix L (Review and Approval Framework) of the North Bayshore Implementation Plan. This process includes review by City staff, the Development Review Committee (DRC), and a decision by the Zoning Administrator (ZA) at a duly noticed Administrative Zoning public hearing. The ZA has the discretion to refer a zoning permit to the City Council for a decision. Per City Code Section 36.56.50, the action by the ZA on a zoning permit may be appealed to the City Council. Additionally, the Applicant shall conduct a community meeting as part of each zoning permit(s) reviewed. If multiple zoning permit applications are with the City for review, the Applicant may conduct a combined community meeting (i.e., addressing multiple zoning permits) to satisfy this requirement. The Applicant shall also maintain a website for the Project for public viewing that provides access to the approved Master Plan and subsequent zoning permit materials related to new construction, Project status and development milestones, contact information for the public/interested businesses, and a subscription interest list for email correspondence and construction notifications.

3. **ACTIVE USES (CHANGE OF USE PERMITS):** All ground-floor commercial space identified and defined in the Master Plan as “Active Use” must comply with the following:
  - A. **Location:** Active Uses are limited to the ground floor of buildings located on Parcels SB1, SB2, SB3, SB5, SB10, SB17, SB19, SB20, SB21, SB23, SB24, PE1, JN12, JN15, JS10, JS7, and JS8, as shown in the Vesting Tentative Map, and within the Portal, Greenway Park East, and Greenway Park West POPA Open Space in the Master Plan.
  - B. **Approved Uses:** Active Uses must comply with the Precise Plan [Table 3, Allowed](#) Land Use.
  - C. **Exempt from Floor Area Ratio (FAR):** Active Use may be exempt from FAR if it complies with Procedure No. 4 (below) and is approved with a subsequent zoning permit.

All new or relocating Active Use tenants within the Master Plan must obtain a Development Review Permit (zoning permit) for a change of use (also referred to as a “Change of Use Permit”) with the Planning Division, following procedures in City Code Section 36.44.65, in order to demonstrate consistency with: (1) the land use permitted in the Precise Plan; and (2) any FAR exemption(s).

4. **FLOOR AREA EXEMPTIONS:** In subsequent zoning permits, this Project may include requests for floor area exemptions for specific land uses, including:
  - A. Small businesses or educational, cultural, or public service uses or other nonprofit uses can be exempt from gross floor area; however, the maximum floor area exemption shall not exceed 5% of the Project’s gross floor area within a given development. All uses must comply with the definitions in Chapter 36 (Zoning) of the City Code or the Precise Plan.

- B. Retail and grocery stores in mixed-use development (outside Gateway Character Area) can be exempt from gross floor area.
  - C. Child-care facilities within a larger-development area FAR exemption is allowed per subsequent zoning permit(s) approval of the larger development.
  - D. Up to a 130,000 square foot floor area exemption for a Central Utility Plant (CUP) is allowed per subsequent zoning permit(s) approval of a private district utility system.
  - E. Per Section 3.3.3(2) of the Precise Plan, up to a 340,000 square foot floor area exemption for Hotel Uses is excluded from Non-Residential Bonus FAR.
5. **REVISIONS TO THE APPROVED MASTER PLAN:** Minor modifications to the approved Master Plan shall require approval by the Zoning Administrator. Major modifications to the Master Plan shall require a City Council public hearing, which may require modifications to other project approvals; or, if the DA is approved, with Existing Approvals as defined in the DA. Examples of these modifications include:
- A. **Minor Modifications:** Any modification to the Master Plan that is not a major modification or, if approved, is not a Material Change as defined in the DA. All minor modifications must comply with the North Bayshore Precise Plan and City Code. Exceptions from development standards permitted in the Precise Plan, by a subsequent zoning permit, allowed by City Code, or identified in the Master Plan or Review and Approval Framework are considered minor modifications, which may be approved by the Zoning Administrator with a subsequent zoning permit at a duly noticed Administrative Zoning public hearing.
  - B. **Major Modifications:** Any modification that: (1) exceeds the cumulative maximum floor area in accordance with Section 3.3.3 of the Precise Plan; (2) exceeds the approved Bonus FAR for the project; (3) changes the approved land uses in the Master Plan, other than those Active Uses permitted by the Precise Plan; (4) changes the general location of on-site or off-site improvements; (5) increases the maximum height ~~or size~~ of a building(s) proposed in the project inconsistent with the Master Plan or Precise Plan; (6) increases the overall square footage of the project; (7) ~~subject to~~ with the exception of the Applicant's ability to elect to provide POPA Open Space or dedicated park land and possible modification of such property's configuration per Section 5.1.2.3 of the DA, changes the location or size of land dedication offerings for parks and affordable housing; or (8) reduces the approved Community Benefits or Public Benefits. With approval of the DA, a major modification constitutes a Material Change as defined in the DA. ~~For Clarity, changes to street sections that do not alter the public right of way width or materially impact individual travel modes as compared to the sections in the North Bayshore Precise Plan is considered a Minor Modification.~~

6. **VOLUNTARY PUBLIC BENEFITS:** In addition to providing Community Benefits specified in Project Condition No. 9, the Applicant is providing the following voluntary public benefits to the City and the City's residents in consideration of the City entering into a DA with the Applicant that extends the vested rights and entitlement period of the project approvals and provides other rights and obligations. These benefits only apply with an approved DA, which further describes the benefits, their terms, and delivery:
- A. **First People-Centric Fund:** Nonrefundable cash payment in the amount of \$500,000 to the City's General Fund for use at the City's discretion for "people-centric" activities and programs for: (i) housing opportunities and antidisplacement efforts; (ii) small business support and workforce development; (iii) safe and expanded connections for pedestrians and bicyclists and consolidated infrastructure; and (iv) quality open space for recreation, relaxation, and entertainment. The payment shall be provided to the City within ninety (90) days following the first day of the Term of the DA.
  - B. **Second People-Centric Fund:** An additional cash payment equal to the sum of \$1,000,000 plus the product of \$1,000,000 times the percentage increase in the Consumer Price Index (CPI) between the Effective Date of the DA and the date on which such payment is made ("Second People-Centric Fund Payment"). The Developer shall pay the Second People-Centric Fund Payment in installments at a rate of \$0.77 per square foot (as of the Effective Date) of North Bayshore Nonresidential Bonus FAR, payable at the time of issuance of each building permit for North Bayshore Nonresidential Bonus FAR space.
  - C. **Public Art Fund:** The Applicant shall fund, construct, and install a public artistic feature(s) in the Social Spine and/or a POPA open space (value \$2,000,000 plus the product of \$2,000,000 times the percentage increase in CPI between the Effective Date and the date on which such art feature is installed).
  - D. **Eco Gem Dedicated Park Land Site Contribution:** Cash payment to the City to contribute toward the unique improvements within the Eco Gem as determined through the City's park design process. The cash payment would be in the amount of \$5,000,000 plus the product of \$5,000,000 (or the remaining balance thereof) times the percentage increase in CPI between the Effective Date and the date on which such payment is made. The Developer shall provide this funding at a rate of \$3.83 per square foot (as of the Effective Date) of North Bayshore Nonresidential Bonus FAR, payable at such time that the Developer has obtained building permits for North Bayshore Nonresidential Bonus FAR space.
  - E. **~~Active Use Assistance~~ Ground-Floor Activation Program:** The Developer shall implement, fund, and construct, as applicable, the measures, programs, and improvements generally described in the "~~Active Use Assistance~~ Ground-Floor Activation Program" as specified in Exhibit J of the DA, having a total value, as of the Effective Date, of not less than the sum of \$10,000,000 plus the product of

\$10,000,000 times the percentage increase in CPI between the Effective Date and the date on which such obligation is satisfied in support of the Active-Use Assistance Ground-Floor Activation Program and operators.

7. **MASTER PLAN PARKING RATIOS:** Parking ratios are not approved as part of the Master Plan; however, at a minimum, the Master Plan and subsequent zoning permits must comply with the parking maximums of the North Bayshore Precise Plan except for allowable temporary exceedances of the parking maximums detailed in the Project Condition of Approval No. 16 and the Development Agreement. The Master Plan Multi-Modal Transportation Analysis included a parking study, which is available for reference and can be used in subsequent zoning permits for justification; or a separate parking study can be prepared by a transportation consultant, which may require a consultant peer review hired by the City and paid for by the applicant (including the City's administration fee). Parking ratios, including the number of loading spaces, car-sharing spaces, short-term/drop-off spaces, and moving van spaces, will be established as part of subsequent zoning permit approvals for each phase of development.
8. **MASTER PLAN BIKE PARKING:** Bike parking ratios (short-term and long-term) are not approved as part of the Master Plan; however, at minimum, the Master Plan and subsequent zoning permits must comply with the bike parking requirements of the North Bayshore Precise Plan. Bike parking ratios, including ancillary requirements, such as repair stations, will be established as part of subsequent zoning permit approvals for each phase of development; the Master Plan Multi-Modal Transportation Analysis is available for reference and use in subsequent zoning permits.
9. **TREE REMOVALS:** No tree removal permits are approved with this Master Plan; however, trees are anticipated to be removed to implement the Master Plan as outlined in Appendix F (Tree Framework Plan) of the Implementation Plan. Subsequent permits to remove, relocate, or otherwise alter Heritage trees, street trees, or other trees on the project site are required to be obtained. All tree removals will be evaluated in tandem with subsequent zoning permits in accordance with City standards and procedures and Appendix F in the Implementation Plan. As part of subsequent zoning permits, the City may consider building setback relief or utility easement exceptions/modifications in evaluating the preservation of existing trees. If the DA is approved, additional provisions in the DA may apply.
10. **DESIGN REVIEW AND OBJECTIVES:** In subsequent zoning permits, all building and site design is subject to the design guidelines and standards in the North Bayshore Precise Plan and City Code as well as the Master Plan Built Form Design Objectives (Appendix D in the Implementation Plan) and Parks and Open Space Design Objectives (Appendix E of the Implementation Plan).
11. **OVERLAPPING AND EXTENDED OCCUPANCY:** The Applicant may need to occupy existing office buildings for a period of time after new office buildings are granted occupancy by the City, resulting in an interim period of Project noncompliance regarding rebuilt office square

footage. The Applicant may request for an existing office building(s) to remain occupied during construction of a new office building(s), which is utilizing the office building's existing FAR square footage credit, in order to provide time for employees to relocate from the existing building(s) into the new building(s). If the Developer proposes to use existing square footage for a new office building but at the time of building permit issuance has not demolished existing square footage equal to that of the new office building(s), the Applicant may provide to City an irrevocable standby letter of credit ("Letter of Credit") in the amount of the potential impact fees that would ordinarily apply to the new office building(s) and existing office building(s) that have not yet been demolished. The Letter of Credit will be returned to the Applicant when the existing office building(s) have been completely demolished and their associated existing square footage has been credited to the new office building(s). Said demolition shall occur no later than 10 weeks after issuance of the Final Certificate of Occupancy for the new office buildings(s).

Where the circumstances in the preceding paragraph apply, the Applicant shall: submit an application for: (1) identify in the zoning permit application for the new office building(s) whether (and how much of) the included square footage is rebuilt office square, how much is attributable to already demolished office or yet to be demolished office, and whether the square footage (and how much of) the square footage is net new. for the associated development phase where this circumstance may arise to ensure appropriate considerations for occupancy and construction of the phase are reviewed; and 2) a. Prior to issuance of a Temporary Certificate of Occupancy (TCO) for a new office building(s), the Applicant must provide surety funds in an amount reasonably determined by the Chief Building Official for the anticipated demolition of the existing office building(s) and any existing improvements in order to allow up to 10 weeks from Final Certificate of Occupancy for employee relocations. Surety funds shall also be provided for any applicable impact fees based on net new square footage, such that those impact fees are only required to be paid if demolition of the existing office building does not occur within eight months of obtaining the Final Certificate of Occupancy for the new office building. The TCO request may include other outstanding items (and their associated surety funds) required for a Certificate of Occupancy as required by the Chief Building Official. If the DA is approved, additional provisions in the DA may apply.

12. **EARLY DEMOLITION:** The Applicant will need to demolish existing buildings within the Master Plan Area and/or site improvements in and around the Master Plan Area prior to constructing new buildings and/or new improvements. This activity may need to occur separate from and earlier than issuance of a building permit(s) for new construction or new improvements in the same area in order to provide adequate time, space, and accommodation for site preparation, infrastructure improvements, land delivery, and/or construction staging. The Applicant is required to obtain all necessary permits for demolition activity from the City and any other oversight agency permits with jurisdiction over the proposed activities. As a result, the Applicant may apply for, and the City may issue, at the City's full discretion, a demolition permit(s) prior to, or in advance of, building permits for the associated new construction or infrastructure.

13. **SUBSEQUENT SITE-SPECIFIC MULTI-MODAL TRANSPORTATION ANALYSIS (SSTA):** At the time of zoning permit submittal for a proposed building or multiple buildings, the Applicant shall provide site-specific multi-modal transportation information as follows:
- A. Transportation information to determine the potential impact of each proposed building or buildings, including worksheet(s) and/or attachments, as required materials for submission of a zoning permit application;
  - B. Site-specific TDM and Parking Management Plans as described in Project Condition Nos. 18 and 2656 to 272; and
  - C. Site-specific project information, including loading/flex zones, street frontage parking regulations (including driveway red curb zones), driveway widths, driveway locations, driveway throat lengths, site parking, building size, and building use, and off-site improvements (e.g., signal locations, crosswalk locations, etc.) were not analyzed or designed with the Master Plan Multi-Modal Transportation Analysis (“MTA”); therefore, subsequent Site-Specific Multi-Modal Transportation Analysis (“SSTA,” also referred to in the project materials, approvals, and the DA as “subsequent MTA”) may be required as part of subsequent zoning permit approvals for each phase of development. The MTA shall be available for reference and used in subsequent zoning permit applications. The City may contract with a consultant to analyze the information presented, which the Applicant shall fund at contract cost plus the City administration fee.

Should the approved SSTA identify localized access improvements not previously identified in any minor or major modifications recommended by subsequent site specific transportation analysis be approved that differ from what was analyzed in the MTA, the Applicant may be required to modify project plans and dedicate additional right-of-way to accommodate those changes to the satisfaction of the Public Works Director. Any additional right-of-way required shall be at no cost to the City.

~~13. **Amphitheatre Parking Garage Development:** A habitat confirmation assessment for burrowing owls must be conducted and submitted for review with any zoning permit requests for development of parking structure at AM P 1 (Amphitheater Parking Garage), as per Project Condition No. 81. The assessment shall cover all areas within the construction area for the parking structure and Burrowing Owl Preservation Plan (BOPP) boundaries. Based on the results of the habitat survey, the Applicant shall comply with Chapter 5.1 Habitat Overlay Zone of the Precise Plan, the BOPP and the habitat assessment guidelines found in the CDFW Staff Report on Burrowing Owl Mitigation, 2012.~~

14. **CITY LAND DEDICATION/~~CONVEYANCE REQUIREMENT~~ REQUIRED CONDITION:** For any land to be dedicated or conveyed to the City as part of the implementation of the Master

Plan, the following standard process is required for the City to accept the land parcel(s) under subsequent City permits. This procedure outlines the steps to occur during zoning permit and building permit review when land dedication is proposed. Some of the actions or requirements have been agreed upon by the Applicant and City in advance and are noted as such. If the DA is approved by the City Council, the DA provisions, including, but not limited to, DA Sections 5.46 and 5.6.1, supplement and should be applied together with the general procedure set forth herein.

A. **Compliance Reports and Verification:** The Applicant shall provide the following to the Planning Division as part of the zoning permit application for the development phase when land dedication is proposed:

(1) Environmental Compliance. The Applicant shall:

- (a) Submit to the City Phase I and Phase II Environmental Site Assessments, including the applicable results of any and all soil samples, soil vapor, and groundwater testing; characterization of soil for off-haul and disposal; evaluation of potential upgradient or off-site sources contributing to on-site conditions; and pesticide-affected soils (“Environmental Reports”) for the land to be dedicated (“dedicated parcel”). On-site testing must include locations underneath all existing structures on the dedicated parcel, unless other locations are agreed upon by the City. The Environmental Reports must be prepared and all testing conducted within six months of submittal of the zoning permit application and must be specific to each parcel of land to be dedicated to the City. These Environmental Reports must be prepared by a licensed environmental professional and respond to the planned and foreseeable land use (“planned land use”) proposed on the dedicated parcel (e.g., residential, park/open space).
- (b) If the testing results in the Environmental Reports exceed the applicable environmental screening thresholds for the planned land use, the Applicant shall take all actions necessary to ensure completion of mitigation or remediation, as applicable, to the satisfaction of the regulatory agency responsible for oversight (“oversight agency”), or, if there is no oversight agency, to the satisfaction of the City for the intended use prior to dedicating the land to the City, consistent with DA Section 5.4. “Remediation” as used herein refers to those abatement or remediation activities that are the responsibility of the Applicant so that the City may make use of the property for its intended use as a park or for affordable housing without the City having to incur expenses to abate or remediate on-site contamination. “Remediation” does not refer to actions of a responsible party under State or Federal law for the environmental cleanup of the subject parcel(s) if the Applicant has not been designated a

responsible party by the environmental oversight agency. Completion of remediation is defined below in Subsections i and ii:

- i) The Environmental Reports must clearly state the remedial actions required to comply with the oversight agency requirements, or, if there is no oversight agency, City requirements for the planned land use. The conclusions of the Environmental Reports may include, but are not limited to, the following: (a) no remediation or mitigation is required for the planned land use; (b) site clean-up actions are required, such as soil removal and off-haul, groundwater treatments, etc.; and/or (c) active or passive remediation systems or mitigations are required in future building designs, such as a vapor barrier/intrusion controls, mechanical pump and treat facilities, etc., to allow the planned land use.
  - ii) If Subsection (1)b(i)(c) is required, the Applicant shall determine the extent of remediation or mitigation that is reasonably required for that building design in order to ensure that there is no unacceptable risk to human health or the environment along with a cost estimate based on the remediation required (“Cost Estimate”), as verified by the Community Development Director and/or Public Works Director (“Director”). If the Environmental Reports can be reviewed informally by the oversight agency, then the Applicant shall consult the oversight agency and receive an informal determination; otherwise, the City will verify separately (see Part A(3)). ~~A Cost Estimate has been approved for this project in accordance with Project Condition No. 77 and, if the DA is approved, in the provisions of the DA.~~
- (2) Site Management Plan (SMP). The Applicant shall prepare a construction Site Management Plan in accordance with the requirements of the oversight agency for the planned land use on the dedicated parcel and City, State, and Federal requirements for construction safety on the dedicated parcel, which must include measures for all construction activities anticipated for the future planned land use (e.g., demolition, grading, utilities, and new construction). This SMP is for informational purposes for the City and will be independently verified by the City.
  - (3) City Verification. Following submittal of the materials in Parts A(1) and A(2) above, the City will verify the materials provided are satisfactory. The Applicant shall pay for a consultant to be hired by the City, including the City’s administration fee, to peer review and verify all information provided by the Applicant. Once the Environmental Report and the SMP are determined by the City to be satisfactory, the City can proceed with a final determination on the

zoning permit, which will include a condition of approval for payment of the Cost Estimate to the City for any parcel proposed for residential use.

B. **Required Site Preparation:** The Applicant shall complete the following activities prior to City issuance of the building permit for the development phase for which the project requires land dedication (and which is associated with the subsequent zoning permit approval under Subsection A):

(1) Complete Remediation. If site clean-up actions are required to complete remediation as described in Section A(1)(b)(i)(b) above, the Applicant shall complete the required remediation to the satisfaction of the oversight agency or the City, as applicable. If building design measures are required to complete remediation as outlined in A(1)(b)(i)(c) above, in lieu of physical design measures of a proposed building design (which are unknown at the time and the project is not responsible to build or design), the Applicant shall pay the Cost Estimate to the City.

(2) Site Construction/Infrastructure. The Applicant shall ensure that the dedicated parcel(s) is “development-ready” by removing all existing structures, landscaping, and improvements on-site, including existing utilities, and finish the site to a rough-grade finish, graded toward the public street, and the topsoil stabilized. The parcel must be clear of all debris. Any “development-ready” work will require a separate demolition permit for on-site work if: (a) it is completed earlier than prescribed herein; or (b) it is not included on the building permit plans for a given development phase. All work in the public right of way shall require an excavation permit.

(a) For land dedicated for park development, the Applicant shall provide utility stubs to the property line and install all frontage improvements along the public street(s) in accordance with the Precise Plan dimensions and in accordance with Project Condition Nos. 113 and 118.

(b) For Eco Gem and Shorebird Yards, the City agrees to waive the requirement for all frontage works to be completed at the time of dedication. Instead, the Applicant shall have completed all frontage improvements for the Eco Gem and Shorebird Yards by the time the City or other third party designated by City starts construction on those parcels.

The frontage improvements shall include all infrastructure necessary to serve the site to the property line from the public street, including sewer, water, electricity, street access, street lights, and all frontage

improvements in accordance with the Precise Plan dimensions on the dedicated parcels and in accordance with the following:

i. Eco Gem: Figures 6.2.9 and 6.2.10.

ii. Shorebird Yards:

a. Condition of Approval No. 173 (Shorebird Way—Shorebird Wilds A Cross Section, and Conditional of Approval No. 174 (Shorebird Way—Shorebird Wilds B Cross Section) (actual condition numbers may change in finalized conditions of approval).

b. Figures 6.2.3 and 6.2.15.

At the time of irrevocable offer of dedication, the Applicant shall enter into an agreement with the City providing for the Applicant’s full responsibility to design and construct the frontage improvements, in accordance with this subsection (2)(b) and other applicable approvals (“frontage improvements agreement”). Applicant shall provide an irrevocable standby letter of credit (“letter of credit”) prior to the City’s acceptance of the offer of dedication, upon notice from City of the date it intends to accept dedication; the Applicant’s obligation to provide the letter of credit as described herein shall be included in the frontage improvements agreement. The letter of credit shall be provided to the City in the amount of 100% of the City’s determined estimated cost to design and construct the improvements. The letter of credit shall be increased annually based on Engineering News-Record, San Francisco Construction Cost Index (CCI) and submitted to the Public Works Director by December 1 each year, or, if the DA is approved, at the time of the DA annual review. The funds are to be held until which time the frontage improvements are installed by the Applicant and accepted by the City. If the Applicant fails to enter into the frontage improvements agreement or provide the letter of credit, the City may withhold issuance of Subsequent Approvals for any other building(s) Project-wide for the same type of use (i.e., residential or commercial use) as the building(s) that triggered the requirement to dedicate the parcel(s).

**(c)** For land dedicated for residential development, the Applicant shall provide all infrastructure necessary to serve the units to the property line from the public street, including sewer, water, electricity, street access, and all frontage improvements in accordance with the Precise Plan dimensions on the dedicated parcels and in accordance with Project Condition Nos. 75 and 118.

As an alternative, decided upon and authorized by the City as a permit condition at time of subsequent zoning permit approval, the City can allow the Applicant to: (a) enter into an improvement agreement covering the scope of work to be executed with the phased final map, which includes the dedicated parcel for residential use; and (b) a cash security of 100% of the estimated cost to install the improvements. The cash security shall be increased annually based on CCI and submitted to the Public Works Director by December 1 each year, or, if the DA is approved, at the time of the DA annual review. The funds are to be held until which time the improvements are either: (c) installed by the Applicant; or (d) with coordination and full cost by the Applicant, ready to be installed by a residential developer on the parcel(s) for residential development.

- (3) Indemnity Agreement. The Applicant is to execute an agreement with the City to protect, defend, indemnify, and hold harmless the City and the City's directors, officers, employees, and agents from and against any environmental liability related to any hazardous substances arising from or caused by acts of the Applicant or the Applicant's agents or contractors (collectively referred to as the "Applicant" herein) 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 or contamination arising from or caused by acts of the 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, or arising from, acts of the Applicant; injury to persons, property, or business caused by, or arising from, acts of the Applicant; or damage to natural resources in connection with the activities of Applicant, 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;
  - (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;

- (c) Arise out of the breach of any covenant, warranty, or representation by the Applicant contained in any statement or other information given by the Applicant to the 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.

The Applicant and the Applicant's 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 the City, as provided in this section; shall hold the 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.

- C. **Land Transfer:** The Applicant shall offer the fee interest parcel(s) in dedication to the City on the face of a phased final map. Prior to conveying the land to the City, the Applicant shall provide updated Environmental Reports (to be within six months of land transfer, unless otherwise agreed upon by the City), a preliminary title report and a grant deed, each subject to City approval. The City may, in the City's discretion, independently verify or peer review the information submitted. For dedicated parcels for residential development only, conveyance shall be accepted through escrow with a title company that the Applicant and the City mutually and jointly instruct.

- 15. **WAGE THEFT/RESPONSIBLE CONSTRUCTION:** On September 13, 2022, the City Council adopted new regulations in Chapter 42 of the City Code to help ensure accountability and compliance with existing State wage and hour laws, enhance the protection of workers' rights, and support the City's existing Minimum Wage Ordinance by enacting the Responsible Construction Ordinance and the Wage Theft Ordinance. Any permit or business license submitted in accordance with these ordinance regulations to the City after January 1, 2023 will be subject to these regulations.