

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

Page 1 of 12

APPLICATION NO.:

PL-2023-048

DATE OF FINDINGS:

September 13, 2023

EXPIRATION OF ZONING PERMIT:

September 13, 2025

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

Applicant's Name:

**Pejman Roshan for BMW of Mountain View**

Property Address:

Assessor's Parcel No(s).:

Zone:

**805 Yuba Drive**

**161-02-008**

**CS**

Request:

**Request for a Conditional Use Permit to allow outdoor merchandise use and activities for vehicle storage for Mountain View BMW; a Development Review Permit for site modifications, including demolition of a 8,924 square foot vacant retail building and construction of a new parking lot and landscaping; a Heritage Tree Removal Permit to remove three Heritage trees on a 1.9-acre project site; and a determination that the project is categorically exempt pursuant to Section 15332, "In-Fill Development Projects," of the CEQA Guidelines.**

APPROVED

CONDITIONALLY   
APPROVED

DISAPPROVED

OTHER

**FINDINGS OF APPROVAL:**

The Conditional Use Permit to allow outdoor merchandise use and activities for vehicle storage for Mountain View BMW is conditionally approved based upon the conditions contained herein and upon the following findings per Section 36.48.25:

- A. The proposed use is conditionally permitted within the Commercial Services Zoning District and complies with all of the applicable provisions of Chapter 36 (Zoning) of the City Code, including Section 36.32.80 ("Development standards for off-street parking"), because the vehicles for the associated dealership will be stored in designated area that would not encroach into driveways, pedestrian walkways, or landscape areas; and will not obstruct sight triangle of safety or otherwise create hazards for vehicle or pedestrian traffic;
- B. The proposed use is consistent with the General Commercial Land Use Designation of the General Plan because a broad range of commercial and light industrial uses, such as automotive repair and retail and wholesale businesses, are allowed under the General Commercial Land Use Designation, and the proposed outdoor vehicle storage is associated with an existing car dealership;
- C. The location, size, design, and operating characteristics of the proposed use are compatible with the site, building character, and environmental conditions of existing and future land uses in the vicinity because the site will operate in conjunction with the adjacent car dealership, and the designated vehicle storage site will improve operations by reducing the travel distance and time to transport vehicles to customer compared to its previous storage site outside of City limits;
- D. Any special structure or building modifications necessary to contain the proposed use would not impair the architectural integrity and character of the zoning district in which it is to be located because the site will not contain a building, the proposed on-site improvements will create new landscape buffer as visual relief along the street frontages, and the parking lot will support the adjacent dealership and is consistent with the overall character of the Commercial Services Zoning District; and

Owner

Agent

File

Fire

Public Works

- E. The approval of the Conditional Use Permit complies with the California Environmental Quality Act (CEQA) as it qualifies as a categorically exempt project per Section 15332, "In-Fill Development Projects," of the CEQA Guidelines because: (1) the project site is less than five acres in size; (2) the project involves demolition of a 8,924 square-foot structure and construction of minor landscape and parking lot improvements that will not result in significant impact relating to traffic, noise, air quality, or water quality for nearby neighborhoods and businesses; (3) the project site is bordered by urban uses; and (4) the project site is adequately served by public utilities.

The Development Review Permit to allow site modifications, including demolition of an 8,924 square foot vacant commercial building, construction of a new parking lot, and installation of new landscaping, is conditionally approved based upon the conditions of approval contained herein and upon the following findings per Section 36.44.70:

- A. The project complies with the general design considerations as described by the purpose and intent of Chapter 36 (Zoning) of the City Code, the General Plan, and any City-adopted design guidelines. The project site's parking and landscape design is consistent with Commercial Service (CS) Zoning District development standards, parking standards, and landscape standards. The project will improve the appearance of the site by providing additional on-site landscaping, including an augmented landscape buffer around the perimeter of the property;
- B. The architectural design of structures, including colors, materials, and design elements (i.e., awnings, exterior lighting, screening of equipment, signs, etc.) is compatible with surrounding development because the project proposes to reactivate a vacant site by removing a vacant commercial building, creating additional vehicle storage to support the adjacent automobile dealership while upgrading on-site lighting, improving landscaping, and retaining a significant amount of existing mature tree canopy;
- C. The location and configuration of structures, parking, landscaping, and access are appropriately integrated and compatible with surrounding development, including public streets and sidewalks and other public property, by providing a 10' landscape buffer between the front property line and the adjacent sidewalk, a 5' landscape buffer at the side property lines, adding 28 new trees to the site, and configuring on-site vehicle storage to protect a significant amount of existing on-site trees;
- D. The general landscape design ensures visual relief, complements structures, provides an attractive environment, and is consistent with any adopted landscape program for the general area by installing 28 new 24" box trees, retaining a significant amount of existing mature tree canopy, increasing the size and replanting existing landscape areas on-site, and complying with the City's Water Conservation in Landscape Regulations;
- E. The design and layout of the proposed project will result in well-designed vehicular and pedestrian access, circulation, and parking by providing a 10' landscape buffer between the front property line and the adjacent sidewalk to improve the experience for pedestrians along Yuba Drive and by designating a delivery and storage area for vehicles to be sold at the adjacent automobile dealership to avoid interference with customer parking and circulation; and
- F. The approval of the Development Review Permit complies with the California Environmental Quality Act (CEQA) as it qualifies as a categorically exempt project per Section 15332, "In-Fill Development Projects," of the CEQA Guidelines because: (1) the project site is less than five acres in size; (2) the project involves demolition of a 8,924 square-foot structure and construction of minor landscape and parking lot improvements that will not result in significant impact relating to traffic, noise, air quality, or water quality for nearby neighborhoods and businesses; (3) the project site is bordered by urban uses; and (4) the project site is adequately served by public utilities.

The Heritage Tree Removal Permit to remove three Heritage trees (Tree Nos. 26, 27, and 29) is conditionally approved based on the conditions contained herein, and the following findings per Section 32.35:

- A. It is necessary to remove the trees due to the condition of the trees with respect to age of the trees relative to the life span of that particular species, disease, infestation, general health, damage, public nuisance, danger of falling, proximity to existing or proposed structures, and interference with utility services because the arborist report prepared by Kielty Arborist Services, which has been reviewed by the City arborist, concludes that the trees are in poor health and have poor structures and for which there are no remedies for the trees' health or structure;

- B. Removal of the trees will not adversely affect the shade, noise attenuation, protection from wind damage and air pollution, historic value, or scenic beauty of the area, nor shall the removal adversely affect the general health, safety, prosperity, and general welfare of the City as a whole because the site will maintain a significant amount of its existing tree canopy and preserve several Heritage trees in key locations; and
- C. The approval of the Heritage Tree Removal Permit complies with the California Environmental Quality Act (CEQA) as it qualifies as a categorically exempt project per Section 15332, "In-Fill Development Projects," of the CEQA Guidelines because: (1) the project site is less than five acres in size; (2) the project involves demolition of a 8,924 square foot structure and construction of minor landscape and parking lot improvements that will not result in significant impact relating to traffic, noise, air quality, or water quality for nearby neighborhoods and businesses; (3) the project site is bordered by urban uses; and (4) the project site is adequately served by public utilities.

This approval is granted to allow outdoor merchandise use and activities for vehicle storage and construct landscape and parking lot improvements, including removing three Heritage trees, located on Assessor's Parcel No. 161-02-008. Development shall be substantially as shown on the project materials listed below, except as may be modified by conditions contained herein, which are kept on file in the Planning Division of the Community Development Department:

- a. Project plans prepared by V&H Engineering, date stamped June 28, 2023.
- b. Landscape plan prepared by Dennis M. Taniguchi, date stamped June 28, 2023.
- c. Arborist report prepared by Kiely Arborist Services LLC, date stamped June 28, 2023.
- d. Business description letter prepared by Hal Mahon, date stamped July 27, 2023.

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

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

1. **APPLICABILITY OF THIS PERMIT:** This Permit shall apply to any business/owner entity whose use and operational characteristics match those of the approved use. Intensification of the approved use shall require an amendment to this Permit. A change to a different permitted use may require a new Permit. This Permit shall continue to be valid upon a change of ownership/operator of the site, business, service, use(s), or structure that was the subject of this approval provided the new owner/operator agrees in writing to all applicable conditions and operating standards prior to reopening or maintaining the use or structure(s) under the new ownership. Any new owner/operator must submit a wet (original) signed letter to the Planning Division noting agreement with the enclosed conditions which includes notation of this permit number and the new business/operator name. This letter may be requested by the City at any time.
2. **EXPIRATION:** If the approved use does not commence within two years of this approval, subject to all applicable conditions and permits from applicable government agencies (inclusive of City permits), this approval shall be null and void.
3. **EXPIRATION:** This permit is valid for a period of two years from the date of approval. This permit shall become null and void if building permits have not been issued and construction activity has not commenced within the two-year period unless a permit extension has been submitted to and approved by the Zoning Administrator at a duly noticed public hearing prior to the expiration date.
4. **PERMIT EXTENSION:** Zoning permits may be extended for up to two years after an Administrative Zoning public hearing, in compliance with procedures described in Chapter 36 of the City Code. An application for extension must be filed with the Planning Division, including appropriate fees, prior to the original expiration date of the permit(s).
5. **ABANDONMENT OF USE:** The approved use shall be considered abandoned if the approved use on this site ceases for a period of six months or more, at which point this Permit shall have expired and a new Permit shall be required. Determination of the abandonment of the use shall be based on the best available data, which may include business license, tax payment records, utility records, and other government agency permits or licenses.

#### PERMIT SUBMITTAL REQUIREMENTS

6. **AIR QUALITY:** The applicant is required to secure a permit from the Bay Area Air Quality Management District or provide written assurance that no permit is required prior to issuance of a building permit.
7. **OTHER REVIEW AGENCIES:** This project requires review and approval by outside agencies, including, but not limited to, Valley Water. Written proof of approval or acknowledgement of no approval necessary from these agencies is required prior to building permit issuance, inspections, and/or prior to issuance of a Certificate of Occupancy.
8. **REMEDIATION:** The applicant shall work with City staff, the necessary oversight agency (e.g., the U.S. Environmental Protection Agency, 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 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. 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.
9. **ZONING INFORMATION:** The following information must be listed on the title sheet of the building permit drawings: (a) zoning permit application number; (b) zoning district designation; (c) lot area (in square feet and acreage); and (d) total number of parking spaces.
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. **SIGNAGE:** No signs are approved as part of this application. Any new signage will require separate planning and/or building permits. Application form and submittal requirements are available online at [www.mountainview.gov/planningforms](http://www.mountainview.gov/planningforms).

#### OPERATIONS

12. **OPERATIONAL CRITERIA:** In the event that problems with the operational criteria of the business arise, including, but not limited to, parking shortages, delivery truck issues, hours of operation, or noise, the Zoning Administrator may hold a public hearing to review the situation and impose new or modified conditions of approval in response to the information received. The public hearing shall be conducted and noticed in accordance with Chapter 36, Article XVI, Division 6, of the City Code.
13. **DAYS/HOURS OF OPERATION:** The approved days and hours of operation are daily from 7:00 a.m. to 9:00 p.m. Any proposed change to the approved days and/or hours of operation will require review and approval by the Zoning Administrator and may require a modification to this permit.

#### SITE DEVELOPMENT AND BUILDING DESIGN

14. **OUTDOOR STORAGE:** Only vehicle storage is allowed on-site. No outdoor storage for any other type of equipment or merchandise is allowed without specific Development Review approval by the Planning Division.
15. **FENCE(S)/WALL(S):** All fencing and walls are to be shown on building plan drawings, including details on height, location, and material finish. No fence or wall shall exceed 6' in height, measured from adjacent grade to the top of the fence or wall. The design and location must be approved by the Zoning Administrator and comply with all setback and traffic visibility area requirements.
16. **PARKING SPACE DESIGN:** All parking spaces (except parallel spaces) must be double-striped with 4" wide stripes. Double stripes shall be 18" apart, from outside edge to outside edge of the stripes, or 10" from inside edge to inside edge of the stripes. The 8-1/2' parking space width is measured from the center of one double stripe to the other, such that the space between

stripes is 7'. For parallel parking spaces, only single-striped or tic-mark is required between spaces. Single stripes shall be measured from interior edge to interior edge of the stripe, such that the space between stripes is 24'.

17. **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.

#### TREES AND LANDSCAPING

18. **LANDSCAPING:** Detailed landscape plans encompassing on- and off-site plantable areas out to the street curb must be included in building permit drawings. Minimum plant sizes are flats or one-gallon containers for ground cover, five-gallon for shrubs, and 24" box for trees. The drawings must be approved by the Zoning Administrator prior to building permit issuance and implemented prior to occupancy. All plans should be prepared by a licensed Landscape Architect and should comply with the City's Landscape Guidelines, including the Water Conservation in Landscaping Regulations (forms are available online at [www.mountainview.gov/planningforms](http://www.mountainview.gov/planningforms)). Additional landscaping materials or modifications may be required by the Planning Division at final inspection to ensure adequate planting coverage and/or screening.
19. **LANDSCAPE CERTIFICATION:** Prior to occupancy, the Landscape Architect shall certify in writing the landscaping has been installed in accordance with all aspects of the approved landscape plans and final inspection(s), subject to final approval by the Zoning Administrator.
20. **STREET TREES:** Install standard City street trees along the street frontage, including where there are gaps in the space of existing street trees. 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 submitted for building permit review. New street trees shall be planted in accordance with Detail F-1 of the Public Works 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. Street trees are to be irrigated by the property owner in accordance with Chapter 32 of the City Code.
21. **STREET TREE FORM:** The applicant shall complete the "Proposed Street Tree" form available in the Planning Division or online at [www.mountainview.gov/planningforms](http://www.mountainview.gov/planningforms). Once completed, the applicant shall 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.
22. **ARBORIST REPORT:** A qualified 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 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 prior to issuance of building permits. Prior to occupancy, 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.
23. **ARBORIST INSPECTIONS:** During demolition activity and upon demolition completion, a qualified 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, 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.
24. **LANDSCAPE SCREENING:** All utility meters, lines, transformers, backflow preventers, etc., on-site or off-site, must be shown on all site plan drawings and landscape plan drawings. All such facilities shall be located so as to not interfere with landscape material growth and shall be screened in a manner which respects the building design and setback requirements. Additional landscaping materials or modifications may be required by the Planning Division at final inspection to ensure adequate plant screening.

25. **TREE REMOVALS:** Permits to remove, relocate, or otherwise alter Heritage trees cannot be implemented until a project building permit for new construction is secured and the project is pursued.
26. **REPLACEMENT TREES:** The applicant shall offset the loss of each Heritage/street tree with two (2) replacement trees, for a total of six (6) replacement trees. Each replacement tree shall be no smaller than a 24" box and shall be noted on the landscape plan as Heritage or street replacement trees.
27. **STREET TREE PROTECTIONS:** All designated City street trees are to be protected throughout construction activity with protection measures shown on building permit plans.
28. **TREE PROTECTION MEASURES:** The tree protection measures listed in the arborist's report prepared by Kielty Arborist Services LLC and dated June 28, 2023 shall be included as notes on the title sheet of all grading and landscape plans. These measures shall include, but may not be limited to, 6' chain link fencing at the drip line, a continuous maintenance and care program, and protective grading techniques. Also, no materials may be stored within the drip line of any tree on the project site.
29. **IRREVOCABLE DAMAGE TO HERITAGE TREES:** In the event one or more of the preserved Heritage tree(s) are not maintained and irrevocable damage or death of the tree(s) has occurred due to construction activity, a stop work order will be issued on the subject property and no construction activity shall occur for two (2) working days per damaged tree. The applicant will also be subject to a penalty fee at twice the tree valuation prior to damage; this fee applies to each Heritage tree damaged. No construction activity can resume until the penalty fee(s) have been paid to the City.

#### NOISE

30. **CONSTRUCTION NOISE REDUCTION:** The following noise reduction measures shall be incorporated into construction plans and contractor specifications to reduce the impact of temporary construction-related noise on nearby properties: (a) comply with manufacturer's muffler requirements on all construction equipment engines; (b) turn off construction equipment when not in use, where applicable; (c) locate stationary equipment as far as practical from receiving properties; (d) use temporary sound barriers or sound curtains around loud stationary equipment if the other noise reduction methods are not effective or possible; and (e) shroud or shield impact tools and use electric-powered rather than diesel-powered construction equipment.

#### AGREEMENTS AND FEES

31. **INDEMNITY AGREEMENT:** Prior to the issuance of any building permits, the applicant shall agree, in writing, to defend, indemnify, and hold harmless the City and the City's officers, agents, and employees in any action brought by a third party to void this Permit(s). The agreement shall be in a form satisfactory to the City Attorney and Zoning Administrator. It shall run with the land and shall not be amended without prior City consent.

#### CONSTRUCTION ACTIVITIES

32. **SINGLE-PHASE DEVELOPMENT:** Construction of the project shall be done in a single phase unless a phased construction project schedule is approved by the Zoning Administrator (or City Council).
33. **CONSTRUCTION PARKING:** The applicant shall prepare a construction parking management plan to address parking demands and impacts during the construction phase of the project by contractors or other continued operations on-site. The plan shall also include a monitoring and enforcement measure which specifies on-street parking is prohibited and will be monitored by the owner/operator of the property (or primary contractor), and penalties will be enforced by the owner/operator of the property (or primary contractor) for violations of on-street parking restrictions. Violations of this provision may result in a stop-work notice being issued by the City for development project. The construction parking management plan shall be subject to review and approval by the Zoning Administrator prior to the issuance of building permits.
34. **NOTICE OF CONSTRUCTION:** The applicant shall notify neighbors within 750' of the project site of the construction schedule in writing, prior to construction. For multi-phased construction, separate notices may be required for each phase of construction. A copy of the notice and the mailing list shall be submitted for review prior to issuance of building permits.

35. **DISTURBANCE COORDINATOR:** The applicant shall designate a “disturbance coordinator” who will be responsible for responding to any local complaints regarding construction noise. The coordinator (who may be an employee of the general contractor) will determine the cause of the complaint and will require that reasonable measures warranted to correct the problem be implemented. A telephone number of the noise disturbance coordinator shall be conspicuously posted at the construction site fence and on the notification sent to neighbors adjacent to the site. The sign must also list an emergency after-hours contact number for emergency personnel.
36. **BASIC AIR QUALITY CONSTRUCTION MEASURES:** The applicant shall require all construction contractors to implement the basic construction mitigation measures recommended by the Bay Area Air Quality Management District (BAAQMD) to reduce fugitive dust emissions. Emission reduction measures will include, at a minimum, the following measures: (a) all exposed surfaces (e.g., parking areas, staging areas, soil piles, graded areas, and unpaved access roads) will be watered two times per day; (b) all haul trucks transporting soil, sand, or other loose material off-site will be covered; (c) all visible mud or dirt track-out onto adjacent public roads will be removed using wet power vacuum street sweepers at least once per day. The use of dry power sweeping is prohibited; (d) all vehicle speeds on unpaved roads will be limited to 15 mph; (e) all roadways, driveways, and sidewalks to be paved will be completed as soon as possible. Building pads will be laid as soon as possible after grading unless seeding or soil binders are used; (f) idling times shall be minimized either by shutting equipment off when not in use or reducing the maximum idling time to five minutes (as required by the California airborne toxics control measures Title 13, Section 2485, of the California Code of Regulations). Clear signage shall be provided for construction workers at all access points; (g) all construction equipment shall be maintained and properly tuned in accordance with manufacturer’s specifications. All equipment shall be checked by a certified mechanic and determined to be running in proper condition prior to operation; and (h) post a publicly visible sign with the telephone number and person to contact at the City of Mountain View regarding dust complaints. This person will respond and take corrective action within 48 hours. BAAQMD’s phone number shall also be visible to ensure compliance with applicable regulations.
37. **DISCOVERY OF CONTAMINATED SOILS:** If contaminated soils are discovered, the applicant will ensure the contractor employs engineering controls and Best Management Practices (BMPs) to minimize human exposure to potential contaminants. Engineering controls and construction BMPs will include, but not be limited to, the following: (a) contractor employees working on-site will be certified in OSHA’s 40-hour Hazardous Waste Operations and Emergency Response (HAZWOPER) training; (b) the contractor will stockpile soil during redevelopment activities to allow for proper characterization and evaluation of disposal options; (c) the contractor will monitor area around 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.
38. **DISCOVERY OF ARCHAEOLOGICAL RESOURCES:** If prehistoric or historic-period cultural materials are unearthed during ground-disturbing activities, it is recommended that all work within 100’ of the find be halted until a qualified archaeologist and Native American representative can assess the significance of the find. Prehistoric materials might include obsidian and chert-flaked stone tools (e.g., projectile points, knives, scrapers) or tool-making debris; culturally darkened soil (“midden”) containing heat-affected rocks and artifacts; stone milling equipment (e.g., mortars, pestles, handstones, or milling slabs); and battered-stone tools, such as hammerstones and pitted stones. Historic-period materials might include stone, concrete, or adobe footings and walls; filled wells or privies; and deposits of metal, glass, and/or ceramic refuse. If the find is determined to be potentially significant, the archaeologist, in consultation with the Native American representative, will develop a treatment plan that could include site avoidance, capping, or data recovery.
39. **DISCOVERY OF HUMAN REMAINS:** In the event of the discovery of human remains during construction or demolition, there shall be no further excavation or disturbance of the site within a 50’ radius of the location of such discovery, or any nearby area reasonably suspected to overlie adjacent remains. The Santa Clara County Coroner shall be notified and shall make a determination as to whether the remains are Native American. If the Coroner determines that the remains are not subject to 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.

40. **DISCOVERY OF PALEONTOLOGICAL RESOURCES:** In the event that a fossil is discovered during construction of the project, excavations within 50' of the find shall be temporarily halted or delayed until the discovery is examined by a qualified paleontologist, in accordance with Society of Vertebrate Paleontology standards. The City shall include a standard inadvertent discovery clause in every construction contract to inform contractors of this requirement. If the find is determined to be significant and if avoidance is not feasible, the paleontologist shall design and carry out a data recovery plan consistent with the Society of Vertebrate Paleontology standards.
41. **PRECONSTRUCTION NESTING BIRD SURVEY:** To the extent practicable, vegetation removal and construction activities shall be performed from September 1 through January 31 to avoid the general nesting period for birds. If construction or vegetation removal cannot be performed during this period, preconstruction surveys will be performed no more than two days prior to construction activities to locate any active nests as follows:

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

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.

42. **BUILDING CODES:** Construction plans will need to meet the current codes adopted by the Building Division upon building permit submittal. Current codes are the 2019 California Codes: Building, Residential, Fire, Electrical, Mechanical, Plumbing, CALGreen, CAEnergy, in conjunction with the City of Mountain View Amendments, and the Mountain View Green Building Code (MVGBC).
43. **USE AND OCCUPANCY CLASSIFICATION:** Provide proposed use(s) and occupancy(ies) for the proposed project per the CBC, Chapter 3.
44. **MEANS OF EGRESS:** The project is required to comply with the requirements per the CBC, Chapter 10, Means of Egress.
45. **ACCESSIBLE MEANS OF EGRESS:** The site must meet accessible means of egress per the CBC, Chapter 10, Section 1009.
46. **ACCESSIBILITY REQUIREMENTS:**
- **Chapter 11B:** The project will be required to comply with the accessibility requirements in the CBC, Chapter 11B.
47. **FIRE ACCESS LANE(S):** The site must always meet/maintain the existing fire access lane(s).
48. **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.

49. **SIGNS:** Proposed signs are to be a deferred submittal under a separate building permit application.
50. **PEDESTRIAN PROTECTION:** Pedestrians shall be protected during construction, remodeling, and demolition; additionally, if required, signs shall be provided to direct pedestrian traffic. Provide sufficient information at the time of building plan submittal of how pedestrians will be protected from construction activity per the CBC, Section 3306.
51. **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.

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

#### STREET IMPROVEMENTS

52. **EXCAVATION PERMIT:** Upon first submittal of the 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 at: [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.
53. **ENCROACHMENT RESTRICTIONS:** Private facilities, including, but not limited to, structures, steps, doors (including door swing), handrails, backflow preventers, signs, fences, retaining curbs, and retaining walls shall not encroach into the public right-of-way and/or street easement.
54. **DRIVEWAY SIGHT TRIANGLE:** Within the pedestrian and/or vehicle traffic safety sight triangle(s), for the project site and adjacent properties, the site shall be compliant with height and clearance requirements per the Public Works Standard Details and to the satisfaction of the Public Works Director. The project is required to remove or modify all objects, including, but not limited to, landscape, hardscape, signs, mailboxes, planters, retaining walls, seat walls, bicycle racks, partitions, buildings, and other structures, parking stalls, etc., that are not compliant with safety triangle height and clearance requirements.
55. **RED CURB AT DRIVEWAY ENTRANCES:** Street curbs adjacent to driveway entrances shall be painted red a minimum of 10' in each direction, as determined and approved by the City Traffic Engineer. The specific areas of work shall be clearly identified and shown on the plans.
56. **STOP-CONTROLLED SITE EGRESS:** All egress points to public streets or public easements shall be stop-controlled to address conflict points with pedestrians, bicyclists, and vehicles as they enter a public roadway. Stop-controlled egress shall include STOP signs, a limit line, and "STOP" pavement marking(s). The specific areas of work shall be clearly identified and shown on the plans.

#### UTILITIES

57. **SEPARATE IRRIGATION SERVICE AND METER:** A separate water service and water meter for irrigation will be required. The existing water service, meter, and backflow preventer may be reused for irrigation purposes.
58. **UTILITY ABANDONMENT:** Utility services no longer required shall be abandoned per City standard.
59. **WATER AND SEWER APPLICATIONS:** Upon first submittal of the building permit and improvement plans, the applicant shall submit complete applications for water and sewer service to the Public Works Department if new water services, water meters, fire services, or sewer laterals are required. Any unpaid water and sanitary sewer fees must also be paid prior to the issuance of any permits.

60. **STORM DRAIN CLEANOUT:** A new property line storm drain inlet shall be required.

SOLID WASTE AND RECYCLING

61. **RECOLOGY MOUNTAIN VIEW:** The applicant/contractor must be in compliance and shall include the following as a note on the building permit and improvement plans: “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.”
62. **MOUNTAIN VIEW GREEN BUILDING CODE/CONSTRUCTION AND DEMOLITION ORDINANCE:** If this project is subject to the requirements of the Mountain View Green Building Code, a Construction and Demolition Waste Management Plan shall be submitted with the building permit application and approved by the Public Works Solid Waste and Recycling Division prior to the issuance of a building permit. A Final Construction and Demolition Waste Management Plan shall be submitted and approved prior to final inspection.

CONSTRUCTION ACTIVITIES, NOTES, AND OTHER APPROVALS

63. **WELLS:** Santa Clara Valley Water District (Valley Water) requires the following note to be labeled on the building and improvement plans: “While the Santa Clara Valley Water District (Valley Water) has records for most wells located in the County, it is always possible that a well exists that is not in Valley Water’s records. If previously unknown wells are found on the subject property during development, they must be properly destroyed under permit from Valley Water or registered with Valley Water and protected from damage.”
64. **STREET CLEANING:** The owner/developer shall comply with and include the following note on the off-site, or grading/drainage, or utility plans: “The prime contractor or developer is to hire a street cleaning contractor to clean up dirt and debris from City streets that are attributable to the development’s construction activities. The street cleaning contractor is to have the capability of sweeping the streets with both a broom-type sweeper and a regenerative air vacuum sweeper, as directed by the Public Works Director or designated representative.”

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).

65. **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.
66. **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.
67. **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.
68. **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.

69. **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.
70. **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.
71. **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.
72. **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.
73. **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).
74. **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.
75. **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.

NOTE: Decisions of the Zoning Administrator may be appealed to the City Council in compliance with Chapter 36 of the City Code. An appeal shall be filed in the City Clerk's Office within 10 calendar days following the date of mailing of the findings. Appeals shall be accompanied by a filing fee. No building permits may be issued or occupancy authorized during this appeal period.

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.

AMBER BLIZINSKI, ASSISTANT COMMUNITY DEVELOPMENT DIRECTOR

AB/HZ/6/FDG  
PL-2023-048

DRAFT