

SETTLEMENT AGREEMENT

This Settlement Agreement (the “**Agreement**”) is made and entered into as of the date all parties sign this Agreement (the “**Effective Date**”) by and between Octane Fayette, LLC (the “**Applicant**”) and the City of Mountain View (the “**City**”). The Applicant and City are individually referred to herein as a “**Party**”, and collectively referred to as the “**Parties**”.

RECITALS

- A. The Applicant owns certain real property totaling approximately 0.67 acres located at 2645-2655 Fayette Drive in Mountain View, California and legally described on Exhibit A (the “**Property**”).
- B. On April 10, 2023, the Applicant submitted to the City a preliminary application pursuant to the Housing Crisis Act of 2019, as amended (“**SB 330**”), for a 70-unit residential condominium development (the “**Project**”) and thereafter submitted a formal development permit application pursuant to the Builder’s Remedy within California Government Code Section 65589.5 (the “**HAA**”), subdivision (d)(5), on August 14, 2023 (the “**BR Application**”). The Project includes at least twenty percent (20%) of the total units dedicated as affordable to low-income households. The City determined the Project application to be complete on February 23, 2024. The Applicant is seeking a Planned Community Permit, Provisional Use Permit, Development Review Permit, a Vesting Tentative Tract Map, Heritage Tree Removal Permit, and approval of an Addendum to the previous Initial Study/Mitigated Negative Declaration for the Project (the “**Project Entitlements**”).
- C. On April 11, 2023, the City adopted its 2023-2031 Housing Element (the “**Housing Element**”). On May 26, 2023, the California Department of Housing and Community Development (“**HCD**”) certified the Housing Element as compliant with Housing Element Law.
- D. By and through various communications and meetings, the City and the Applicant have indicated differing positions with respect to the applicability of SB 330, the HAA including the Builder’s Remedy, and the City’s ability to condition approval of the Project Entitlements on compliance with certain City development standards and requirements (the “**Legal Dispute**”).
- E. On October 16, 2024, the City’s Environmental Planning Commission recommended approval of the Project Entitlements for the BR Application to the City Council, including the imposition of various conditions of approval which the Parties disagree about as to their legality as applied to the Project, further contributing to the Legal Dispute.
- F. The Parties recognize the delay, expense, and uncertainty of litigation that would be required to otherwise address the Legal Dispute. Accordingly, for good and valuable consideration, the sufficiency of which is hereby acknowledged, the Parties now desire to compromise and settle on the terms and conditions stated below.

TERMS AND CONDITIONS

NOW, THEREFORE, in consideration of the covenants, promises, and provisions set forth herein, the Parties agree as follows:

1. **City Acknowledgement of Facts Underlying Applicant's Argument to Invoke Builder's Remedy:** As set forth in City materials and the recitals above, City acknowledges that the Applicant submitted a preliminary application before the City adopted a Housing Element, and that the preliminary application was deemed complete before HCD certified the City's Housing Element as substantially compliant with Housing Element Law.

2. **Agreement as to Applicable Conditions of Approval, Release of Claims:** The Applicant agrees that if the City Council approves the Project Entitlements subject to the conditions of approval included as Exhibit B to this Agreement (the "**Conditions of Approval**") by or before December 17, 2024, the Applicant shall waive its right to challenge the City's imposition of those Conditions of Approval in court (the "**Waived Claims**"), and the Parties agree that the Legal Dispute described in this Agreement shall be resolved. Nothing in this Agreement shall be construed as Applicant waiving any other claim, including but not limited to any challenge to any conditions of approval the City or Council may apply to the Project which differ from the Conditions of Approval included as Exhibit B to this Agreement, any claim Applicant may assert based on future acts or failures to act of the City, or any claim that any Condition of Approval applied to the Project has been rendered inapplicable or unenforceable based any action or inaction occurring after the Effective Date (the "**Non-Waived Claims**"). City also agrees that, to the extent any Condition of Approval may later become inapplicable to or unenforceable against the Project by virtue of, *inter alia*, a change in applicable local law, City shall not assert that Applicant's action in entering into this Agreement precludes the Applicant from asserting the inapplicability or nonenforceability of such Condition of Approval.

3. **Purpose of Agreement and Compromise.** The Parties mutually acknowledge and agree that, subject to the terms and conditions of this Agreement, the primary purpose of this Agreement is to achieve a compromise and global settlement of the Legal Dispute, as an important element of such purpose, to clarify the meaning, intent, and scope of the Conditions of Approval. The Parties acknowledge and agree that the compromise reflected in this Agreement does not represent any reduction, discount or waiver of any applicable fees or applicable City requirements, but rather represents a compromise of the Legal Dispute regarding the legality and proper amount of such fees and other City requirements, consistent with the primary purpose of this Agreement. The City's agreement to remove from the Conditions of Approval conditions that were proposed by the Environmental Planning Commission shall be construed as City's agreement not to require the Project to comply with such condition. The Parties acknowledge and agree that execution of this Agreement in no way limits the police power discretion of the City or of the City Council in reviewing the Project and Project Entitlements, and the Council shall review and make its ultimate decision consistent with its police power discretion, subject to limits imposed by controlling law.

4. **Casualty; Conforming Use:** The Project shall not be considered or treated as a nonconforming lot, use or structure for any purpose. In the event of unforeseen casualty or change

in law, the Applicant shall have the right to rebuild or reconstruct the Project in a form and manner substantially as approved by City pursuant to this Settlement Agreement and approval of Project Entitlements.

5. **Notices:** All notices, demands, or other communications which this Agreement contemplates or authorizes shall be in writing and shall be personally delivered, faxed, emailed, or mailed to the respective Party as follows:

If to CITY:

City Manager
City of Mountain View
500 Castro Street
Mountain View, CA 94041
Email: Kimbra.McCarthy@mountainview.gov

With a copy to:

Jennifer Logue
City Attorney
City of Mountain View
500 Castro Street
Mountain View, CA 94041
Email: Jennifer.Logue@mountainview.gov

If to APPLICANT:

Octane Fayette, LLC
Attn: Emeric McDonald
800 West El Camino Real #180
Mountain View, CA 94040
Email: meric@octanecapital.com

With a copy to:

Holland & Knight LLP
Attn: Daniel Golub
560 Mission Street
San Francisco, CA 94105
Email: Daniel.Golub@hklaw.com

6. **No Admission of Liability.** This Agreement is not an admission of liability or fault on the part of either Party.

7. **Legal Fees and Costs.** Each Party shall bear its own legal fees and costs resulting from the preparation, negotiation, and execution of this Agreement and with respect to the Legal

Dispute. If any action or proceeding arises from or relates to this Agreement, the prevailing party shall be entitled to recover its out-of-pocket costs, reasonable attorney's fees, and costs of attorneys (including in-house counsel fees) and experts against the non-prevailing Party, in addition to all other relief to which that Party may be entitled.

8. **Right to Cure.** If any Party believes that another Party's performance is in default or breach of that Party's obligations under this Agreement, the accusing Party shall provide written notice to the defaulting Party of the alleged default ("Default Notice"); offer to meet and confer in a good faith effort to resolve the issue; and provide the defaulting Party thirty (30) days to cure the alleged default commencing at the time of receipt of the Default Notice. A Default Notice shall specify in reasonable detail the nature of the alleged default or breach and, where appropriate, the manner in which the alleged default or breach satisfactorily may be cured.

9. **Remedies.** Upon the happening of any uncured default or breach, the party asserting default or breach may exercise those remedies available to it pursuant to law or equity, including without limitation specific performance and expectation damages. The Parties agree that default or breach of this agreement may not be reasonably susceptible to monetary damages, such that specific performance or other injunctive relief may be appropriate. In the event of any uncured default or breach of this Agreement by City, Applicant shall be entitled, among other remedies, to assert any and all Waived Claims. Consistent with the principle that in the event of uncured breach or invalidity of the Project Entitlements, the Applicant should be placed in at least the same position as it was in before the execution of this Agreement, Applicant shall also be entitled, if it so requests, among other remedies, to receive consideration or reconsideration by the Council of the Project Entitlements, with the Applicant's rights to assert the applicability of Builders' Remedy preserved as those rights existed as of the Effective Date, in the event of any uncured default or breach of this Agreement by City, or in the event that either this Agreement or City's approval of the Project Entitlements is found by a court of competent jurisdiction to be wholly invalid. If any person or entity other than the Applicant files or otherwise commences any legal action seeking to set aside the City's action of approving the Project Entitlements within 181 days of City approving the Project Entitlements, or if any person or entity other than the Applicant files or otherwise commences any legal action challenging the City's action of approving this Agreement within 181 days of City approving the Agreement, the Applicant shall have the right, but not the obligation, to elect to terminate this Agreement, in which case neither Party shall have any further performance obligations to each other, and the Applicant shall have the right to seek consideration by City Council of the Project Entitlements consistent with applicable law.

10. **Entire Agreement; Amendments.** This Agreement, including all recitals and exhibits hereto, contains the entire agreement between the Parties and supersedes any prior written or oral agreements between them concerning the subject matters contained herein. No supplement, modification, or amendment to this Agreement shall be binding unless executed in writing by all Parties hereto. Nothing in this Agreement shall be construed to limit the ability of the Applicant to request, or the City to consider, requests for modifications to the approved Project, which requests shall be considered under otherwise applicable law, local codes and regulations.

11. **Waiver.** The waiver of any provision or term of this Agreement shall not be deemed

a waiver of any other provision or term of this Agreement. The mere passage of time, or failure to act upon a default, shall not be deemed a waiver of any provision or term of this Agreement.

12. **Execution.** The Parties warrant that, in executing this Agreement, they do so with full knowledge of the rights and obligations that they may have and that they have received independent legal advice with respect to the matters contained in the Agreement.

13. **Joint Negotiation.** This Agreement is the product of joint negotiations between the Parties and shall not be construed against any of the Parties.

14. **Interpretation.** Specific provisions of this Agreement will take precedence over conflicting general provisions.

15. **California Law.** This Agreement will be construed in accordance with the laws of the State of California.

16. **Authority of Signatories.** The individuals executing this Agreement represent and warrant that they have the authority to sign on behalf of the respective Party for which they have executed this Agreement.

17. **Binding and Enforceable Upon Signature.** As to any Party, this Agreement shall be binding upon the Effective Date.

18. **Counterparts.** This Agreement may be executed in counterparts. For purposes of this Agreement, an electronically transmitted signature shall be considered as the equivalent of a wet-ink signature and shall be fully binding.

19. **Effective Date.** This Agreement will be effective upon the date of execution of the Agreement by all Parties.

20. **Materiality; Severability.** The parties agree and stipulate that each and every recital contained in the preamble and every term and condition contained in this Agreement is material, and that each and every recital, term, and condition may be reasonably accomplished within the time limitations and in the manner set forth in this Agreement. Failure of any party to perform any one provision hereof shall be the basis for issuance of a Default Notice pursuant to Section 8. If any provision of this Agreement is determined to be invalid or unenforceable, the remainder shall be construed as valid and enforced so as to effectuate the intention of the Parties at the time the settlement was entered into. In the event of such partial invalidity, the Parties shall seek in good faith to agree on replacing any such legally invalid provisions with valid provisions which, in effect, will, from an economic and practical viewpoint, most nearly and fairly approach the effect of the invalid provision and the intent of the Parties in entering into this Agreement. In the event the Agreement is determined to be entirely invalid or unenforceable, the Parties agree to take appropriate action to place both Parties in the same economic and practical position as if the Agreement had not been entered into, and in particular the Applicant shall have the right to prompt consideration by City Council of the Project Entitlements consistent with applicable law, with the Applicant's rights to assert the applicability of Builders' Remedy preserved as those rights existed

as of the Effective Date.

21. **Assignment, Successors and Assigns.** This Agreement shall be enforceable by any Party and each Party's respective successors and assigns. The Applicant may, without the necessity of any consent or approval by City, assign or transfer this Agreement and all or any portion of its respective rights and obligations hereunder to any other entity or person.

22. **Time is of the Essence.** Time is of the essence of each and every provision of this Agreement.

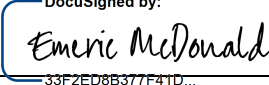
23. **Meet and Confer.** Upon any disagreement regarding the interpretation of a provision of this Agreement or the applicability of the Builder's Remedy, the Parties agree to meet and confer regarding the disagreement and shall negotiate in good faith to seek resolution of the disagreement.

24. **Additional Documents and Cooperation.** The Parties agree to prepare and deliver such further documents and instruments, and shall take such other actions, as may be reasonably required or appropriate to evidence or carry out the intent and purposes of this Agreement. Without limiting the foregoing sentence, the Parties shall reasonably cooperate in the defense of any third party suit or action challenging City's approval or execution of this Agreement or approval of the Project Entitlements. Following approval of the Project, City will accept, process, and review in good faith and in a timely manner, all applications for construction and other post-entitlement permits to implement the Project. City will cooperate with Applicant in its endeavors to obtain any other approvals as may be required from other governmental agencies with jurisdiction over the Project, if any. Applicant's right to develop will not be diminished despite the impacts of other developments within the City on public facilities (e.g., streets, water systems, sewer systems, utilities, traffic signals, sidewalks, curbs, gutters, parks).

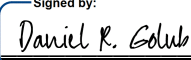
[SIGNATURES ON FOLLOWING PAGE]

IN WITNESS WHEREOF, the Parties hereto have executed this Agreement as of the date written below.

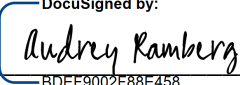
OCTANE FAYETTE, LLC

By: 
33F2ED8B377F4TD...
Name: Emeric McDonald
Title: Manager
Date: 11/19/2024

APPROVED AS TO FORM:


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DANIEL GOLUB
Holland & Knight LLP, Attorney for Applicant
Date: 11/19/2024

CITY OF MOUNTAIN VIEW

By: 
BDEF9002F88E458...
Audrey Seymour Ramberg for
Kimbra McCarthy, City Manager
Date: 11/19/2024

APPROVED AS TO FORM:

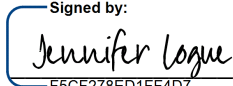

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JENNIFER LOGUE
City Attorney
Date: 11/19/2024

EXHIBIT A

LEGAL DESCRIPTION

Grant Deed - continued

File No. 56009-1245602-13

EXHIBIT A**PARCEL ONE:**

BEGINNING AT A POINT ON THE SOUTHWESTERLY LINE OF THAT CERTAIN 5.678 ACRE TRACT OF LAND FIRSTLY DESCRIBED IN THE DEED FROM MATTHEW A. HARRIS ET UX TO MELVIN O. ANDREEN, DATED NOVEMBER 19, 1920, RECORDED DECEMBER 31, 1920 IN BOOK 524 OF DEEDS, PAGE 571, SANTA CLARA COUNTY RECORDS; SAID POINT BEING DISTANT THEREON NORTH 52° 19' WEST 473.33 FEET FROM THE POINT OF INTERSECTION OF SAID SOUTHWESTERLY LINE WITH THE NORTHWESTERLY LINE OF SAN ANTONIO AVENUE; THENCE RUNNING ALONG SAID LINE NORTH 52° 19' WEST 2.73 FEET AND NORTH 51° 30' WEST 66.92 FEET TO A POINT WHICH BEARS SOUTH 51° 30' EAST 69.30 FEET FROM THE WESTERNMOST CORNER OF THAT CERTAIN PARCEL OF LAND DESCRIBED IN THE DEED FROM MELVIN O. ANDREEN ET UX TO WALTER PEDERSON ET AL, DATED MAY 13, 1944, RECORDED MAY 24, 1944 IN BOOK 1205 OFFICIAL RECORDS, PAGE 43, SANTA CLARA COUNTY RECORDS; RUNNING THENCE NORTHEASTERLY IN A DIRECT LINE 200.00 FEET, MORE OR LESS, TO A POINT ON THE SOUTHWESTERLY LINE OF FAYETTE AVENUE, AS SAID LINE WAS ESTABLISHED BY DEED FROM MELVIN O. ANDREEN ET UX TO COUNTY OF SANTA CLARA, DATED JUNE 10, 1944, RECORDED JUNE 12, 1944 IN BOOK 1192 OFFICIAL RECORDS, PAGE 597, SANTA CLARA COUNTY RECORDS; SAID POINT BEING DISTANT SOUTH 51° 28' EAST 70.00 FEET FROM THE NORTHERNMOST CORNER OF THE LAND SO DESCRIBED IN THE DEED TO SAID PEDERSON; RUNNING THENCE SOUTH 51° 28' EAST ALONG THE SAID SOUTHWESTERLY LINE OF FAYETTE AVENUE, 70.00 FEET TO THE EASTERNMOST CORNER OF THE LAND AS DESCRIBED IN THE DEED TO SAID PEDERSON; RUNNING THENCE SOUTH 38° 30' WEST ALONG THE SOUTHEASTERLY LINE OF THE LAND SO DESCRIBED IN THE DEED TO SAID PEDERSON, 200.00 FEET, MORE OR LESS, TO THE POINT OF BEGINNING.

EXCEPTING THEREFROM THAT PORTION THEREOF DESCRIBED IN THE DEED FROM JOHN L. CULVER ET UX TO WALTER KRANSKY ET UX; DATED JULY 27, 1949, RECORDED OCTOBER 14, 1949 IN BOOK 1860 OFFICIAL RECORDS, PAGE 401, AS FOLLOWS:

A PORTION OF THAT CERTAIN PARCEL OF LAND CONVEYED BY MELVIN O. ANDREEN AND STELLA B. ANDREEN TO WALTER PEDERSON ET AL BY JOINT TENANCY DEED DATED MAY 13, 1944, RECORDED MAY 24, 1944 IN VOLUME 1205 OFFICIAL RECORDS PAGE 43, SANTA CLARA COUNTY, HEREINAFTER REFERRED TO AS THE PEDERSON PARCEL, SAID PORTION OF LAND BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCING AT A POINT IN THE SOUTHEASTERLY BOUNDARY OF THE ABOVE MENTIONED PEDERSON PARCEL, DISTANT THEREON SOUTH 38° 45' 30" WEST 169.21 FEET FROM ITS INTERSECTION WITH THE SOUTHWESTERLY BOUNDARY OF A 50 FOOT RIGHT OF WAY KNOWN AS FAYETTE DRIVE; THENCE FROM SAID POINT OF COMMENCEMENT, SOUTH 38° 45' 30" WEST 29.18 FEET TO THE MOST SOUTHERLY CORNER OF THE ABOVE MENTIONED PEDERSON PARCEL; THENCE ALONG THE SOUTHWESTERLY BOUNDARY OF THE PEDERSON PARCEL, NORTH 52° 14' WEST 2.73 FEET; THENCE LEAVING SAID SOUTHWESTERLY BOUNDARY NORTH 44° 06' EAST 29.35 FEET TO THE POINT OF COMMENCEMENT.

PARCEL TWO:

A PORTION OF THAT CERTAIN PARCEL OF LAND CONVEYED BY MATTHEW A. GARCIA ET UX, TO MELVIN O. ANDREEN BY DEED DATED NOVEMBER 19, 1920 AND RECORDED DECEMBER 31, 1920 IN BOOK 524 OF DEEDS AT PAGE 571 RECORDS OF SANTA CLARA COUNTY; HEREINAFTER REFERRED TO AS THE ANDREEN PARCEL, SAID PORTION BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCING AT THE NORTHERLY MOST CORNER OF THE ABOVE MENTIONED ANDREEN PARCEL, SAID POINT BEING THE SOUTHWESTERLY BOUNDARY OF THE EXISTING FAYETTE DRIVE; THENCE ALONG SAID BOUNDARY OF FAYETTE DRIVE SOUTH 51° 31' 30" EAST 15.84 FEET; THENCE LEAVING SAID BOUNDARY OF FAYETTE DRIVE SOUTH 44° 06' 00" WEST 170.04 FEET TO A POINT

IN THE WESTERLY BOUNDARY OF THE ABOVE MENTIONED ANDREEN PARCEL; THENCE ALONG SAID WESTERLY BOUNDARY NORTH 38° 43' 30" EAST 169.22 FEET TO THE POINT OF COMMENCEMENT.

Grant Deed - continued

File No. 56009-1245607-13

EXHIBIT A

PART OF THE 5.678 ACRE TRACT OF LAND FIRSTLY DESCRIBED IN THE DEED TO MELVIN O. ANDERSON, RECORDED DECEMBER 31, 1920, BOOK 524 OF DEEDS, PAGE 571, BEING A PART OF RANCHO RINCON DE SAN FRANCISQUITO DESCRIBED AS FOLLOWS:

BEGINNING ON THE SOUTHWEST LINE OF SAID 5.678 ACRE TRACT, DISTANT THEREON N.52° 19'W. 476.06 FEET AND N.51° 30' W. 66.97 FEET FROM THE NORTHWEST LINE OF SAN ANTONIO AVENUE AS IT EXISTED PRIOR TO 1959; THENCE N.51° 30'W., ALONG SAID SOUTHWEST LINE 69.30 FEET TO A POINT FROM WHICH THE MOST WESTERLY CORNER OF SAID 5.678 ACRE TRACT BEARS N.51° 30'W. 162.84 FEET; THENCE N.38° 30'E. PARALLEL WITH THE NORTHWEST LINE OF SAID 5.678 ACRE TRACT 200 FEET TO THE SOUTHWEST LINE OF FAYETTE DRIVE, 50 FEET WIDE; THENCE S.51° 28'E. ALONG SAID LINE 70 FEET; THENCE SOUTHWEST IN A DIRECT LINE, 200 FEET, MORE OR LESS, TO THE POINT OF BEGINNING.

EXHIBIT B

CONDITIONS OF APPROVAL

**CONDITIONS OF APPROVAL
APPLICATION NO.: PL-2023-169
2645-2655 Fayette Drive**

The applicant is hereby notified, as part of this application, that the applicant is required to meet the following conditions in accordance with the Mountain View City Code and the State of California. 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. The applicant is hereby notified that the applicant is required to comply with all applicable codes or ordinances of the City of Mountain View and the State of California that pertain to this development and are noted herein.

This approval is granted to 2645-2655 Fayette Drive located on Assessor’s Parcel Nos. 148-016-008 and 149-016-009. 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 drawings prepared by BDE Architecture, dated October 3, 2024.
- b. Transportation Demand Management Plan, prepared by TDM Specialists, Inc., for Octane Fayette, LLC, dated January 17, 2024.
- c. Arborist Report prepared by Chris Stewart with Urban Tree Management dated June 12, 2024.
- d. Addendum to the previously approved Initial Study/Mitigated Negative Declaration, dated September 2024, was prepared by John Schwarz with JHS Consulting for the City for the project in accordance with Sections 15162 and 15164 of the California Environmental Quality Act (CEQA) Guidelines.

THIS REQUEST IS GRANTED SUBJECT TO THE FOLLOWING CONDITIONS:

Planning Division—650-903-6306 or planning.division@mountainview.gov

- 1. **[INTENTIONALLY OMITTED]**
- 2. **[INTENTIONALLY OMITTED]**
- 3. **EXPIRATION:** This permit is valid for a period of seven 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 seven-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). For the life of the entitlement and during any granted extension periods, notwithstanding Government Code section 65589.5(o)(2)(A), the Project shall not be subject to any ordinances, plans, regulations and specifications adopted after the preliminary application was submitted on April 10, 2023.
- 5. **[INTENTIONALLY OMITTED]**
- 6. **PLANNING INSPECTION:** Inspection(s) by the Planning Division are required for foundation, framing, application of exterior materials, and final completion of each structure to ensure that the construction matches the approved plans.

PERMIT SUBMITTAL REQUIREMENTS

7. **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.
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. **CERTIFICATION OF BUILDING PERMIT PLANS:** In a letter, the project architect shall certify the architectural design shown in the building permit plans match the approved plans. Any changes or modifications must be clearly noted in writing and shown on redlined plan sheets. The project architect shall also certify the structural plans are consistent with the architectural plans. In the event of a discrepancy between the structural plans and the architectural plans, the architectural plans shall take precedence, and revised structural drawings shall be submitted to the Building Inspection Division.
10. **ACCESSORY STRUCTURE(S):** Any future accessory structure on-site will require approval by the Planning Division and may require separate City permits.
11. **ZONING INFORMATION:** The following information must be listed on the title sheet of the building permit drawings: (a) zoning permit application number; (b) zoning district designation; (c) total floor area ratio and residential density in units per acre, if applicable; (d) lot area (in square feet and acreage); and (e) total number of parking spaces.
12. **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.
13. **FLOOR AREA RATIO (FAR) DIAGRAM:** Building permit drawings must include a floor area ratio (FAR) diagram for each structure on-site, clearly identifying each level of the structure(s) and the gross area(s) which count toward floor area per required zoning calculations. The diagram must also clearly identify all areas which are exempt from FAR.
14. **COLOR CHIPS:** At submittal of building plan check, provide a set of color chips, and the color scheme shall be shown on the elevations.
15. **GEOTECHNICAL REPORT:** The applicant shall have a design-level geotechnical investigation prepared which includes recommendations to address and mitigate geologic hazards in accordance with the specifications of California Geological Survey (CGS) Special Publication 117, Guidelines for Evaluating and Mitigating Seismic Hazards, and the requirements of the Seismic Hazards Mapping Act. The report will be submitted to the City during building plan check, and the recommendations made in the geotechnical report will be implemented as part of the project and included in building permit drawings and civil drawings as needed. Recommendations may include considerations for design of permanent below-grade walls to resist static lateral earth pressures, lateral pressures caused by seismic activity, and traffic loads; method for backdraining walls to prevent the build-up of hydrostatic pressure; considerations for design of excavation shoring system; excavation monitoring; and seismic design.
16. **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: the City' Fire Department (Fire and Environmental Protection Division); the State Department

of Health Services; the Regional Water Quality Control Board; and any Federal agency with jurisdiction. No building permits will be issued until each agency and/or department with jurisdiction has released the site as clean or a site toxics mitigation plan has been approved.

17. **SOIL MANAGEMENT PLAN:** Prepare a soil and groundwater management plan for review and approval by the Santa Clara County Department of Environmental Health (SCCDEH). Proof of approval or actions for site work required by the SCCDEH must be provided to the Building Inspection Division prior to issuance of any demolition or building permits.
18. **[INTENTIONALLY OMITTED]**
19. **BIRD-STRIKE MANAGEMENT PLAN:** A bird-strike management plan, which provides project design features to reduce bird strikes, and a bird-strike monitoring plan postconstruction shall be submitted as part of the building permit submittal with recommended provisions included in the building permit plans.
20. **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.
21. **MASTER SIGN PROGRAM:** The applicant shall develop a master sign program for this property as part of a separate planning permit. The program shall identify suitable sign locations, types, sizes, colors, and materials in written and visual forms for all buildings/tenant spaces on-site with a common theme for signage that is compatible with the structures and uses. Application form and submittal requirements are available online at www.mountainview.gov/planningforms.

OPERATIONS

22. **COMMON AREA OPERATIONS:** The approved hours of operation for the common area shall be limited to 8:00 a.m. to 10:00 p.m., seven days per week, which includes amplified sound. In the event any problems arise with the hours of operation or noise, the Zoning Administrator may hold a public hearing to review common-area operations and impose new or modified conditions of approval in response to public comment received. The public hearing shall be conducted and noticed in accordance with Chapter 36, Article XVI, Division 6 of the City Code.
23. **ROOF DECK OPERATION:** The approved hours of operation for the rooftop common area shall be limited to 8:00 a.m. to 10:00 p.m., and shall not allow amplified music. In the event any problems arise with the hours of operation or noise, the Zoning Administrator may hold a public hearing to review common-area operations and impose new or modified conditions of approval in response to public comment received. The public hearing shall be conducted and noticed in accordance with Chapter 36, Article XVI, Division 6, of the City Code.
24. **ROOF DECK DESIGN AND PROGRAMMING:** The design, programming, and operating characteristics of the rooftop deck shall be subject to administrative review and approval by the Zoning Administrator prior to building permit issuance. Review shall include conformance with applicable building codes. **(PROJECT-SPECIFIC CONDITION)**
25. **PARKING MANAGEMENT PLAN:** Prior to building permit issuance, the applicant shall develop a parking management plan describing parking allocation for residents, guests, and/or commercial uses on the project site, subject to administrative approval by the Zoning Administrator prior to building permit issuance.
26. **LOADING/DELIVERY PLAN:** Prior to building permit issuance, the applicant shall develop a plan specifying measures to manage on-site deliveries and loading, which may include measures to tailor delivery hours and/or days to limit conflicts with peak traffic times or adjacent land uses.
27. **UNBUNDLED PARKING:** All parking spaces for the project shall be unbundled and must be offered for sale or lease separately from the residential units pursuant to Assembly Bill 1317. The applicant shall submit a parking management plan detailing how spaces will be allocated and managed, which shall be reviewed and approved by the Community Development Department prior to final Certificate of Occupancy. **(PROJECT-SPECIFIC CONDITION)**

SITE DEVELOPMENT AND BUILDING DESIGN

28. **OUTDOOR PLAZA:** The building permit and off-site improvement plans shall include details for the outdoor plaza design, landscape, art, and programming for review and approval by the Zoning Administrator prior to issuance of building and/or excavation permits.
29. **EXTERIOR MATERIALS:** High-quality materials and finishes shall be used throughout the project and shall remain in compliance with the materials identified in the approved plans, except as modified by the conditions of approval herein. Details regarding all color and architectural details shall be provided in the building permit plan submittal and shall be subject to review and approval by the Zoning Administrator prior to the issuance of building permits.
30. **TRIM MATERIALS:** Trim materials throughout the project shall be wood or high-density foam trim. Details of the specific placement, utilization, and finish of the trim materials shall be provided with the building permit drawings. Final trim design details shall be subject to review and approval by the Zoning Administrator prior to the issuance of building permits.
31. **SPECIAL PAVING MATERIALS:** The color, material, design, and product specifications for the special paving materials used on-site shall be submitted with the building permit drawings. Final paving design details shall be subject to review and approval by the Zoning Administrator prior to the issuance of building permits.
32. **WINDOWS:** Manufacturer type, design, material, and installation details for all windows within the project shall be specified for each unit in the building permit drawings for review and approval by the Zoning Administrator prior to the issuance of building permits.
33. **MOCK-UP:** The applicant shall set up a large material and color mock-up on-site, prior to building permit issuance and purchase of the finish materials, for final selection and approval by the Zoning Administrator. At a minimum, the mock-up shall include brick veneer, lap siding, stucco, window, and paint samples. Proposed primary and secondary (accent) paint colors should be painted next to each other on the mock-up for purposes of inspection. The color(s) shall not be considered approved until after inspection and approval by the Zoning Administrator.
34. **ROOFTOP EQUIPMENT SCREEN:** All rooftop equipment must be concealed behind opaque (solid) screening designed to complement the building design such that rooftop equipment is not visible from any elevation. Details of the rooftop equipment and roof screens shall be included in the building permit drawings and approved by the Zoning Administrator.
35. **MECHANICAL EQUIPMENT (GROUND SCREENING):** All mechanical equipment, such as air condenser (AC) units or generators, shall be concealed behind opaque screening. No mechanical equipment is permitted on front porches or balconies but may be located in the fenced yard area or building rooftops.
36. **OUTDOOR STORAGE:** There is to be no outdoor storage without specific Development Review approval by the Planning Division.
37. **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 7' in height, measured from adjacent grade to the top of the fence or wall. The design and location must be approved by the Zoning Administrator and comply with all setback and traffic visibility area requirements.
38. **[INTENTIONALLY OMITTED]**
39. **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'.

40. **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.
41. **ROOFTOP DECK LIGHTING:** Proposed lighting fixtures on the rooftop decks and courtyards shall not be visible from 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.
42. **BIKE PARKING FACILITIES:** The applicant shall provide the following bike parking on the project site, which must be shown on building permit drawings:

A minimum of 83 bicycle parking spaces shall be provided for the project (75 long-term, secured bicycle storage spaces and eight short-term bicycle storage spaces) and shall be distributed throughout the site. The bicycle parking plan shall be submitted with building permit drawings and approved by the Zoning Administrator prior to building permit issuance.

Short-term bike parking for visitors shall be provided as bike racks which must secure the frame and both wheels. Racks should be located near the building entrance (i.e., within constant visual range) unless it is demonstrated that they create a public hazard or it is infeasible. If space is unavailable near building entrances, the racks must be designed so that the lock is protected from physical assault and must include clear and visible signage leading to public bicycle parking if not visible from a street or public path. Long-term bike parking spaces shall be in a secure location to protect against theft and may include, but are not limited to, bike lockers, enclosed cages, or other restricted interior areas. Any area used for long-term bike parking shall not be included in zoning calculations for floor area or building coverage.

GREEN BUILDING

43. **GREEN BUILDING—RESIDENTIAL NEW CONSTRUCTION:** The project is required to meet the mandatory measures of the California Green Building Standards Code and meet the intent of 96 GreenPoint Rated points. All mandatory prerequisite points and minimum point totals per category to attain GreenPoint Rated status must be achieved, unless specific point substitutions or exceptions are approved by the Community Development Department. Formal project registration and certification through Build It Green is not required for compliance with the Mountain View Green Building Code (MVGBC). The project is also required to comply with Title 24, Part 6.
44. **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 the building.

TREES AND LANDSCAPING

45. **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). Additional landscaping materials or modifications may be required by the Planning Division at final inspection to ensure adequate planting coverage and/or screening.
46. **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.

47. **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.
48. **STREET TREE FORM:** The applicant shall complete the "Proposed Street Tree" form available in the Planning Division or online at www.mountainview.gov/planningforms. Once completed, the applicant shall email the original to the Parks Division at parks@mountainview.gov and provide a duplicate copy to the Building Inspection Division with building permit submittal.
49. **[INTENTIONALLY OMITTED]**
50. **[INTENTIONALLY OMITTED]**
51. **MONTHLY ARBORIST INSPECTIONS:** Throughout demolition and construction, a qualified arborist must conduct monthly inspections to ensure tree protection measures and maintenance care are provided. A copy of the inspection letter, including recommendations for modifications to tree care or construction activity to maintain tree health, shall be provided to the Planning Division at planning.division@mountainview.gov.
52. **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.
53. **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.
54. **REPLACEMENT TREES:** The applicant shall offset the loss of each Heritage/street tree with two replacement trees, for a total of 18 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.

NOISE

55. **MECHANICAL EQUIPMENT (NOISE):** The noise emitted by any mechanical equipment shall not exceed a level of 55 dB(A) during the day or 50 dB(A) during the night, 10:00 p.m. to 7:00 a.m., when measured at any location on the adjoining residentially used property.
56. **NOISE GENERATION:** All noise-generating activities (i.e., entertainment or amplified sound) are limited to interior areas only, and the heating, ventilation, and air conditioning system shall be maintained to ensure that all windows and doors remain closed when the business is in operation.
57. **INTERIOR NOISE LEVELS:** Construction drawings must confirm that measures have been taken to achieve an interior noise level of 45 dB(A)Ldn that shall be reviewed and approved by a qualified acoustical consultant prior to building permit submittal.
58. **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.

59. **SITE-SPECIFIC BUILDING ACOUSTICAL ANALYSIS:** A qualified acoustical consultant will review final site plans, building elevations, and floor plans prior to construction to calculate expected interior noise levels as required by State noise regulations. Project-specific acoustical analyses are required by the California Building Code to confirm that the design results in interior noise levels reduced to 45 dB(A)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, will be submitted to the City along with the building plans and approved prior to issuance of a building permit. Building sound insulation requirements will include the provision of forced-air mechanical ventilation for all residential units as recommended by the qualified acoustical consultant, so that windows can be kept closed at the occupant’s discretion to control noise. Special building techniques (e.g., sound-rated windows and building facade treatments) will be implemented as recommended by the qualified acoustical consultant to maintain interior noise levels at or below acceptable levels. These treatments will include, but are not limited to, sound-rated windows and doors, sound-rated wall construction, acoustical caulking, protected ventilation openings, etc.
60. **PILE DRIVING NOISE REDUCTION:** 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

61. **CC&Rs:** One electronic PDF of the proposed Covenants, Conditions, and Restrictions (CC&Rs) for the homeowners association shall be submitted to the Planning Division and approved by the City Attorney prior to building permit issuance. The applicant shall provide a completed CC&R checklist at submittal along with associated review fee made payable to the City of Mountain View. The checklist can be obtained by contacting the project planner or by email inquiry to planning.division@mountainview.gov.
62. **[INTENTIONALLY OMITTED]**
63. **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.
64. **NOTICE OF DEVELOPMENT RESTRICTIONS:** A Notice of Development Restrictions indicating the related development permit conditions that are to be completed with the development of the property is required for all planned developments and common-interest developments. The notice shall be prepared by the Planning Division and City Attorney’s Office and shall be signed and notarized by the subdivider. The approved and executed Notice of Development Restrictions must be recorded on the land of the subdivision before the approval of the parcel or final map.

CONSTRUCTION ACTIVITIES

65. **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).
66. **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.

67. **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.
68. **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.
69. **HEALTH AND SAFETY MEASURES:** The permittee/contractor is responsible for preparing and implementing an appropriate health and safety plan to address the contamination and manage the operations in a safe manner and in compliance with the Cal/OSHA Construction Safety Orders and other State and Federal requirements.
70. **HAZARDOUS MATERIALS CONTAMINATION:** 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 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.

71. **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.

72. **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.
73. **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.
74. **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.
75. **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.
76. **INDOOR FORMALDEHYDE REDUCTIONS:** If the project utilizes composite wood materials (e.g., hardwood plywood, medium density fiberboard, particleboard) for interior finishes, then only composite wood materials that are made with CARB approved, no-added formaldehyde (NAF) resins, or ultra-low emitting formaldehyde (ULEF) resins shall be utilized (CARB, Airborne Toxic Control Measure to Reduce Formaldehyde Emissions from Composite Wood Products, 17 CCR Section 93120, et seq., 2009-2013).
77. **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. Surveys will be conducted to the extent practicable, taking into account the potential difficulty of securing the approval of other private landowners to allow entrance to those properties for surveys. Should a qualified biologist recommend that a smaller radius is appropriate given the presence of certain species, the urban environment and developed nature of the surrounding properties, the applicant shall notify the Planning Division and provide a copy of the recommendation and supporting documentation. 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.

78. VIBRATION BEST MANAGEMENT PRACTICES CONSTRUCTION MEASURES:

- Avoid impact pile driving and drill piles instead where possible. Drilled piles cause lower vibration levels where geological conditions permit their use.
- Avoid using vibration rollers and tampers near sensitive areas.
- 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:
 - Identification of sites that would be exposed to project vibration compaction activities and could result in vibration impacts to structures;
 - Develop a vibration monitoring and contingency plan;
 - Construction contingency plan; and
 - Conduct post-survey on structures where either monitoring has indicated high levels or complaints of damage have been made.

MITIGATION MEASURES

79. [INTENTIONALLY OMITTED]

- 80. ***DIESEL EQUIPMENT:** All diesel-powered off-road equipment, larger than 25 horsepower, operating on the site for more than two days continuously shall meet U.S. EPA Tier 4 standards for particulate matter emissions. Alternatively, equipment that meets U.S. EPA particulate matter emissions standards for Tier 3 engines that include CARB certified Level 3 Diesel Particulate Filters (DPF) or equivalent would be effective. The use of equipment that is powered by electricity or alternatively fueled equipment (i.e., nondiesel) would also meet this requirement. (MM AIR-3.1)
- 81. ***VIBRATION EQUIPMENT:** Prohibit the use of heavy vibration-generating construction equipment, such as vibratory rollers or excavation using clamshell or chisel drops, within 25' of any adjacent building. (MM NOI-2.1)
- 82. ***VIBRATION RESPONSE:** Designate a person responsible for registering and investigating claims of excessive vibration. The contact information of such person shall be clearly posted on the construction site. (MM NOI-2.2)

Neighborhoods and Housing Division—650-903-6379 or neighborhoods@mountainview.gov

- 83. **BMR OWNERSHIP, PROVIDING UNITS:** Prior to issuance of the first building permit for the project, the applicant shall enter into a recorded agreement with the City that will require the applicant to provide at least 20% of the total number of dwelling

units within the development as Below-Market-Rate (BMR) units consistent with Government Code Section 65589.5(d)(5) as it exists on the date of project approval. The recorded agreement shall also provide for continuing affordability of the BMR units for 55 years, qualifying the Project for the provisions of Government Code Section 65915. Prior to issuance of building permits, the applicant shall also submit a plan indicating the location, size, and phasing of BMR units. This results in a total of fourteen (14) units being available, the units will be designated as follows: four (4) units at very-low income (maximum fifty percent 50% AMI) and ten (10) units at low-income (maximum eighty percent (80%) AMI). This is in accordance with the units outlined in the Plan Set dated October 3, 2024, including BMR unit locations indicated on the plan set dated October 3, 2024, and what is required to comply with the replacement requirement outlined in Condition of Approval 85. The Housing Department reserves the right to review, approve or deny any modifications to the Affordable Housing Compliance Plan or unit delivery. The applicant will be providing five (5) studio units and nine (9) one-bedroom units.

84. **BMR, PROCESS:** Prior to the first building permit submittal, the applicant shall contact the Housing Department at 650-903-6190 to begin preparation of a BMR agreement for the project. The applicant shall submit the following information: (a) a copy of the Findings Report or Conditions of Approval; (b) a legal description of the property; (c) a plan indicating the location, size, and phasing of BMR units; and (d) additional information as requested by the Housing and Neighborhood Services Division. The BMR agreement must be recorded prior to building permit issuance.
85. **REPLACEMENT UNITS:** In compliance with the State Housing Crisis Act and Density Bonus Law, the applicant shall replace five of the six demolished rent stabilized units with units at an equivalent size. Consistent with the information available about the last known tenants and instructions provided by the State Housing Crisis Act to make assumptions about units for which the last known tenants' information is not available, four of the units must be deed restricted at an affordable cost for and occupancy by a household in the very-low income category, and one in the low-income category. All five of the units will be one-bedroom units. The deed restriction shall be effectuated by an affordability restriction, covenant, or agreement, as approved by the City Attorney, which shall be recorded prior to issuance of the first building permit. Units in the project which are currently designated as JR1.0 or JR1.0-MTL are to be modified from their current configuration into standard 1-BR units at any time prior to issuance of Building Permit to meet the requirements for the replacement units described in this condition. This could include minor re-positioning of windows on the interior courtyard side of the building.
86. **CONDOMINIUM CONVERSION (Change to the Condo Parcel Building):** The BMR agreement negotiated between the parties based upon the CONDO PARCEL BUILDING described in the agreement. Any substantive change in the CONDO PARCEL BUILDING or any alternative use of the condo Property will be subject to CITY'S prior review of the alternative use or revised CONDO PARCEL BUILDING to determine whether CITY'S Below Market Rate Housing Program would be applicable and to what extent the Agreement may require amendment.

DEVELOPER may elect to rent the condominium units initially instead of selling the units. Should that occur, DEVELOPER shall follow all applicable statutes, ordinances, and requirements in place at that time, including, but not limited to, BMR Housing Program Requirements, and if such units that are initially rented are subsequently sold, DEVELOPER shall follow all requirements for such conversions, such as tenant relocation requirements, and first right of refusal requirements for affected tenants, as set forth in the City Code and the City of Mountain View Below-Market-Rate Housing Program Administrative Guidelines. If DEVELOPER intends to rent all or a portion of the housing units in the condominium building, the twenty percent (20%) inclusionary requirement for rentals apply, and prior to building permit issuance for the condominium building, DEVELOPER will cooperate to amend the BMR Agreement to list which additional units would be designated below-market-rate rental units.

Building Division—650-903-6313 or 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. 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.

87. **BUILDING CODES:** Construction plans will need to meet the current codes adopted by the Building Division upon building permit submittal, with the exception of any City-specific building code provisions that differ from and/or are additional to State code requirements. For such City-specific code provisions, all requirements in effect as of April 10, 2023 (the date of the Project's SB 330 preliminary application vesting) shall apply, except that the Project shall not be required to comply with all-electric requirements and/or related photovoltaic system requirements (including as reflected in current City of Mountain View Code Sections 8.20.8, 8.20.9, 8.20.10, 8.20.12 and 8.20.14 or as may be amended or newly adopted in the future), or any requirement to meet the intent of LEED Gold.
88. **USE AND OCCUPANCY CLASSIFICATION:** Provide proposed use(s) and occupancy(ies) for the proposed project per the CBC, Chapter 3.
89. **SPECIAL REQUIREMENTS BASED ON OCCUPANCY AND USE:** Project shall comply with the requirements per the CBC, Chapter 4.
90. **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.
91. **BUILDING HEIGHT AND NUMBER OF STORIES:** The project shall comply with the requirements per the CBC, Chapter 5, Section 504.
92. **BUILDING AREA:** The project shall comply with the requirements per the CBC, Chapter 5, Section 506.
93. **MIXED USE AND OCCUPANCY:** The project shall comply with the requirements per the CBC, Chapter 5, Section 508.
94. **OCCUPANCY SEPARATION:** Proper separation is required to be provided between occupancies per the CBC, Table 508.4.
95. **TYPE OF CONSTRUCTION:** Provide the type of proposed construction per Chapter 6 of the CBC.
96. **FIRE AND SMOKE PROTECTION FEATURES:** The project shall comply with the requirements per the CBC, Chapter 7.
97. **MINIMUM DISTANCE OF PROJECTIONS:** The project shall comply with the requirements per the CBC, Chapter 7 (Table 705.2).
98. **BUILDINGS ON THE SAME LOT:** The project shall comply with the requirements per the CBC, Chapter 7, Section 705.3.
99. **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).
100. **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).
101. **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.
102. **FIRE PROTECTION (PROJECTIONS):** Overhangs and other projections will not be permitted to cross property lines, including any property lines between units.
103. **MEANS OF EGRESS:** The project is required to comply with the requirements per the CBC, Chapter 10, Means of Egress.
104. **OCCUPANT LOAD:** The project shall comply with Table 1004.5, Maximum Floor Area Allowance per Occupant, per the CBC, Chapter 10, Section 1004.
105. **ACCESSIBLE MEANS OF EGRESS:** The site must meet accessible means of egress per the CBC, Chapter 10, Section 1009.

106. **ACCESSIBILITY REQUIREMENTS:**

- **Chapter 11A:** The project will be required to comply with the accessibility requirements in the CBC, Chapter 11A.

107. **[INTENTIONALLY OMITTED]**

108. **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. **[INTENTIONALLY OMITTED]**
- c. **[INTENTIONALLY OMITTED]**

109. **PLUMBING:** The project will be subject to the submetering requirements per Senate Bill 7 (Housing: Water Meters for Multi-Unit Structures).

110. **UTILITIES:** No utilities shall cross property lines.

111. **BUILDING UTILITIES:** Utilities (gas, electrical, etc.) shall comply with PG&E Green Book requirements.

112. **STRUCTURAL CALCULATIONS:** Structural calculations may be required once the application for a building permit is submitted.

113. **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.

114. **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.

115. **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 or 650-940-4650; *and* Mountain View Whisman School District at www.mvwsd.org or 650-526-3500; or Los Altos School District at www.lasdschools.org or 650-947-1150.

116. **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 or contact by phone at 650-903-6313 to obtain information and submittal requirements.

117. **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.

118. **SIGNS:** Proposed signs are to be a deferred submittal under a separate building permit application.

119. **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.

120. **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.

121. **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. More information is available at www.mountainview.gov/wagetheft.

Fire Department—650-903-6343 or fire@mountainview.gov

FIRE PROTECTION SYSTEMS AND EQUIPMENT

122. **FIRE SPRINKLER SYSTEM:** Provide an automatic fire sprinkler system to be monitored by a central station monitoring alarm company. This monitoring shall include water flow indicators and tamper switches on all control valves. Shop-quality drawings shall be submitted electronically for review and approval. The underground fire service system shall be approved prior to approval of the automatic fire sprinkler system. All work shall conform to NFPA 13, NFPA 24, NFPA 72, and Mountain View Fire Department specifications. (City Code Sections 14.10.30 and 14.10.31 and California Fire Code Section 903.)
123. **STANDPIPE SYSTEM:** Provide a Class I standpipe system. (City Code Sections 14.10.32, 14.10.33, 14.10.34, and 14.10.35 and California Fire Code Section 905.)
124. **FIRE PROTECTION DURING CONSTRUCTION:** Every building four stories or more in height shall be provided with no fewer than one standpipe for use during construction. Such standpipe(s) shall be installed when the progress of construction is not more than 40’ in height above the lowest level of Fire Department access. Such standpipe(s) shall be provided with Fire Department hose connections at accessible locations adjacent to usable stairs, and the standpipe outlets shall be located adjacent to such usable stairs. Such standpipe systems shall be extended as construction progresses to within one floor of the highest point of construction having secured decking or flooring. On each floor, there shall be provided a 2.5” valve outlet for Fire Department use. (California Fire Code, Chapter 33.)
125. **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.
126. **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.)
127. **FIRE EXTINGUISHERS:** Install one 2-A:10-B:C fire extinguisher for every 50’/75’ of travel or every 3,000 square feet. Fire extinguisher locations shall be indicated on the architectural floor plans. (California Code of Regulations, Title 19, Chapter 3, and California Fire Code, Section 906.)
128. **SMOKE ALARMS:** All residential occupancies shall be provided with California State Fire Marshal-listed smoke alarms. Smoke alarms shall be installed in accordance with the California Building Code and the approved manufacturer’s instructions. (California Fire Code, Section 907.2.11.)
129. **CARBON MONOXIDE ALARMS:** All residential occupancies shall be provided with carbon monoxide alarms. Carbon monoxide alarms shall be installed in accordance with the California Building Code and the approved manufacturer’s instructions. (California Fire Code, Section 915.)

FIRE DEPARTMENT ACCESS

- 130. **LOCKBOX:** Install an approved key lockbox per the Fire Protection Engineer’s directions. (California Fire Code, Section 506.)
- 131. **KEYSWITCH:** Install an approved keyswitch per the Fire Protection Engineer’s directions. Contact the Building Division at 650-903-6313 or building@mountainview.gov for instructions.
- 132. **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.)
- 133. **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.)
- 134. **ALL-WEATHER FIRE APPARATUS ACCESS ROADS:** Prior to combustible construction, an all-weather access road capable of supporting emergency vehicles (70,000 pounds) shall be constructed to allow access within 150’ of every portion of the project. Access roads shall have 13’6” overhead clearance, 20’ of unobstructed width, and 21’ inside turning radius. (California Fire Code, Section 503.)
- 135. **STRETCHER REQUIREMENTS:** In all structures with one or more passenger service elevators, at least one elevator shall be provided with a minimum clear distance between walls or between walls and door, excluding return panels, of not less than 80”x54”, and a minimum distance from wall to return panel of not less than 51” with a 42” side slide door, unless otherwise designed to accommodate an ambulance-type stretcher (84”x24”) in the horizontal position. (California Building Code, Section 3002.4.)

EGRESS AND FIRE SAFETY

- 136. **EXIT ILLUMINATION:** Exit paths shall be illuminated any time the building is occupied with a light having an intensity of not less than one footcandle at floor level. Power shall normally be by the premises wiring with battery backup. Exit illumination shall be indicated on the electrical plan sheets in the drawing sets. (California Building Code, Section 1008.)
- 137. **EXIT SIGNS:** Exit signs shall be internally or externally illuminated and provided with battery backup per Uniform Building Code Chapter 10. Exit signs shall be posted above each required exit doorway and wherever otherwise required to clearly indicate the direction of egress. (California Building Code, Section 1013.)
- 138. **EXIT DOORS IN GROUPS A, E, H, AND I OCCUPANCIES:** Exit doors shall be provided with approved panic hardware. (California Building Code, Section 1010.2.9.)
- 139. **GROUP A OCCUPANCIES:** Buildings or portions of buildings used for assembly purposes shall conform to all requirements of Title 19 and the Uniform Building Code. This shall include, but not be limited to: (1) two exits; (2) fire-retardant drapes, hangings, Christmas trees, or other similar decorative material; and (3) posting of a maximum occupant load sign. (California Code of Regulations, Title 19, Sections 3.08, 3.21, and 3.30.)
- 140. **GROUP A, E, I, AND R1 OCCUPANCIES: DECORATIVE MATERIALS:** All drapes, hangings, curtains, drops, and all other decorative material, including Christmas trees, shall be made from a noncombustible or fire-resistive material or maintained in a flame-retardant condition by means of an approved flame-retardant solution or process approved by the California State Fire Marshal. (California Code of Regulations, Title 19, Sections 3.08 and 3.21.)

141. **INTERIOR WALL AND CEILING FINISHES:** Interior finishes shall have a flame-spread rating in accordance with the California Building Code, Chapter 8, and California Code of Regulations, Title 19, Section 3.21.
142. **POSTING OF ROOM CAPACITY:** Any room used for assembly purposes shall have the capacity of the room posted in a conspicuous place near the main exit from the room. (California Building Code, Section 1004.9.)
143. **ON-SITE DRAWINGS:** Submit electronic (.pdf) drawing files according to Fire Department specifications prior to final Certificate of Occupancy.
144. **STAIRWAY IDENTIFICATION SIGNS:** For stairs connecting three or more stories in height, approved stairway identification signs shall be located at each floor level in all enclosed stairways. The sign shall identify the stairway and indicate whether there is roof access, the floor level, and the upper and lower terminus of the stairway. The sign shall be located 5' above the floor landing in a position which is readily visible when the door is in the open or closed position. (California Building Code, Section 1023.9.)
145. **TWO-WAY COMMUNICATION:** A two-way communication system shall be provided at the landing serving each elevator or bank of elevators on each accessible floor that is one or more stories above or below the level of exit discharge. (California Building Code, Section 1009.8.)

HAZARDOUS CONDITIONS

146. **FLAMMABLE FINISHES:** Application of flammable finishes shall comply with the California Fire Code, Chapter 24.
147. **ELECTRICAL ENERGY STORAGE SYSTEMS:** Electrical Energy Storage Systems shall comply with the California Fire Code, Section 1207.

EXTERIOR IMPROVEMENTS

148. **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

149. **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

OWNERSHIP AND PROPERTY

150. **PRELIMINARY TITLE REPORT:** At first submittal of the building permit and improvement plans, the applicant shall submit to the Public Works Department a current preliminary title report or land deed (dated within six months of the first submittal) indicating the exact name of the current legal owners of the property(ies), their type of ownership (individual, partnership, corporation, etc.), and legal description of the property(ies) involved. The title report shall include all easements and agreements referenced in the title report. Depending upon the type of ownership, additional information may be required. The applicant shall provide an updated title report to the Public Works Department upon request. All required materials shall be submitted electronically (i.e., flattened, reduced-size PDFs).
151. **SUBDIVISION:** Any combination or division of land for sale, lease, or financing purposes requires the filing and approval of a vesting tentative map, completion of all conditions of subdivision approval, and the recordation of the vesting final map, all prior to the 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.

FEES AND PARK LAND

- 152. **MAP PLAN CHECK FEE:** Prior to the issuance of any building permits OR prior to approval of the 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. The map plan check fee shall be paid at the time of the first map plan check submittal per the adopted fee in effect at time of payment.
- 153. **PLAN CHECK AND INSPECTION FEE:** Prior to the issuance of any building permits OR prior to approval of the final map, the applicant shall pay the plan check and inspection fee in accordance with Sections 27.60 and 28.36 of the City Code per the adopted rates in effect at time of payment.

An initial plan check fee based on the Public Works fee schedule shall be paid at the time of the first improvement plan submittal based on the initial cost estimate (Infrastructure Quantities) for constructing street improvements and other public facilities; public and private utilities and structures located within the public right-of-way; and utility, grading, and driveway improvements for common green and townhouse-type condominiums. Once the plans have been approved, the approved cost estimate will be used to determine the final bond amounts, plan check fees, and inspection fees. Any paid initial plan check fee will be deducted from the approved final plan check fee.

- 154. **TRANSPORTATION IMPACT FEE:** Prior to the issuance of a final certificate of occupancy, the applicant shall pay the transportation impact fee for the development per the FY 24-25 master fee schedule. Residential category fees are based on the number of units. Retail, Service, Office, R&D, and Industrial category fees are based on the square footage of the development. Credit is given for the existing site use(s), as applicable.
- 155. **WATER AND SEWER CAPACITY CHARGES:** Prior to the issuance of a final certificate of occupancy, the applicant shall pay the water and sewer capacity fees per the FY 24-25 master fee schedule 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.
- 156. **PARK LAND DEDICATION FEE:** Prior to issuance of a final certificate of occupancy, the applicant shall pay the Park Land Dedication In-Lieu Fee as described below.

The total amount of Park Land Dedication In-Lieu Fees for this project is \$3,796,800, or \$67,800 for each net new market-rate residential unit (\$11.3 million/acre land valuation, 56 units x \$67,800/unit = \$3,796,800). No credit against the Park Land Dedication In-Lieu Fee is allowed for private open space and recreational facilities.

In a good-faith effort to reduce constraints on housing development projects for lower income households, and to avoid protracted and expensive litigation over Builder’s Remedy law, the City is applying the lowest fair market value per acre identified in the Fiscal Year 2024-2025 Master Fee Schedule (\$11.3 million per acre) and reducing the fee by 60%. The total discounted Park Land Dedication In-Lieu Fee to be paid as a condition of approval for this project is \$1,518,720, or \$27,120 for each net new market rate residential unit.

- 157. **STORM DRAINAGE FEE:** Prior to the issuance of any building permits OR prior to approval of the 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.

STREET IMPROVEMENTS

- 158. **UTILITY PAYMENT AGREEMENT:** Prior to the issuance of any building permits and prior to the approval of the final map, the applicant shall sign a utility payment agreement and post a security deposit made payable to the City as security if each unit or building does not have separate sewer connections and water meters in accordance with Section 35.38 of the City Code. The

utility payment agreement shall include provisions to have the security transferred from the applicant to the homeowners association (HOA), but still made payable to the City, when the HOA is formed for the subdivision.

159. **PUBLIC IMPROVEMENTS:** Install or reconstruct standard public improvements required for the project and as required by Chapters 27 and 28 of the City Code. These public improvements include as shown on Sheet C2.0, new curb, gutter, and 6' wide sidewalk for the entire frontage, new ADA-compliant driveway; new domestic, fire, and irrigation water services, meters, and apparatus; new sanitary sewer connection; and new storm drain connection.
- a. **Improvement Agreement:** Prior to the issuance of the building permit OR approval of the final map, the property owner must sign a Public Works Department improvement agreement for the installation of the public improvements.
 - b. **Bonds/Securities:** Prior to the issuance of any building permits OR approval of the final map, the property owner must sign a Public Works Department faithful performance bond (100% of Infrastructure Quantities) and materials/labor bond (100% of Infrastructure Quantities), or provide a cash deposit (100% of Infrastructure Quantities), or provide a letter of credit (150% of Infrastructure Quantities) 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. The bond amount must be below the underwriting limitation amount listed on the Department of the Treasury's Listing of Approved Sureties. The surety must be licensed to do business in California. Guidelines for security deposits are available at the Public Works Department.
 - c. **Insurance:** Prior to the issuance of any building permits OR approval of the final] map, the property owner must 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. 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) Contractors' Pollution Liability, and One Million Dollars (\$1,000,000) Workers' Compensation. The insurance requirements are available from the Public Works Department.
160. **INFRASTRUCTURE QUANTITIES:** For projects with off-site improvement plans, upon first submittal of the 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 Common Green and Townhouse-Type Condominium developments. The construction cost estimate is used to estimate the cost of street and utility improvements and to determine the Public Works plan check and inspection fees. The construction cost estimate is to be prepared by the civil engineer preparing the improvement plans.
161. **EXCAVATION PERMIT:** For projects with any work within the public right-of-way, 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. 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.
162. **OFF-SITE IMPROVEMENT PLANS:** Prepare off-site public improvement plans in accordance with Chapter 28 of the City Code, the City's Standard Design Criteria, Submittal Checklist, Plan Review Checklist, and the conditions of approval of the project. The plans are to be drawn on 24"x36" sheets at a minimum scale of 1" = 20'. The plans shall be stamped by a California-registered civil engineer and shall show all public improvements and other applicable work within the public right-of-way.

Traffic control plans for each phase of construction shall be prepared in accordance with the latest edition of the California Manual of Uniform Traffic Control Devices (CA MUTCD) for work that impacts traffic on existing streets. Construction management plans of on-site parking for construction equipment and construction workers and on-site material storage areas must be submitted for review and approval and shall be incorporated into the off-site improvement plans identified "For Reference Only."

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, reduced-size 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, two full-size and two half-size blackline sets, one PDF of the signed/stamped plan set, and a USB flash drive with CAD file and PDF must be submitted to the Public Works Department prior to the issuance of the building permit OR approval of the final map.

163. **TRAFFIC CONTROL PLANS:** For projects with any work within the public right-of-way, upon first submittal of the 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 show and identify, at a minimum, work areas, delineators, signs, and other traffic-control measures required for work that impacts traffic on existing streets and shall be prepared in accordance with the latest edition of the California Manual of Uniform Traffic Control Devices (CA MUTCD) and the latest City standards. 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.).
164. **CONSTRUCTION MANAGEMENT PLAN:** Upon first submittal of the building permit and improvement plans, the applicant shall provide a construction traffic and parking management plan with the building plans and within the improvement plans identified "For Reference Only—See Building Permit Plans." The plan must be approved prior to the issuance of a building permit, including demolition permits. 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 trailers 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:** Submit traffic control plans, including detour plans, when on-site improvements and phases of the construction management plan require temporary roadway, lane, shoulder, and/or bike lane closure. Provide pedestrian detour plans 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 will be required prior to the issuance of the building permit.

165. **NOTIFICATION OF ADJACENT/AFFECTED PROPERTIES:** During improvement plan design, the applicant shall provide advance written notification(s) to owners and tenants of adjacent and affected properties describing the nature of the proposed public

improvements and estimated project duration, as determined necessary by the Public Works Department. The notice(s) shall be approved by the City prior to distribution.

166. **ENCROACHMENT RESTRICTIONS:** Private facilities, including, but not limited to, transformers only serving the site, stormwater control (C3) 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.
167. **ENCROACHMENT AGREEMENT FOR STREET EASEMENTS:** At the sole discretion of the Public Works Director, pavers and decorative paving within the street easement require a separate Encroachment Agreement to be signed by the property owner(s). The Encroachment Agreement shall be prepared and executed, and fees paid prior to issuance of the building permit.
168. **TIE-BACK ENCROACHMENTS:** Temporary tie-backs or earthen nails for construction purposes require a separate Encroachment Agreement, plat and legal description, and bond (100%), letter of credit (100%), or cash security (100%) securing the installation and warranty of the temporary tie-backs. The Encroachment Agreement shall be prepared, executed, and fees paid prior to the issuance of the building permit.
169. **DRIVEWAY SIDE STREET 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, poles, bollards, miscellaneous structures (excluding appropriately sized support columns), 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. The plans correctly show the placement of the sight triangle 5 feet from the face of the curb.
170. **PHOTOMETRIC ANALYSIS:** Submit a photometric analysis for half of the street along the project frontage. The analysis must include all existing and/or proposed streetlights, showing and identifying pole height, arm length, and location. The analysis should also calculate the minimum, maximum, average illuminance values, and uniformity ratios for the analyzed portion of the street, shown separately. The project will be required to install new streetlights or modify existing streetlights, as determined by the City Traffic Engineer, to ensure locations are compliant with minimum lighting requirements outlined in the latest City Standard Details. (City Standard Detail E-1A/E-1B.)
171. **MIDBLOCK CROSSING:** The applicant is not responsible for installing the midblock crossing. However, it must be shown on the plan to ensure that the proposed utilities do not conflict with it, in accordance with the City's approved crosswalk design.
172. **STREET OVERLAY AND/OR PAVEMENT RECONSTRUCTION:** Pavement restoration is required on utility trench excavation.
173. **ROADWAY SIGNING, STRIPING, AND PAVEMENT MARKINGS:** Signing and striping plans shall be prepared in accordance with the latest edition of the California Manual of Uniform Traffic Control Devices (CA MUTCD). All new striping and pavement markings shall be thermoplastic. All striping and markings damaged and/or removed as part of construction and pavement work shall be replaced with thermoplastic striping. The specific areas of work shall be clearly identified and shown on the plans to the satisfaction of the City Traffic Engineer.
174. **RED CURB AT DRIVEWAY ENTRANCES:** Street curbs adjacent to driveway entrances, including entrances to underground parking garages, 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.
175. **RED CURB ALONG PROJECT FRONTAGE:** Street curbs along project frontage shall be painted red, as determined and approved by the City Traffic Engineer. The specific areas of work shall be clearly identified and shown on the plans.
176. **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.

177. **PARKING RESTRICTION:** Parking shall be prohibited within the common driveways, excluding approved guest parking, as the parking would obstruct the use of the driveway. These parking prohibitions shall be stated within the Covenants, Conditions, and Restrictions (CC&Rs). A copy of the CC&Rs with this provision highlighted shall be submitted to the Community Development Department for review and approval by the Public Works Department. The common driveway shall be signed and/or striped as "No Parking" or "No Parking—Fire Lane." The specific areas of work shall be clearly identified and shown on the plans.

CURBS, SIDEWALKS, AND DRIVEWAYS

178. **DRIVEWAY APPROACH AND ADA SIDEWALK REQUIREMENTS:** A minimum 4' wide Americans with Disabilities Act-compliant public sidewalk shall be provided behind new and existing driveway approaches. Tapers (conforms) may be provided to connect the proposed public sidewalk on each side of the proposed driveway. The specific areas of work shall be clearly identified and shown on the plans.
179. **CURB, GUTTER, SIDEWALK IMPROVEMENTS:** Construct new curb, gutter, and 6' sidewalk along the project frontages of Fayette Drive. The sidewalk shall be monolithic and designed with a consistent 2% cross-slope from the top of the curb to back of the sidewalk and minimal grade breaks in the longitudinal slope of the curb line. The specific limits of work shall be clearly identified and shown on the plans.
180. **UTILITY BOX RELOCATION OUT OF SIDEWALK:** Move existing utility boxes on Fayette Drive out of the sidewalk and relocate to the landscape strip, or behind the back of sidewalk, as required by the Public Works Director. Utility boxes must be located so they fit entirely within the utility easement, or landscape strip, or behind the back of the sidewalk and shall not encroach into the sidewalk. The specific areas and limits of work shall be clearly identified and shown on the plans.

STREET TREES

181. **STREET TREES:** Install standard City street trees along the street frontage, including where there are gaps in the space of existing street trees.
182. **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 be 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. Once completed, the applicant shall email the original to the Parks Division at parks@mountainview.gov and provide a duplicate copy to the Building Division with building permit submittal.
183. **STREET TREE IRRIGATION:** Street trees are to be irrigated by the property owner(s) in accordance with Chapter 32 of the City Code.

UTILITIES

184. **POTHOLING:** Potholing shall be completed prior to the first submittal of the building plans and improvement plans. Utilities shall be potholed to determine the depths and locations of existing subsurface utilities where improvements are proposed for construction, including, but not limited to, new utility crossings and installation of signal and streetlight pole foundations. Proposed pothole locations for signal pole foundations shall be approved by the City Traffic Engineer prior to potholing. Existing pavement sections shall also be recorded for all potholes. Obtain an Excavation Permit from the Public Works Department prior to performing potholing. Incorporate pothole data on the first submittal of improvement plans, including, but not limited to, pothole location, depth of utility, and pavement sections.

185. **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. All new services are required and shall be installed in accordance with City standards.
186. **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.
187. **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.
188. **UTILITY SERVICES:** The size and location of all existing and new water meters, backflow preventers, potable water services, recycled water services, fire services, sewer laterals, sewer cleanouts, storm drain laterals, storm cleanouts/inlets, gate valves, manholes, and utility mains shall be shown on the plans. Sewer laterals, potable water services, and fire services shall have a minimum 5' horizontal separation from each other. Recycled water and potable water shall have a minimum 10' horizontal separation from each other. New potable water and recycled water services shall have a minimum 5' clearance from trees, and new sewer laterals shall have a minimum 10' clearance from trees. Angled connections within service lines shall not be allowed. Utility profiles shall be required for all new services.

Existing water services shall be shown to be disconnected and abandoned at the main in accordance with City standards, unless they are satisfactory for reuse, as determined by the Public Services Division. Water services 4" or larger that are not reused shall be abandoned at the main by removing the gate valve and installing a blind flange and thrust block at the tee. The existing water service and meter must be replaced. Existing sanitary sewer laterals and storm connections that are not reused shall be abandoned, and existing face-of-curb drains that are not reused shall be removed.

189. **BACKFLOW PREVENTER:** Aboveground reduced-pressure backflow preventers are required for all new and existing City potable water and recycled water services. Backflow preventers shall be located directly behind the water meter or as reasonably close as possible at a location preapproved by the Public Services Division. Backflow prevention assemblies shall be conveniently located as close to the meter as feasible outside of buildings and are not allowed within buildings' utility closets or basements. A minimum 3' clearance shall be provided around each assembly for accessibility and maintenance. A minimum 1' clearance shall be provided between the assembly and building face, as applicable. Protective covers and/or enclosures must be preapproved by the Cross-Connection Control Specialist prior to installation.
190. **SANITARY SEWER CLEANOUT:** A one-way sanitary sewer cleanout shall be installed in accordance with City standards. The sewer lateral riser and lateral shall have the same diameter, as per City Standard. An 8" lateral requires a sewer manhole at the property line instead of a cleanout. A 6" sanitary sewer lateral from the site may direct connect to the main, while an 8" lateral will require a manhole.
191. **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.
192. **STORM DRAIN LATERAL:** The construction of a new storm drain lateral to the City main, including new storm drain curb inlet, shall be required. Plans shall indicate how storm drainage from the site will be treated. Runoff will not be allowed to sheet flow across driveways or sidewalks and thru-curb drain are not allowed. Proposed storm drain laterals shall be installed per City standard (12" RCP at 2% slope) with a property line inlet or manhole and shall discharge into an existing manhole or inlet if feasible.

- 193. **STORM DRAIN SERVICE CONNECTION:** The proposed new storm drain line from the on-site storm system shall be designed to connect perpendicular to the new storm drain curb inlet and with a property line inlet per City Standards.
- 194. **ON-SITE UTILITY MAINTENANCE:** On-site water, sanitary sewer, and storm drainage facilities shall be privately maintained by the property owner(s) and shall be noted on the plans.
- 195. **PRIVATE UTILITY MAINTENANCE PLAN AND SANITARY SEWER OVERFLOW PLAN:** On-site water, sanitary sewer, and storm drainage facilities shall be privately maintained. The Covenants, Conditions, and Restrictions (CC&Rs) shall include a provision that the homeowners association prepare a private utility maintenance plan for on-site water, sanitary sewer, and storm drainage facilities. The maintenance plan shall include elements such as, but not limited to, flushing of the sanitary sewer and storm lines, cleaning of storm drain inlets and grates, and inspection of the water system (including flushing and exercising of valves and blowoffs). The CC&Rs shall also include a provision that the homeowners association prepare a sanitary sewer overflow plan, which includes elements such as, but not limited to, 24-hour contact information, response times, confinement, and methods to contain and remediate spills. A copy of the CC&Rs with this provision marked or highlighted shall be submitted to the Community Development Department for review and approval by the Public Works Department.
- 196. **UNDERGROUNDING OF OVERHEAD SERVICES:** All new and existing electric and telecommunication facilities serving the site 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 the 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.
- 197. **JOINT UTILITY PLANS:** Upon first submittal of the 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. Appropriate horizontal and vertical clearances in accordance with PG&E requirements shall be provided between gas transmission lines, gas service lines, overhead utility lines, street trees, streetlights, and building structures. These plans shall be combined with and made part of the improvement plans. Joint trench intent drawings will be accepted at first improvement plan submittal. All subsequent improvement plan submittals shall include joint trench design plans. During joint trench design, the applicant shall provide advance written notification(s) to owners and tenants of adjacent and affected properties describing the nature of the proposed improvements and estimated project duration, as determined necessary by the Public Works Department. The notice(s) must be approved by the City prior to distribution.

GRADING AND DRAINAGE IMPROVEMENTS (ON-SITE)

- 198. **DRAINAGE PLANS:** On-site drainage plans shall be included in the building plans.
- 199. **DRAINAGE REQUIREMENTS:** On-site parking lots and driveways (other than single-family residential) shall not surface-drain across public sidewalks or driveway aprons. Storm drain laterals from the site shall be installed with a property line inlet or manhole and connect to existing storm drain manholes or curb inlets if at all possible.
- 200. **UNDERGROUND PARKING GARAGE:** Drainage from underground parking garages shall be directed to the sanitary sewer system. Sanitary sewer laterals shall be equipped with backflow devices. If any portions of the garage ramps or parking garage are uncovered, drainage from those uncovered portions shall be directed to the storm drain system.
- 201. **STORMWATER MANAGEMENT:** Stormwater Treatment Control Measures in the public right-of-way shall be in general conformance with the design shown in the approved planning application and shall be included in the improvement plans. The stormwater runoff within the public right-of-way shall remain separate from all onsite stormwater runoff and any public facilities shall be placed within the public right-of-way landscaping strips. Overflow drainage shall be directly connected to the public storm drain main system and overland release shall be directed towards the public street. The design shall minimize the number and size of treatment measures within the public right-of-way and be to the satisfaction of the Public Works Director.

Stormwater treatment control measures required under this condition shall be required to enter into a formal, recorded Maintenance Agreement with the City.

- 202. **SURFACE WATER RELEASE:** Provide a surface stormwater release for the lots, driveways, alleys, and private streets that prevents the buildings from being flooded in the event the storm drainage system becomes blocked or obstructed. Show and identify path of surface water release on the grading and drainage plans.
- 203. **STORM DRAIN HOLD HARMLESS AGREEMENT:** As portions of the site are or will be lower than the adjacent public street or the surface grade over the City’s storm mains, the owner shall sign an agreement to hold the City harmless against storm surcharges or blockages that may result in on-site flooding or damage prior to approval of the building permit or final map.
- 204. **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 the building permit or final map.

SOLID WASTE AND RECYCLING

- 205. **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.”
- 206. **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.
- 207. **TRASH ROOMS AND/OR ENCLOSURES:** Trash rooms and/or enclosures shall be used only for trash, recycling, and compost containers and shall not be used for storage at any time. Access door to the trash facility shall be clearly labeled “Trash Room.”
- 208. **TRASH ENCLOSURE DESIGN AND DETAILS:** Trash plan sheet and enclosure details must be included on a separate sheet in the initial building plans and include:
 - A. This 70-unit property must have trash, recycling, and compost service. Display on plans trash room layout, location, and dimensions to scale with the following minimum service levels:

Option 1 (noncompacted)

	Qty	Size	Type	Frequency	Total Yds
Trash	3	2 yd	Bin	2	12
Paper	3	2 yd	Bin	1	6
Containers	5	96 gal	Cart	1	2.4
Compost	4	64 gal	Cart	1	1.28

Option 2 (*compacted bins are only allowed if an on-site staging area exists where the driver can service without moving the bins. All bins are not allowed to be staged on the public street.)

	Qty	Size	Type	Frequency	Total Yds
Trash	2	2 yd	Compactor*	1	12

Paper	1	2 yd	Compactor*	1	6
Containers	5	96 gal	Cart	1	2.4
Compost	4	64 gal	Cart	1	1.28

- B. Residential recycling collection consists of two streams: one for paper and one for containers. A three-chute system is required consisting of one chute for trash and two for recycling (containers and paper collected in different chutes), to accommodate the City’s dual stream residential recycling program.
- C. Provide a detail sheet displaying signage in the residential trash vestibule rooms. Each chute/container must be labeled: trash, paper recycling, container recycling, and compost with eye-level signage installed directly above. Chute cleanouts on the top floor that do not allow placement of eye-level signage above the chute door shall have custom signs installed directly on the chute doors. All signage shall be shown on the building plans with sorting instructions according to the City’s programs and approved by the Solid Waste Program prior to installation.
- D. The property is required to have composting service as indicated above. Each resident chute room requires sufficient space for compost receptacles (e.g., slim jims) for resident use and should be noted on the plans. The collected compost shall be transported by property maintenance staff to the trash collection room compost bins.
- E. Maintain 1’ between bins, interior curbs, and walls. If the trash room does not have an interior berm or curb it shall have bumpers on walls to avoid damage from bins.
- F. Contact the Solid Waste Program for approval of the final trash room design prior to applying for the building permit. The hauler will not roll out compactor bins due to their weight, and bins (compacted or loose) are not allowed to be staged on the public street.
 - 1. If compactor bins are to be used, the property must have an at-grade staging area on the private property that allows for the hauler’s collection vehicle to drive directly up to the bins for service without moving them.
 - 2. If the site uses loose bins instead of compacted, the hauler can provide roll-out service, but the location of the trash room or staging area shall be directly adjacent to Fayette Drive to allow easy access to the bins using the garage driveway. Note that any movement of bins over 30’ will be subject to roll-out fees by the hauler. The current roll-out fee is \$0.75 per foot per container per month.
- G. Property maintenance staff shall bring the compost and container recycling carts from the trash collection room to the street curb at Fayette Drive for service. Maintenance staff shall remove all the carts promptly after service.
- H. Show footprint of where these carts will be placed on Fayette Drive and provide a red No Parking curb that will accommodate up to nine carts. The Solid Waste Program shall approve the final location of the cart staging area at the street curb.
- I. The trash collection room shall have a roll-up door measuring a minimum of 6’ wide with keypad access.
- J. Prior to occupancy, trash rooms and collection areas must be complete and accessible. Travelways must be complete for proper vehicle circulation.
- K. Property management shall provide 60-day notice, prior to occupancy, to the City’s waste hauler to set up collection services and allow time to procure all equipment. For the purchase of the property’s own equipment, proof of purchase along with an installation date must be provided during building plan review. All equipment (e.g., compactors, containers, towing mechanisms, etc.) must be in place prior to a Certificate of Occupancy (temporary or final) being granted.

- L. If compactor bins are used, these customer-owned bins shall be color coded to match the appropriate material types: gray for trash and blue for paper recycling. The final building plans must note the bin product order specifications, including the colors indicated for each waste stream.
- M. Overhead clearance for travelway must be no less than 15' from finished grade to structural appurtenances (e.g., cameras, sprinklers, electrical). Overhead clearance in collection area must be no less than 22'.

TRANSPORTATION PROGRAMS AND IMPROVEMENTS

- 209. **TRANSPORTATION DEMAND MANAGEMENT (TDM) PROGRAM:** The property owner is required to maintain a TDM program for the life of the project. 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 Public Works Director or Designee.
- 210. **COMMUTE ALTERNATIVES/TRANSPORTATION BENEFITS:** The TDM Program shall be limited to the following: the applicant/owner is required to offer the following commute benefits and transportation alternatives to residents of the project for the lifetime of the project. If the property is sold to a third party, the third party shall establish a TDM program consistent with these requirements in effect at the time of sale. These alternatives are to encourage use of public transit, bike ridership, provide alternatives to single-occupancy vehicle trips within the City, and aid residents in getting to and from key destinations within the City. The following mandatory transportation benefits will be implemented:
 - a. Communication of transportation options, including bikeway maps, transit options, and TDM program offerings provided via on-site kiosks, welcome packets, new hire/resident orientations, digital platform(s), and resident apps.
 - b. Short- and long-term bicycle parking facilities consistent with the project's approved plans.
 - c. Transit passes or transit subsidies, to all residents, such as a Clipper Bay Pass, monthly Clipper card subsidies, or a comparable transit pass program, for the first three years of the project.

Any modification to this transportation benefits program (TDM Plan) requires review and approval by the Public Works Director or designee.

- 211. **[INTENTIONALLY OMITTED]**

CONSTRUCTION ACTIVITIES, NOTES, AND OTHER APPROVALS

- 212. **SANTA CLARA VALLEY WATER DISTRICT 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."
- 213. **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."
- 214. **OCCUPANCY RELEASE (Residential):** The owner/developer shall comply with and include the following note on the off-site or grading/drainage or utility plans: "For residential developments, no residential units will be released for occupancy unless the improvements to be constructed to City standards and/or to be accepted for maintenance by the City, including water meters and sanitary sewer cleanouts as well as trash rooms and/or enclosures, are substantially complete per the City of Mountain View Standard Provisions for Public Works construction. The Public Works Director shall make the determination of what public improvements are substantially complete."

Fire and Environmental Protection Division—650-903-6378 or 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. “Stormwater Quality Guidelines for Development Projects” can be accessed on the Fire Department website at www.mountainview.gov/fepforms.

- 215. **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.
- 216. **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. Refer to SCVURPPP’s Construction Best Management Practices (BMPs) sheet found at: [https://scvurppp.org/pdfs/1415/SCVURPPP Countywide Program BMP Plan Sheet 041615.pdf](https://scvurppp.org/pdfs/1415/SCVURPPP%20Countywide%20Program%20BMP%20Plan%20Sheet%20041615.pdf).
- 217. **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.
- 218. **ENGINEERED DRAWINGS:** Treatment systems and/or porous pavement, pavers, and other uncompacted surfaces require engineered drawings.
- 219. **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.
- 220. **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.
- 221. **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.
- 222. **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.
- 223. **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.
- 224. **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”).

225. **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.
226. **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.
227. **PARKING GARAGES:** For multiple-level parking garages, interior levels shall be connected to an approved wastewater treatment system discharging to the sanitary sewer. Exterior drains exposed to stormwater (including trench drains at lower ends of entrance/exit ramps and the top story of uncovered parking garages) shall be plumbed to the on-site stormwater treatment system (for C.3 regulated projects) or to the storm collection system.
228. **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." Runoff from portions of the public right of way (e.g., sidewalks, curb extensions, pavement replacement, and curb and gutter replacement in the street frontage) that are constructed or reconstructed as part of Regulated Projects will also need to be treated using LID measures. 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.

229. **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 pre-project 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.

230. **STORMWATER MANAGEMENT PLAN—THIRD-PARTY ENGINEER'S CERTIFICATION:** The Final Stormwater Management Plan must be certified by a qualified third-party engineer that the proposed stormwater treatment controls comply with the City's Guidelines and Provision C.3 of the Municipal Regional Stormwater NPDES Permit (MRP). A list of qualified engineers is available at the following link: <https://scvurppp.org/wp-content/uploads/2022/12/SCVURPPP-Qualified-Consultants-List-Memo-December-2022.pdf>

231. **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. The full-trash capture device must be selected from the list of State Water Board approved devices: https://www.waterboards.ca.gov/water_issues/programs/stormwater/trash_implementation.html. 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.
232. **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. The full-trash capture device must be selected from the list of State Water Board approved devices: https://www.waterboards.ca.gov/water_issues/programs/stormwater/trash_implementation.html
- 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.
233. **BUILDING DEMOLITION PCB CONTROL:** Non-wood 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 ≥ 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.
234. **PLAN REVIEW AND PERMIT INSPECTION SERVICE FEES:** Plan review and permit inspection services are subject to fees. An invoice will be issued for plan review and inspections and a receipt verifying fee payment will be required prior to final Building plan approval. **(PROJECT-SPECIFIC CONDITION)**
235. **PET WASTE CLEANUP:** Any water generated during the cleanup of pet-waste is prohibited from being discharged to the sidewalk, curb and gutter, parking lot, paved areas, or storm drains. The City's ordinance requires a three-step floor cleaning procedure. In locations where polluted water may be generated, the following three-step “dry-cleaning” procedure shall be employed as a standard operating procedure: (1) clean up spills with rags or other absorbent materials; (2) sweep and dry-vacuum floor (if needed); and (3) mop floor (if needed) with damp mop and discharge mop water to a sanitary sewer location. **(PROJECT-SPECIFIC CONDITION)**

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.

SUBDIVISION CONDITIONS
APPLICATION NO.: PL-2023-170
2645 FAYETTE DRIVE

FINAL MAP

1. **MAP SUBMITTAL:** File a final map for approval and recordation in accordance with the City Code and the California Subdivision Map Act prior to the issuance of any building permit for the property(ies) within the subdivision. All existing and proposed easements are to be shown on the map. Submit the map for review concurrent with all items on the Map Checklist and the Off-Site Improvement Plans to the Public Works Department. All required materials shall be submitted electronically (i.e., flattened, reduced-size PDFs).
2. **PRELIMINARY TITLE REPORT:** At first submittal of a final map to the Public Works Department, the applicant shall provide a current preliminary title report indicating the exact name of the current legal owners of the property(ies), their type of ownership (individual, partnership, corporation, etc.), and legal description of the property(ies) involved (dated within six months of the submission). The title report shall include all easements and agreements referenced in the title report. Depending upon the type of ownership, additional information may be required. The applicant shall provide an updated title report to the Public Works Department upon request. All required materials shall be submitted electronically (i.e., flattened, reduced-size PDFs).
3. **SOILS REPORT:** Soils and geotechnical reports prepared for the subdivision shall be indicated on a final map. Submit a copy of the report with the first submittal of a final map. All required materials shall be submitted electronically (i.e., flattened, reduced-size PDFs).

As required by the State Seismic Hazards Mapping Act, a project site-specific geotechnical investigation shall be conducted by a registered soils/geologist identifying any seismic hazards and recommending mitigation measures to be taken by the project. The applicant, through the applicant's registered soils engineer/geologist, shall certify the project complies with the requirements of the State Seismic Hazards Mapping Act. Indicate the location (page number) within the geotechnical report of where this certification is located or provide a separate letter stating such.

4. **MAP DOCUMENTS:** Prior to the approval and recordation of the map, submit a subdivision guarantee, Santa Clara County Tax Collector's letter regarding unpaid taxes or assessments, and subdivision security if there are unpaid taxes or special assessments. All required materials shall be submitted electronically (i.e., flattened, reduced-size PDFs).
5. **FINAL MAP APPROVAL:** A final map shall be signed and notarized by the owner and engineer/surveyor and submitted with an 8.5" x 11" reduction of the map and a PDF to the Public Works Department. In order to place the approval of a final map on the public hearing agenda for the City Council, all related materials and agreements must be completed, signed, and received by the Public Works Department 40 calendar days prior to the Council meeting date. After City Council approval, the City Engineer will sign the map. The applicant's title company shall have the Santa Clara County Recorder's Office record the original and shall provide a Xerox Mylar copy of the map to be endorsed by the Santa Clara County Recorder's Office. The endorsed Xerox Mylar copy and a PDF shall be returned within one week after recording the map to the Public Works Department.

RIGHTS-OF-WAY

6. **PEDESTRIAN ACCESS EASEMENT (SIDEWALK):** Dedicate a pedestrian access easement on the face of the map along Fayette Drive to maintain a continuous 6' wide public sidewalk along the project frontage, as required by the Public Works Director.
7. **PUBLIC WATER METER EASEMENT:** Dedicate public water meter easement (WME) on the face of the map to construct, install, maintain, repair, replace, and operate water meters and appurtenances when the water meters are placed on private property, as required by the Public Works Director.

ASSESSMENTS, FEES, AND PARK LAND

8. **SUBDIVISION FEES:** Pay all subdivision fees due in accordance with the rates in effect at the time of payment prior to the approval of a final map.
9. **MAP PLAN CHECK FEE:** Prior to issuance of any building permits OR prior to approval of a final map, as applicable, the applicant shall pay the map plan check fee in accordance with Sections 28.27.b and 28.19.b of the City Code per the rates in effect at time of payment. The 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.
10. **PLAN CHECK AND INSPECTION FEE:** Prior to issuance of any building permits OR 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 rates in effect at time of payment.

An initial plan check fee based on the Public Works adopted fee schedule shall be paid at the time of initial improvement plan check submittal based on the initial cost estimate for constructing street improvements and other public facilities; public and private utilities and structures located within the public right-of-way; and utility, grading, and driveway improvements for common green and townhouse-type condominiums. Once the plans have been approved, the approved cost estimate will be used to determine the final bond amounts, plan check fees, and inspection fees. Any paid initial plan check fee will be deducted from the approved final plan check fee.

11. **TRANSPORTATION IMPACT FEE:** Prior to issuance of a final certificate of occupancy, the applicant shall pay the transportation impact fee for the development per the Fiscal Year 2024-25 Master Fee Schedule. Residential category fees are based on the number of units. Retail, Service, Office, R&D, and Industrial category fees are based on the square footage of the development. Credit is given for the existing site use(s), as applicable.
12. **PARK LAND DEDICATION FEE:** Prior to issuance of a final certificate of occupancy, the applicant shall pay the Park Land Dedication In-Lieu Fee as described below.

The total amount of Park Land Dedication In-Lieu Fees for this project is \$3,796,800, or \$67,800 for each net new market-rate residential unit (\$11.3 million/acre land valuation, 56 units x \$67,800/unit = \$3,796,800). No credit against the Park Land Dedication In-Lieu Fee is allowed for private open space and recreational facilities.

In a good-faith effort to reduce constraints on housing development projects for lower-income households, and to avoid protracted and expensive litigation over Builder's Remedy law, the City is applying the lowest fair-market value per acre identified in the Fiscal Year 2024-25 Master Fee Schedule (\$11.3 million per acre) and reducing the fee by 60%. The total discounted Park Land Dedication In-Lieu Fee to be paid as a condition of approval for this project is \$1,518,720, or \$27,120 for each net new market-rate residential unit.

13. **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) and with the rates in effect at time of payment.

STREET IMPROVEMENTS

14. **UTILITY PAYMENT AGREEMENT:** Prior to the approval of the final map, the applicant shall sign a utility payment agreement and post a security deposit made payable to the City as security if each unit or building does not have separate sewer connections and water meters in accordance with Section 35.38 of the City Code. The utility payment agreement shall include provisions to have the security transferred from the applicant to the homeowners association (HOA), but still made payable to the City, when the HOA is formed for the subdivision.

15. **PUBLIC IMPROVEMENTS:** Install or reconstruct standard public improvements that are required for the subdivision and as required by Chapters 27 and 28 of the City Code. These public improvements include, as shown on Sheet C2.0, new curb, gutter, and 6' sidewalk for the entire frontage, new Americans with Disabilities Act (ADA)-compliant driveway; new domestic, fire, and irrigation water services, meters, and apparatus; new sanitary sewer connection; and new storm drain connection.
- a. **Improvement Agreement:** Prior to the approval of a final map, the property owner must sign a Public Works Department improvement agreement for the installation of the public improvements.
 - b. **Bonds/Securities:** Prior to the approval of a final map, the property owner must sign a Public Works Department faithful performance bond (100%) and materials/labor bond (100%) or provide a letter of credit (150%) or cash security (100%) 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 through the internet at: www.fiscal.treasury.gov/fsreports/ref/suretyBnd/c570_a-z.htm. The bond amount must be below the underwriting limitation amount listed on the Department of the Treasury's Listing of Approved Sureties. The surety must be licensed to do business in California. Guidelines for security are available at the Public Works Department.
 - c. **Insurance:** Prior to the approval of a final map, the property owner must provide a Certificate of Insurance and endorsements for the Commercial General Liability and Automobile Liability naming the City as an additional insured from the entity that will sign the improvement agreement. 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) Contractor's Pollution Liability, and One Million Dollars (\$1,000,000) Workers' Compensation. The insurance requirements are available from the Public Works Department.
16. **INFRASTRUCTURE QUANTITIES:** Upon submittal of the initial building permit and improvement plans, submit a completed construction cost estimate form indicating the quantities of the street and utility improvements with the submittal of the improvement plans. The construction cost estimate is used to estimate the cost of 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.
17. **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 impacts traffic on existing streets. Construction management plans: Locations of on-site parking for construction equipment and construction workers and on-site material storage areas must be submitted for review and approval and shall be incorporated into the off-site improvement plans and identified as "For Reference Only."

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 a final map. All required materials shall be submitted electronically (i.e., flattened, reduced-size 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, two full-size and two half-size black-line sets, one PDF of the signed/stamped plan set, and a USB flash drive with CAD file and PDF must be submitted to the Public Works Department prior to the approval of a final map. CAD files shall meet the City's Digital Data Submission Standards.

18. **SUBDIVISION AND DESIGN CRITERIA PROVISIONS:** It is the applicant's responsibility to comply with relevant provisions of Chapter 28 of the City Code and with the City's Design Criteria for Common Green Developments and Townhouse-Type Condominiums.

UTILITIES

19. **ON-SITE UTILITY MAINTENANCE:** On-site water, sanitary sewer, and storm drainage facilities shall be privately maintained by the property owner(s).
20. **UNDERGROUNDING OF OVERHEAD SERVICES:** All new and existing electric and telecommunication facilities serving the subdivision 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 subdivision. If allowed by the City, aboveground transformers 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.
21. **JOINT UTILITY PLANS:** Upon submittal of the initial building permit and improvement plans, the applicant shall submit joint utility plans showing the location of the proposed electric, gas, and telecommunication conduits and associated facilities, including, but not limited to, vaults, manholes, cabinets, pedestals, etc. Appropriate horizontal and vertical clearances in accordance with PG&E requirements shall be provided between gas transmission lines, gas service lines, overhead utility lines, street trees, streetlights, and building structures. These plans shall be combined with and made part of the improvement plans. Joint trench intent drawings will be accepted at first improvement plan submittal. All subsequent improvement plan submittals shall include joint trench design plans. Dedicate public utility easements that are necessary for the common utility on a final map.

GRADING AND DRAINAGE IMPROVEMENTS (ON-SITE)

22. **SURFACE WATER RELEASE:** Provide a surface stormwater release for the lots, driveways, alleys, and private streets that prevents the residential buildings from being flooded in the event the storm drainage system becomes blocked or obstructed. Show and identify path of surface water release on the improvement plans.
23. **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 final map.
24. **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 final map.

COVENANTS, CONDITIONS, AND RESTRICTIONS (CC&Rs)

25. **CC&Rs:** Covenants, Conditions, and Restrictions (CC&Rs) for the homeowners association, together with a completed CC&R checklist, shall be submitted to and approved by the City Attorney's Office and the Community Development Department prior to approval and recordation of the map. Said covenants shall include and stipulate all of the standard provisions which are shown on the attached sheet. The checklist and proposed CC&Rs shall be annotated to show exactly where each of the standard provisions have been incorporated into the CC&R document.

OTHER APPROVALS AND EXPIRATION

26. **CONSISTENCY WITH OTHER APPROVALS:** This map shall be consistent with all requirements of the development review permit, Application No. PL-2023-169. All conditions of approval imposed under that application shall remain in full force and effect and shall be met prior to approval of a final map.

27. **APPROVAL EXPIRATION:** If the map is not completed within 24 months from the date of this approval, this map shall expire. The map is eligible for an extension of an additional 24 months, provided the application for extension is filed with the Planning Division by the applicant prior to the expiration of the original map. Upon filing a timely application for extension, the map shall automatically be extended for 60 days or until the application for the extension is approved, conditionally approved, or denied, whichever occurs first. Notwithstanding any automatic extension period authorized in the Subdivision Map Act, the City may, upon the subdivider's application filed before the Vesting Tentative Map expiration date, extend its life in accordance with state law and Section 28.19.75 of the Municipal Code.

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.