

SETTLEMENT AGREEMENT

This Settlement Agreement (the “Agreement”) is made and entered by and between Castro GPRV 10, 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. On April 7, 2023, the Applicant submitted a preliminary application to the City for a mixed-use condominium development project located at 843–903 Castro Street, 700 West El Camino Real, and 750 Fairmont Avenue (the “Project”).
- B. The Applicant has requested that the City approve a Planned Community Permit and Development Review Permit to construct 140 residential condominium units, 9,743 square feet of ground-floor commercial space and two levels of below-grade parking, utilizing State Density Bonus Law, a Provisional Use Permit to allow residential uses (on upper floors only) along the Castro Street frontage, and a Heritage Tree Removal Permit to remove seven heritage trees (“Project Entitlements”).
- C. The Applicant has requested that the City vacate that certain public right-of-way commonly known as Fairmont Avenue, located between Castro Street and Hope Street, together with a five-foot street and utility easement, in order to facilitate development of the Project.
- D. The vacation of such public right-of-way and easement constitutes a discretionary act by the City, which the City is under no obligation to approve or undertake.
- E. The Project is subject to the City’s park land dedication requirements or payment of fees in lieu thereof, as set forth in Chapter 41 of the Mountain View City Code.
- F. The Project qualifies for a one hundred percent (100%) density bonus and is eligible for three (3) incentives and/or concessions under State Density Bonus Law.
- G. On September 22, 2025, the Applicant submitted an incentive/concession request to render the Project eligible for Privately Owned Publicly Accessible (“POPA”) open space credit under Section 41.11 of the Mountain View City Code, to be applied toward a reduction of the applicable park land in lieu fee.
- H. The Parties disagree on whether an incentive and/or concession may be used to modify the eligibility criteria for POPA open space credit set forth in Sections 41.11(a)(2) and 41.11(b) of the Mountain View City Code, and further disagree on the amount of POPA open space credit the Project should receive if an incentive and/or concession can be used for this purpose (the “Legal Dispute”).
- I. 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. **Effective Date.** This Agreement shall become effective on the date it is executed by all Parties and, if the Agreement is not executed by all Parties on the same date, it shall become effective on the date it is last executed by a Party (the “**Effective Date**”).
2. **Park Land In Lieu Fee.** The Parties agree that as a condition of approval of the Project, the Applicant shall pay a park land in lieu fee in the amount of Two Million Dollars (\$2,000,000) prior to occupancy of the Project in accordance with the Conditions of Approval (“COAs”) regardless of the tenure in which the project is developed (e.g. ownership or rental). The Parties agree that this provision is a material term of this Agreement, and any violation shall constitute a material breach entitling the Applicant to all available remedies, including injunctive relief, specific performance, and recovery of attorneys’ fees and costs.
3. **Release of Claims/Covenant Not to Sue:** If the Mountain View City Council (“City Council”) approves the Project subject to the Conditions of Approval attached hereto as **Exhibit A** and **Exhibit B** on or before April 28, 2026 (“Approval Date”), the Applicant, on behalf of itself and its past, present, and future parent entities, subsidiaries, affiliates, partners, joint venture partners, members, managers, officers, directors, shareholders, employees, agents, representatives, successors, assigns, and any person or entity acting or purporting to act on its behalf, hereby irrevocably covenants and agrees that neither it nor any such persons or entities shall initiate, file, prosecute, maintain, or cause to be initiated, filed, prosecuted, or maintained, any claim, demand, action, proceeding, petition, administrative challenge, or other legal or equitable proceeding of any kind against the City or any of its past, present, or future elected officials, officers, employees, agents, representatives, boards, commissions, departments, successors, or assigns, arising out of, relating to, or in any way connected with:
 - (a) the Legal Dispute described herein;
 - (b) any alleged violation, occurring prior to the Approval Date, of the Housing Accountability Act, Permit Streamlining Act, State Density Bonus Law, or any other applicable federal, state, or local law, statute, regulation, ordinance, or other legal requirement relating in any way to the Project; or
 - (c) any acts, omissions, decisions, communications, or conduct of the City occurring prior to the Effective Date of this Agreement relating to the Project or Legal Dispute.

This covenant not to sue is intended to be broad and inclusive and shall apply to all claims arising prior to the Approval Date, whether known or unknown, suspected or unsuspected,

accrued or unaccrued, contingent or fixed, and regardless of whether such claims arise under statutory, common law, constitutional, contractual, or equitable theories. The Applicant expressly agrees that it shall not indirectly challenge the matters covered by this covenant through any affiliated entity, successor entity, or other person or entity acting in concert with or on behalf of the Applicant.

The Parties agree that this covenant not to sue is a material term of this Agreement, and that any violation of this provision shall constitute a material breach of the Agreement entitling the City to all available remedies, including but not limited to injunctive relief, specific performance, and recovery of attorneys' fees and costs.

- 4. No Participation in Third-Party Challenges.** If the City Council approves the Project subject to the Conditions of Approval attached hereto as **Exhibit A** and **Exhibit B** on or before April 28, 2026, the Applicant, on behalf of itself and its past, present, and future parent entities, subsidiaries, affiliates, partners, joint venture partners, members, managers, officers, directors, shareholders, employees, agents, representatives, successors, assigns, and any person or entity acting or purporting to act on its behalf, hereby irrevocably covenants and agrees that neither it nor any such persons or entities shall, directly or indirectly, initiate, file, support, fund, encourage, assist, cooperate in, participate in, or cause to be initiated, filed, supported, funded, encouraged, assisted, or participated in, any third-party claim, action, petition, administrative proceeding, appeal, or other legal or equitable challenge of any kind that:

(a) challenges, or seeks to invalidate, condition, delay, or otherwise interfere with any approval, permit, entitlement, environmental determination, or Condition of Approval issued for the Project on or before the Approval Date;

(b) alleges or asserts any violation, occurring prior to the Approval Date, of the Housing Accountability Act, Permit Streamlining Act, State Density Bonus Law, or any other applicable federal, state, or local law, statute, regulation, ordinance, or other legal requirement relating in any way to the Project; or

(c) otherwise arises out of or relates in any way to the City's review, consideration, or approval of the Project prior to the Approval Date.

This prohibition includes, without limitation, providing financial support, indemnification, technical assistance, strategic advice, documents (except as required by law), expert support, declarations, or other assistance to any third party pursuing such claim, action, or proceeding, or encouraging, soliciting, or coordinating with any third party to pursue such claim, action, or proceeding.

The Applicant further agrees that it shall not avoid or circumvent this provision through the use of affiliated entities, successor entities, community groups, trade organizations, consultants, or any other person or entity acting in concert with or on behalf of the Applicant.

Nothing in this provision shall prohibit the Applicant from complying with a lawful subpoena, court order, or other legal obligation; provided, however, that the Applicant shall not voluntarily provide assistance beyond that which is legally required.

The Parties agree that this provision is a material term of this Agreement, and any violation shall constitute a material breach entitling the City to all available remedies, including injunctive relief, specific performance, and recovery of attorneys' fees and costs.

- 5. Incentive and Concessions.** The Parties agree that this Agreement shall constitute full and final satisfaction of the Applicant's requested incentive and/or concession for this Project, as well as any other incentives or concessions that could be requested for this Project, and that the Legal Dispute described in this Agreement shall be deemed resolved.

The Parties agree that this provision is a material term of this Agreement, and any violation shall constitute a material breach entitling the City to all available remedies, including injunctive relief, specific performance, and recovery of attorneys' fees and costs.

- 6. 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 settlement of the Legal Dispute and any other alleged violations of federal, state, or local law or other legal requirement relating to the Project. 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 City requirements, but instead constitutes a compromise of the Legal Dispute and any other alleged violations of federal, state, or local law or other legal requirement. 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.

- 7. Notices:** All notices, demands, or other communications which this Agreement contemplates or authorizes shall be in writing and shall be personally delivered, 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: city.mgr@mountainview.gov

With a copy to:

City Attorney
City of Mountain View

500 Castro Street
Mountain View, CA 94041
Email: cityattorney@mountainview.gov

If to APPLICANT:

Glen Yonekura

CASTRO GPRV 10, LLC
Glen Yonekura, Principal
843 Castro Street
Mountain View, CA
Email: glen@dukecv.com
With a copy to Counsel

Melanie Griswold
HSW LLP
3800 Mt. Diablo Boulevard, Suite 200
Lafayette, CA 94549
Email: mg@hsw-legal.com

8. **No Admission of Liability.** This Agreement is not an admission of liability or fault on the part of either Party.
9. **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 is brought to enforce this Agreement, the prevailing party shall be entitled to recover from the non-prevailing party its reasonable attorneys' fees (including in-house counsel fees), expert fees, and out-of-pocket costs, in addition to any other relief to which it may be entitled.
10. **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 (the "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.
11. **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 applicable state and local laws and regulations.

- 12. 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.
- 13. 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.
- 14. Joint Negotiation.** This Agreement is the product of joint negotiations between the Parties and shall not be construed against any of the Parties.
- 15. Interpretation.** Specific provisions of this Agreement will take precedence over conflicting general provisions.
- 16. California Law.** This Agreement will be construed in accordance with the laws of the State of California.
- 17. Binding and Enforceable Upon Signature.** As to any Party, this Agreement shall be binding upon the Effective Date.
- 18. Counterparts and E-Signatures.** This Agreement may be executed in any number of counterparts, each of which so executed shall be deemed to be an original, and such counterparts shall together constitute but one and the same Agreement. The Parties shall be entitled to electronically sign and transmit this Agreement (whether by email or other electronic transmission), which signature shall be binding on the signing Party or the Party on whose behalf the document has been signed. Any Party providing an electronic signature agrees to promptly execute and deliver to the other Party an original signed Agreement upon request.
- 19. Severability.** 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.

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

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

22. 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.

[SIGNATURES ON FOLLOWING PAGE]

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

CASTRO GPRV 10, LLC

DocuSigned by:
By: Glen Yonekura
39908CDZACSD4B9...

Name: Glen Yonekura

Title: Managing member

Date: 4/23/2026

APPROVED AS TO FORM:

DocuSigned by:
Melanie Griswold
7A7AD099C51A8

Melanie Griswold
HSW LLP

Date: 4/22/2026

CITY OF MOUNTAIN VIEW

By: Kimbra McCarthy
Kimbra McCarthy, City Manager

Date: 4/23/26

APPROVED AS TO FORM:

Jennifer Logue
JENNIFER LOGUE
City Attorney

Date: 4/23/26

EXHIBIT A

PROJECT CONDITIONS OF APPROVAL

**CONDITIONS OF APPROVAL
APPLICATION NO.: PL-6753
843-903 CASTRO STREET, 700 WEST EL CAMINO REAL, AND 750 FAIRMONT AVENUE**

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 for a Planned Community Permit and Development Review Permit to construct an eight-story, mixed-use development with 140 residential condominium units, 9,743 square feet of ground-floor commercial space, and two levels of below-grade parking, utilizing State Density Bonus Law, replacing three existing commercial properties and four residential units, a Provisional Use Permit to allow residential uses (on upper floors only) along the Castro Street frontage, and a Heritage Tree Removal Permit to remove seven Heritage trees on Assessor’s Parcel Nos. 158-06-008, 158-06-010, 158-06-036, 158-06-037, 158-06-038, and 158-06-039. Development shall be substantially as shown on the project materials listed below, except as may be modified by conditions contained herein, which are kept on file in the Planning Division of the Community Development Department:

- a. Project plans prepared by Kenneth Rodriguez and Partners Inc., dated September 19, 2025.
- b. Color and materials board prepared by Kenneth Rodriguez and Partners Inc., dated September 19, 2025.
- c. Density Bonus Letter by Coblenz Patch Duffy & Bass LLP, dated September 24, 2025.
- d. Arborist Report prepared by Kielty Arborist Services, LLC, dated September 19, 2025.
- e. Class 32 Categorical Exemption Report for the “881 Castro Street Mixed-Use Project,” dated September 2025, prepared by the City in conjunction with Rincon Consultants, Inc.

THIS REQUEST IS GRANTED SUBJECT TO THE FOLLOWING CONDITIONS:

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

- 1. **EXPIRATION:** This permit is valid for a period of two years from the date of approval. This permit shall become null and void if building permits have not been issued and construction activity has not commenced within the two-year period unless a permit extension has been submitted to and approved by the Zoning Administrator at a duly noticed public hearing prior to the expiration date.
- 2. **PERMIT EXTENSION:** Zoning permits may be extended for up to 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).
- 3. **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

- 4. **AIR QUALITY:** The applicant is required to secure a permit from the Bay Area Air Quality Management District or provide written assurance that no permit is required prior to issuance of a building permit.

5. **CERTIFICATION OF BUILDING PERMIT PLANS:** 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 Division.
6. **ACCESSORY STRUCTURE(S):** Any future accessory structure on-site will require approval by the Planning Division and may require separate City permits.
7. **ZONING INFORMATION:** The following information must be listed on the title sheet of the building permit drawings: (a) zoning permit application number; (b) zoning district designation; (c) total floor area ratio and residential density in units per acre, if applicable; (d) lot area (in square feet and acreage); and (e) total number of parking spaces.
8. **REVISIONS TO THE APPROVED PROJECT:** Minor revisions to the approved project, including conditions of approval, shall require approval by the Zoning Administrator. Major modifications as determined by the Zoning Administrator shall require a duly noticed public hearing, which can be referred to the City Council.
9. **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.
10. **GEOTECHNICAL REPORT:** The applicant shall have a design-level geotechnical investigation prepared which includes recommendations to address and mitigate geologic hazards in accordance with the specifications of California Geological Survey (CGS) Special Publication 117, *Guidelines for Evaluating and Mitigating Seismic Hazards*, and the requirements of the Seismic Hazards Mapping Act. The report will be submitted to the City during building plan check, and the recommendations made in the geotechnical report will be implemented as part of the project and included in building permit drawings and civil drawings as needed. Recommendations may include considerations for design of permanent below-grade walls to resist static lateral earth pressures, lateral pressures caused by seismic activity, and traffic loads; method for backdraining walls to prevent the build-up of hydrostatic pressure; considerations for design of excavation shoring system; excavation monitoring; and seismic design.
11. **TOXIC ASSESSMENT:** A toxic assessment report shall be 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.
12. **VIBRATION AND SETTLEMENT PLAN:** At building permit submittal, the applicant shall prepare a Vibration and Settlement Plan which specifies monitoring and mitigation measures to avoid damage to the adjacent building(s) as a result of project construction. Approved monitoring protocols shall be in place prior to issuance of any building permits for the project.
13. ~~**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.~~
14. **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.
15. **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.

16. **PUBLICLY ACCESSIBLE PASEO SIGNAGE:** The applicant shall provide on-site signage(s) along each street frontage to provide wayfinding information and identifying the publicly accessible paseos providing circulation through the project site. The sign(s) shall be approved by the Community Services Director consistent with zoning regulations and subject to separate planning and building permits. Application form and submittal requirements for a planning permit are online at www.mountainview.gov/planningforms.

OPERATIONS

17. **OPERATIONAL CRITERIA:** In the event that problems with the operational criteria of an on-site business arise, including, but not limited to, delivery truck issues, hours of operation, or noise, the Zoning Administrator may hold a public hearing to review the situation and impose new or modified conditions of approval in response to the information received. The public hearing shall be conducted and noticed in accordance with Chapter 36, Article XVI, Division 6, of the City Code.
18. **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.
19. **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.

SITE DEVELOPMENT AND BUILDING DESIGN

20. **PUBLIC PASEOS:** The building permit and off-site improvement plans shall include details for the privately owned publicly accessible (POPA) paseo design, landscape, art, and programming for review and approval by City staff prior to issuance of building and/or excavation permits.
21. **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.
22. **TRIM MATERIALS:** Details of the specific placement, utilization, and finish of the trim materials shall be provided with the building permit drawings.
23. **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 for the POPA paseos shall be subject to review and approval by City staff prior to the issuance of building permits.
24. **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.
25. **GROUND-FLOOR TRANSPARENCY:** Commercial storefronts and windows must maintain a minimum ~~75%~~ 60% transparency ~~along of~~ the ground floor of the building(s) facade at all times. No window tinting/treatment, permanent/affixed furniture, or sunshades which permanently block the windows/storefronts are permitted. (Ground Level Treatment Guidelines for P(19) Downtown Precise Plan, Area J) ~~Sunshades which maximize transparency while providing UV light screening for building occupants may be permitted.~~
26. **ROOFTOP EQUIPMENT SCREEN:** All rooftop equipment must be fully screened from public/street view using architectural elements including but not limited to parapets and screens. (Roof Treatment Guidelines for P(19) Downtown Precise Plan, Area J) ~~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.

27. **MECHANICAL EQUIPMENT (GROUND SCREENING):** All mechanical equipment, such as air condenser (AC) units or generators, shall be full screened from public view per Section 36.34.10 (General landscaping standards.) of the City Code. ~~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.
28. **OUTDOOR STORAGE:** There is to be no outdoor storage without specific Development Review approval by the Planning Division.
29. **GROUND-FLOOR COMMERCIAL AREA:** This project ~~is required to~~ will provide 9,743 square feet of ground-floor commercial space. Any future use is subject to the permitted and provisionally permitted uses of the P(19) Downtown Precise Plan.
30. **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 staff and comply with all setback and traffic visibility area requirements.
31. **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'.
32. **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.
33. **ROOFTOP DECK LIGHTING:** Proposed lighting fixtures on the rooftop decks and courtyards shall be designed to minimize visibility from ground level on adjacent public streets and avoid off-site glare. 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.
34. **BIKE PARKING FACILITIES:** The applicant shall provide bike parking as shown in the approved plans, which meets the following bike parking standards for the project site, which must be shown on building permit drawings:
 - a. Short-term bike parking for visitors at 5% of commercial vehicle parking spaces (minimum of two bike parking spaces) and one bike space per 10 residential units (minimum of 14 bike parking spaces). These spaces shall be provided as bike racks which must secure the frame and both wheels. Racks should be located near the building entrances (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.
 - b. Long-term bike parking for residents at one bike space per unit for a total of 140 spaces. These 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.

TREES AND LANDSCAPING

35. **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 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.

36. **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 Planning Division.
37. **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.~~
38. **STREET TREE FORM:** The applicant shall complete the "Proposed Street Tree" form available in the Planning Division or online at <https://developmentpermits.mountainview.gov/about-permits/planning-permit-applications>. 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.
39. **TREE PRESERVATION PLAN:** A qualified arborist shall provide written instructions for the care of the existing tree(s) to remain on-site before, during, and after construction. In addition to tree preservation measures provided in the project arborist report, this tree preservation plan shall also include recommendations for any ongoing measures necessary to maintain the health of the tree(s), which may include but not be limited to installation of an irrigation drip system and water tie-in for supplemental water during construction. This plan shall be submitted to the Planning Division and reviewed and approved by the City prior to issuance of building permits. Prior to occupancy, the arborist shall certify in writing that all tree preservation measures have been implemented. Approved measures shall be included in the building permit drawings.
40. **ARBORIST INSPECTIONS:** During demolition activity and upon demolition completion, a qualified arborist shall inspect and verify the measures described in the arborist report are appropriately implemented for construction activity near and around the preserved trees, including the critical root zones. Should it be determined that the root systems are more extensive than previously identified and/or concerns are raised of nearby excavation or construction activities for the project foundation or underground parking garage, the design of the building and/or parking garage may need to be altered to maintain the health of the trees prior to building permit issuance.
41. **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.
42. **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.
43. **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.
44. **REPLACEMENT TREES:** The applicant shall offset the loss of each Heritage/street tree with two replacement trees, for a total of 24 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.

45. **STREET TREE PROTECTIONS:** All designated City street trees are to be protected throughout construction activity with protection measures shown on building permit plans.
46. **TREE PROTECTION MEASURES:** The tree protection measures listed in the arborist's report prepared by Kielty Arborist Services, LLC, and dated September 19, 2025 shall be included as notes on the title sheet of all grading and landscape plans. These measures shall include, but may not be limited to, 6' chain-link fencing at the drip line, a continuous maintenance and care program, and protective grading techniques. Also, no materials may be stored within the drip line of any tree on the project site.
47. **IRREVOCABLE DAMAGE TO HERITAGE TREES:** In the event one or more of the preserved Heritage tree(s) are not maintained and irrevocable damage or death of the tree(s) has occurred due to construction activity, a stop work order will be issued on the subject property and no construction activity shall occur for two (2) working days per damaged tree. The applicant will also be subject to a penalty fee at twice the tree valuation prior to damage; this fee applies to each Heritage tree damaged. No construction activity can resume until the penalty fee(s) have been paid to the City.

NOISE

48. **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.
49. **INTERIOR NOISE LEVELS:** Construction drawings must confirm that measures have been taken to achieve an interior noise level of 45 dB(A) L_{dn} that shall be reviewed and approved by a qualified acoustical consultant prior to building permit submittal.
50. **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.
51. **SITE-SPECIFIC BUILDING ACOUSTICAL ANALYSIS:** A qualified acoustical consultant will review final site plans, building elevations, and floor plans prior to construction to calculate expected interior noise levels as required by state noise regulations. Project-specific acoustical analyses are required by the California Building Code to confirm that the design results in interior noise levels reduced to 45 dB(A) L_{dn} or lower. The specific determination of what noise insulation treatments are necessary will be completed on a unit-by-unit basis. Results of the analysis, including the description of the necessary noise control treatments, will be submitted to the City along with the building plans and approved prior to issuance of a building permit. Building sound insulation requirements will include the provision of forced-air mechanical ventilation for all residential units as recommended by the qualified acoustical consultant, so that windows can be kept closed at the occupant's discretion to control noise. Special building techniques (e.g., sound-rated windows and building facade treatments) will be implemented as recommended by the qualified acoustical consultant to maintain interior noise levels at or below acceptable levels. These treatments will include, but are not limited to, sound-rated windows and doors, sound-rated wall construction, acoustical caulking, protected ventilation openings, etc.

CC&RS AND DISCLOSURES

52. **CC&Rs:** One electronic PDF of the ~~proposed draft~~ Covenants, Conditions, and Restrictions (CC&Rs) for the homeowners association shall be submitted to the Planning Division and approved by the City Attorney and the Community Development Department prior to approval and recordation of the map. ~~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.

53. **MASTER PLAN:** The applicant shall prepare a master plan which establishes rules for modifications or additions of any building structures at this site, including fences, trellises, sunshades, and accessory buildings as well as modifications to principal buildings. These rules shall be consistent with the provisions of the P(19) Downtown Precise Plan and shall be approved by the Planning Division. ~~The~~ Any Covenants, Conditions, and Restrictions (CC&Rs) shall specifically state that the master plan establishes the rules for additions/modifications to the complex and that changes to the master plan require approval by the Planning Division. Copies of the master plan shall accompany the CC&Rs to be submitted to the Planning Division for review and approval.
54. **PROJECT INFORMATION:** All marketing and sales literature, leasing information, and the Covenants, Conditions, and Restrictions (CC&Rs) if any, 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.
55. **NOTICE TO POTENTIAL BUYERS, IF ANY:** In addition to the required legal disclosures, the applicant's sales staff shall notify potential buyers about any known environmental contamination issues and the project site's environmental cleanup status with the designated oversight agency.

CONSTRUCTION ACTIVITIES

56. **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).
57. **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 prior to the issuance of building permits.
58. **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.
59. **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.
60. **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.

61. **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.
62. **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.
63. **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.
64. **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.

65. **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.
66. **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).
67. **PRECONSTRUCTION NESTING BIRD SURVEY:** To the extent practicable, vegetation removal and construction activities shall be performed from September 1 through January 31 to avoid the general nesting period for birds. If construction or vegetation removal cannot be performed during this period, preconstruction surveys will be performed no more than two days prior to construction activities to locate any active nests as follows:

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

68. **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.

Housing Department—650-903-6190 or housing@mountainview.gov

69. **BMR, PROVIDING UNITS:** Prior to issuance of the first building permit for the project, the applicant shall enter into a recorded Below-Market-Rate (BMR) and Density Bonus Agreement with the City that will require the applicant to provide at least 15% of the total base density number of dwelling units within the development as Below-Market-Rate (BMR) units consistent with Chapter 36, Article XIII, Divisions 1 and 2, of the City Code and the Below-Market-Rate Housing Program Administrative Guidelines and Directives. Prior to the issuance of the building permits, the applicant shall also submit a plan indicating the location, size, and phasing of BMR units. This results in a total of eleven (11) units being available. The units will be designated as follows: one (1) unit at thirty percent (30%) Area Median Income (AMI); ten (10) units at fifty percent (50%) AMI. This is in accordance with the units outlined in the Affordable Housing Compliance Plan dated September 22, 2025 and as per-unit locations in the approved project plan set or as may be modified with the approval of the Housing Department. The BMR units may be counted toward the replacement units and Density Bonus units requirements, provided the strictest AMI limits are applied. The Housing Department reserves the right to review, approve, or deny any modifications to the Affordable Housing Compliance Plan or unit delivery. Conditions of approval are applicable to both ownership and rental units.
70. **BMR AND DENSITY BONUS AGREEMENT, 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 and Density Bonus 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 site plan indicating the location, size, and phasing of BMR units in compliance with the City's BMR Ordinance; (d) updated affordable housing compliance plan; and (e) additional information as requested by the Housing Department. The BMR and Density Bonus agreement must be recorded prior to the issuance of the first building permit for the project.
71. **DENSITY BONUS, AFFORDABLE HOUSING UNITS:** The base density for this project allows for a "base project" of 70 units. Under provisions of the State Density Bonus Law, the project qualifies for a 50% density bonus because the applicant proposes to construct 15% of the base density (or 11 units) affordable to very-low-income households (50% AMI or less). In addition to the foregoing, the applicant has elected to utilize provisions of Assembly Bill (AB) 1287 (codified at Gov. Code § 65915(v)) which authorizes an additional 50% density bonus. The project qualifies for an additional 50% density bonus by proposing to construct an additional 15% of the base density (or 11 units) affordable to moderate-income households (120% AMI or less). By providing 15% of the base units for very low-income households plus 15% for moderate-income households, the project qualifies for a 100% density bonus (50% from the very-low-income units and 50% from the moderate-income units). This results in a grand total of 22 BMR units being provided as follows: one unit at 30% AMI, 10 units at 50% AMI, two units at 80% AMI, and nine units at 120% AMI. The Density Bonus units may be counted toward the replacement units and BMR unit requirements, provided the strictest AMI limits are applied. The applicant shall enter into a BMR and Density Bonus Agreement with the City consistent with the Costa-Hawkins Act, as applicable, that addresses these on-site affordable rental housing units' requirements, which shall be executed and recorded against the property prior to issuance of the first building permit for the project.
72. **DENSITY BONUS, OWNERSHIP UNITS SALES PRICE:** Under State Density Bonus Law, for-sale affordable units must be sold at costs as defined in the Health and Safety Code (HSC) Section 50052.5 based on "housing costs" defined in the California Code of Regulations, Title 25, Section 6920.
73. **DENSITY BONUS, RENTAL UNITS:** Under State Density Bonus Law, rents for the lower-income affordable units that qualify the project for a density bonus shall be set at "affordable rent" as defined in Health and Safety Code (HSC) Section 50053. If there is no federal funding for the project, then the rule regarding "family size" shall be consistent with the HSC Section 50052.5(h), including the use of federal rules and regulations, if applicable to the project.
74. **NOTICE TO TENANTS AND TENANT RELOCATION ASSISTANCE:** The applicant shall comply with the provisions of the City's Tenant Relocation Assistance Ordinance, the Community Stabilization and Fair Rent Act (CSFRA), the State Housing Crisis Act (California Government Code section 66300.6), and the City's Tenant Relocation Administrative Guidelines. This includes, but

is not limited to, consulting with the City's Housing Department and retained relocation consultant to provide: (1) rent and income information to the relocation consultant for tenant eligibility determination; (2) funding for the relocation consultant services; (3) funding of an escrow account to be used for relocation assistance payment to eligible tenants; (4) copies of all required notices to tenants, including, but not limited to, the Notice of Intent and Notice of Termination; and (5) relocation assistance payments to eligible tenants. Prior to issuance of demolition permits, building permits, or other City permits that would result in the displacement of tenants from a rental unit, the City must receive verification from the third-party relocation consultant that all eligible residential households who applied and qualified for assistance have received relocation assistance.

75. **FIRST RIGHT OF REFUSAL:** The applicant shall provide notice and offer the right of first refusal to eligible low- or lower-income households for a comparable unit available in the new housing development, at an affordable rent or an affordable housing cost in accordance with the State Housing Crisis Act, California Government Code section 66300.6. The applicant shall submit documentation sufficient to demonstrate compliance with California Government Code section 66300.6 provisions governing a right of first refusal. Documentation sufficient to demonstrate compliance includes, but is not limited to, a copy of a written offer to existing occupants to rent a comparable unit in the new development, proof of delivery of the offer or a copy of a written acceptance or rejection of the offer by the occupant.

76. **REPLACEMENT UNITS:** In compliance with the State Housing Crisis Act (California Government Code Section 66300.6.) and Density Bonus Law, the applicant shall replace four (4) protected units with units at a comparable size at an affordable rent or an affordable housing cost in the new development. ~~Each unit must be deed-restricted at an affordable cost for an occupancy by a household in the same or lower income category (i.e., low income, very low income, extremely low income) as the tenant household in occupancy at the time the Notice of Intent to develop the site was issued. If the tenant household in occupancy at the time the Notice of Intent to develop the site was issued was above low income, the income was unknown, or the unit was vacant, the unit must be deed-restricted at 80% AMI or below. 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.~~ Four 2-bedroom units are required as replacement units in the new construction. Of the four replacement units, two must be at 80% AMI or below, one must be at 50% AMI or below, and one must be at 30% AMI or below. These four units may also count toward the applicant's BMR and Density Bonus unit requirements. The applicant shall enter into a BMR and Density Bonus Agreement with the City consistent with the Costa-Hawkins Act, as applicable, that addresses these on-site affordable replacement housing units' requirements, which shall be executed and recorded against the property prior to issuance of the first building permit for the project.

77. **HOA RESERVE FUND:** In order to count toward the project's 15% BMR requirements and to maintain affordability levels, the applicant will establish a homeowners association (HOA) reserve fund for the BMR units set for sale to households with income levels at or below 80% AMI, consistent with Chapter 36, Article XIII, Divisions 1 and 2, of the City Code and the BMR Housing Program Administrative Guidelines and Directives. This fund is a designated set-aside to help low-income owners to fully pay for special assessments and future HOA fee increases to ensure housing costs do not exceed 30% of the household's income over the life of the mortgage for each unit. The City currently estimates Sixty-Nine Thousand Nine Hundred Seventy-Five Dollars (\$69,975) will need to be deposited in the reserve fund for each very low-income affordable unit and Seventeen Thousand One Hundred Eighty-Four Dollars for each low-income unit (\$17,184) for a total of Eight Hundred Four Thousand Ninety-Three Dollars (\$804,093) for the 13 affordable units designated 80% AMI and below. The reserve fund shall be identified and its purpose described in the CC&R for the project and shall be established when the HOA is created.

78. **CONDOMINIUM CONVERSION (CHANGE TO THE CONDO PARCEL BUILDING):** The Below-Market-Rate (BMR) agreement negotiated between the parties is based upon the condominium parcel building described in the agreement. Any substantive change in the condominium parcel building or any alternative use of the condominium property will be subject to the City's prior review of the alternative use or revised condominium parcel building to determine whether the City's BMR Housing Program would be applicable and to what extent the agreement may require amendment.

The developer has indicated they may elect to rent the condominium units initially instead of selling the units. Should that occur, the developer shall follow all applicable statutes, ordinances, and requirements in place at that time, including, but not limited to, the BMR Housing Program Requirements, and if such units that are initially rented are subsequently sold, then the 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 BMR Housing Program

Administrative Guidelines. If the developer intends to rent all or a portion of the housing units in the condominium building, the 15% inclusionary requirement for rentals apply, and prior to building permit issuance for the condominium building, the developer will cooperate to amend the BMR agreement to list which additional units would be designated as BMR 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.

79. **BUILDING CODES:** Construction plans will need to meet the current codes adopted by the Building Division upon building permit submittal. Current codes are the ~~2022~~ 2025 California Codes: Building, Residential, Fire, Electrical, Mechanical, Plumbing, CALGreen, CAEnergy, in conjunction with the City of Mountain View Amendments, and the Mountain View Green Building Code (MVGBC). ~~Please note that 2025 California Codes may be applicable depending on the time of building submittal.~~
80. **USE AND OCCUPANCY CLASSIFICATION:** Provide proposed use(s) and occupancy(ies) for the proposed project per the CBC, Chapter 3.
81. **SPECIAL REQUIREMENTS BASED ON OCCUPANCY AND USE:** Project shall comply with the requirements per the CBC, Chapter 4.
82. **DWELLING UNIT SEPARATION:** Private garage separation required per the CBC, Section 406.3.2.
83. **OPENING PROTECTION:** Openings from a private garage directly into a room used for sleeping purposes shall not be permitted per the CBC, Section R302.5.1.
84. **BUILDING HEIGHT AND NUMBER OF STORIES:** The project shall comply with the requirements per the CBC, Chapter 5, Section 504.
85. **BUILDING AREA:** The project shall comply with the requirements per the CBC, Chapter 5, Section 506.
86. **MIXED USE AND OCCUPANCY:** The project shall comply with the requirements per the CBC, Chapter 5, Section 508.
87. **OCCUPANCY SEPARATION:** Proper separation is required to be provided between occupancies per the CBC, Table 508.4.
88. **TYPE OF CONSTRUCTION:** Provide the type of proposed construction per Chapter 6 of the CBC.
89. **FIRE AND SMOKE PROTECTION FEATURES:** The project shall comply with the requirements per the CBC, Chapter 7.
90. **MINIMUM DISTANCE OF PROJECTIONS:** The project shall comply with the requirements per the CBC, Chapter 7 (Table 705.2).
91. **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).
92. **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).
93. **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.

94. **FIRE PROTECTION (PROJECTIONS):** Overhangs and other projections will not be permitted to cross property lines, including any property lines between units.
95. **MEANS OF EGRESS:** The project is required to comply with the requirements per the CBC, Chapter 10, Means of Egress.
96. **OCCUPANT LOAD:** The project shall comply with Table 1004.5, Maximum Floor Area Allowance per Occupant, per the CBC, Chapter 10, Section 1004.
97. **ACCESSIBLE MEANS OF EGRESS:** The site must meet accessible means of egress per the CBC, Chapter 10, Section 1009.
98. **ACCESSIBILITY REQUIREMENTS:**
 - **Chapter 11A:** The project will be required to comply with the accessibility requirements in the CBC, Chapter 11A.
 - **Chapter 11B:** The project will be required to comply with the accessibility requirements in the CBC, Chapter 11B.
99. **MVGBC CALGREEN:** The project shall comply with the Mountain View CALGreen checklist requirements available online at www.mountainview.gov/greenbuilding.
100. **PLUMBING:** The project will be subject to the submetering requirements per Senate Bill 7 (Housing: Water Meters for Multi-Unit Structures).
101. **UTILITIES:** No utilities shall cross property lines.
102. **STRUCTURAL CALCULATIONS:** Structural calculations may be required once the application for a building permit is submitted.
103. **SERVICE DISCONNECT:** The service-disconnecting means shall have a rating of not less than 125 amperes, as amended in MVCC Section 8.51.D.
104. **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.
105. **COMMERCIAL TENANT IMPROVEMENTS:** The tenant improvements for the commercial space(s) will be required to obtain a separate building permit(s).
106. **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.
107. **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.mvlu.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.
108. **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.
109. **SIGNS:** Proposed signs are to be a deferred submittal under a separate building permit application.
110. **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.

111. **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.
112. **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

113. **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.) **NOTE:** The fire line connecting the Fire Department connection (FDC) to the fire line down steam of the double-check detector assembly (DCDA) shall not have a post indicator valve (PIV) or other control valve installed in it.
114. **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.)
115. **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.)
116. **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.
117. **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.)
118. **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.)

119. **AUTOMATIC/MANUAL FIRE ALARM SYSTEM:** Provide an approved automatic/manual fire alarm system in accordance with California Fire Code and Mountain View Fire Department specifications. Shop-quality drawings shall be submitted electronically for review and approval. Prior to occupancy, the system shall be field-tested, approved, and in service. Provisions shall be made for monthly testing, maintenance, and service. (California Fire Code, Section 907, and Mountain View City Code, Section 14.10.36 and 14.10.37.)
120. **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.)
121. **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

122. **LOCKBOX:** Install an approved key lockbox per the Fire Protection Engineer's directions. (California Fire Code, Section 506.)
123. **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. An interior keyswitch to open any electronically controlled egress doors (corridor, stairwells, etc.) is required where such doors exist and would prohibit rapid Firefighter deployment throughout the building. Contact the Fire Protection Engineer to discuss any additional questions.
124. **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

125. **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.)
126. **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.)
127. **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.)
128. **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.)
129. **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.)

130. **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.
131. **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.)
132. **ON-SITE DRAWINGS:** Submit electronic (.pdf) drawing files according to Fire Department specifications prior to final Certificate of Occupancy.
133. **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.)
134. **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

135. **ELECTRICAL ENERGY STORAGE SYSTEMS:** Electrical Energy Storage Systems shall comply with the California Fire Code, Section 1207.

EXTERIOR IMPROVEMENTS

136. **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

137. **EMERGENCY RESPONDER RADIO COVERAGE:** All buildings shall have approved radio coverage for emergency responders within the building. (California Fire Code, Section 510.)
138. The photovoltaic (PV) array layout will be reviewed in detail during the building submittal phase. Please ensure all applicable requirements of the California Fire Code Chapter 12 are being met. If all applicable requirements are not being met, changes to the layout may be required.
139. The FDC pipe run to the DCDA shall not have a PIV installed in it. Remove this PIV for the building submittal package.

Public Works Department—650-903-6311 or public.works@mountainview.gov

OWNERSHIP AND PROPERTY

140. **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).

141. **SUBDIVISION:** Any combination or division of land for sale, lease, or financing purposes requires the filing and approval of a tentative map, completion of all conditions of subdivision approval, and the recordation of the 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.

RIGHTS-OF-WAY

142. **PUBLIC ACCESS EASEMENT (SIDEWALKS):** Dedicate a 4' wide public access easement along El Camino Real to maintain a continuous 12' wide public sidewalk along the project frontage, as required by the Public Works Director.
143. **PUBLIC ACCESS EASEMENT (CONNECTIONS THROUGH SITES):** Prior to the issuance of any building permits and prior to approval of the final map, the owner shall dedicate a public access easements (PAE) shown on the Tentative Map, covenants, agreements, and deed restrictions on private property. PAE(s) will be dedicated via separate instruments. The project shall also be required to install signage and comply with applicable term and maintenance requirements for the public access easement (POPA open space component) per City Code Section 41.11(a).
- Running east-west between Castro Street and Hope Street (Fairmont Paseo): PAE varies from 35' to 52'.
 - Running north-south between El Camino Real and Fairmont Paseo: PAE varies from 5' to 41'.
 - Running east-west from Castro Street and along the Gateway Plaza (City land): PAE varies from 8' to 11'.

The dedication shall indicate that:

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

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

144. **FRONTAGE PUBLIC UTILITY EASEMENT DEDICATION:** Dedicate a 10' wide public utility easement (PUE) on Hope Street and 14' wide PUE on El Camino Real along project street frontage(s) for such use as sanitary sewer, water, storm drains, and other public utilities, including gas, electric, and telecommunication facilities, as required by the Public Works Director. Utility boxes and vaults are not allowed to encroach into the public sidewalk and must fit either entirely within the landscape strip or within the PUE. The property owner or homeowners association shall maintain the surface improvements over the easement and must not modify or obstruct the easement area in a manner contrary to the intent of the easement. The dedication statement shall specify the PUE shall be kept free and clear of buildings and other permanent structures/facilities, including, but not limited to,

the following: garages, sheds, carports, and storage structures; balconies and porches; retaining walls; C.3 bioretention systems; and private utility lines running longitudinally within the PUE.

145. **EASEMENT VACATIONS AND QUITCLAIMS:** All existing easements listed below that are or will no longer be needed and/or conflict with the proposed buildings and structures shall be vacated or quitclaimed. All vacations shall be approved with the project at the City Council meeting. Easements in conflict with the proposed building shall be vacated prior to the issuance of the building permit.

Public easements (to be vacated):

- Fairmont Avenue Vacation (Nelson Manor Map).
- 5' Street and Utility Easement (9808 O.R. 502).

PG&E easements (to be quitclaimed):

- 3' PG&E Pole Line Easement (2193 O.R. 433).
- 7' PG&E Pole Line Easement (382 O.R. 243).

FEES AND PARK LAND

146. **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.

147. **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.

148. **TRANSPORTATION IMPACT FEE:** Prior to the final inspection that grants occupancy, the applicant shall pay the transportation impact fee for the development based on the Fiscal Year 2023-24 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.

149. **WATER AND SEWER CAPACITY CHARGES:** Prior to the final inspection that grants occupancy, the applicant shall pay the water and sewer capacity fees for the development based on the Fiscal Year 2023-24 Master Fee Schedule. 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.

150. **PARK LAND DEDICATION FEE:** ~~Prior to the final inspection that grants occupancy~~ As a condition of approval of the tentative map for this project, the applicant shall pay a Park Land Dedication In-Lieu Fee in the amount of Two Million Dollars ~~-\$2,872,460~~ (\$2,000,000) on the date of the final inspection, or the date the certificate of occupancy is issued, whichever occurs first.

for the 125 net new residential units subject to the fee. This fee is based on a land value of \$11,300,000 per acre, as established in Chapter 41 of the City Code, and represents the project's proportional share of the cost of providing three acres of park and recreational space per 1,000 residents. At the time of payment, this fee amount shall be reduced by the amount of any POPA credit approved for the project.

151. **[INTENTIONALLY OMITTED]**

STREET IMPROVEMENTS

152. **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.

153. **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, but are not limited to, vacating Fairmont Avenue; installation of new sidewalk, curb, and gutter along project frontages, driveway, and Americans with Disabilities Act (ADA)-compliant curb ramps; new street trees, landscaping, and irrigation; water, sewer, and storm drainage services; new City streetlights and related appurtenances; minimum 2" half-street grind and overlay on Castro Street and full street reconstruction on Hope Street; and installation of signage and striping along all three project frontages.

Castro Street:

- Install a consistent 10' pedestrian walkway with tree wells, which are similar to the tree wells at the 400 block of Castro Street, matching the current Castro Street streetscape.
- Replace existing diagonal parking with unmarked parallel parking spaces per City standard.

El Camino Real:

- Install a 12' sidewalk with 5' landscape with tree wells.
- Install new curb and gutter.

Hope Street:

- Full 32' wide Hope Street reconstruction with 8' sidewalk and 5' landscape with trees.
- Install a raised island after the crosswalk at El Camino Real and Hope Street.
- Install a 80' public loading zone on the west side of Hope Street.
- Red curb on Hope Street project frontage, except loading zone.

Hope Street and Fairmont Avenue Intersection:

- Install a raised crosswalk crossing Hope Street.
- Install directional curb ramp crossing Fairmont Avenue.
- Remove existing cross-culvert system and install stormwater drainage systems with catch basins.

- 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.
154. **INFRASTRUCTURE QUANTITIES:** For projects with off-site improvement plans, submit with the first submittal of the building permit and improvement plans a construction cost estimate indicating the quantities of street and utility improvements. A separate construction cost estimate shall also be submitted with the first submittal of the building permit and improvement plans for 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 shall be prepared by the civil engineer preparing the improvement plans.
155. **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 Development Permits website at: <https://developmentpermits.mountainview.gov/about-permits/applications>. 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.
156. **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 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 issuance of the building permit OR approval of the final map.

157. **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.
158. **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." Applicant shall continue working with the Public Works Department for a fully developed and approved Construction Manager Plan. 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 trailer shall be located on-site or at a site nearby (not on a public street or public parking) arranged by the permittee/contractor.
 - Construction equipment, materials, or vehicles shall not be stored or parked on public streets or public parking lots, unless approved by the Public Works Director due to special conditions. Provide logistics plan and details of how equipment and materials will be transported to job site and identify on the plans where drop-offs are proposed for each phase of construction. For off-site storage, provide truck route to and from storage area to project site.
 - 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. For off-site parking, provide logistics plan and details of how workers will be transported to job site and identify on the plans where worker drop-off is proposed for each phase of construction. City parking lots and garages shall not be used for construction contractor/worker parking.
 3. **Sidewalks:**
 - Sidewalk closures and pedestrian detours are permitted along Castro Street and Hope Street during on-site construction activities.
 - Other sidewalks and pedestrian paths shall remain fully open and accessible with no narrowing.
 - Temporary Rectangular Rapid Flashing Beacons (RRFB) shall be installed at the Castro Street and High School Way crosswalk for the construction duration. Coordinate with the City with the opportunity to install permanent RRFB.

- All pedestrian detours are required to be ADA-compliant.

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.

5. **Construction Entrance and Exit:** The project shall use Castro Street as a construction entrance and Hope Street as a construction exit. If the project proposes any exemptions, the applicant shall submit the request to the Public Works Department and be subject to the Public Works Director's approval.
6. **Construction Fencing:** Construction fencing shall be compliant with driveway and corner triangles of safety per the Public Works Standard Details and to the satisfaction of the Public Works Director.

159. **COORDINATION WITH ADJACENT PROPERTIES:** The project will affect the circulation of an existing parking lot connecting Yosemite Avenue and Fairmont Avenue. Coordinate with the adjacent property owner, north of the project site on Castro Street (805 Castro Street), on the surface parking area to the rear of the building on the removal of the Fairmont Avenue access.
160. **ENCROACHMENT RESTRICTIONS:** Private facilities, including, but not limited to, structures, steps, doors (including door swing), handrails, backflow preventers, signs, fences, retaining curbs, and retaining walls shall not encroach into the public right-of-way and/or street easement.
161. **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.
162. **SPECIAL PAVERS AND CONCRETE:** Pavers, colored concrete, and textured concrete shall not be installed within the public street or sidewalk.
163. **SPECIAL PAVERS AND CONCRETE REPLACEMENT:** The homeowners association shall be responsible for replacing the proposed pavers or textured concrete that is removed by the City to repair, replace, or maintain the City's underground utilities within the common driveway. This requirement shall be stated in the Covenants, Conditions, and Restrictions (CC&Rs). A copy of the CC&Rs with this provision marked or highlighted shall be submitted to the Community Development Department for review and approval by the Public Works Department.
164. **CORNER STREET SIGHT TRIANGLE:** At street corners of controlled and/or uncontrolled intersections, the site shall be compliant with Corner Triangles of Safety per the Public Works Standard Details and to the satisfaction of the Public Works Director. The project will be required to remove or modify all objects, including, but not limited to landscape, hardscape, monument signs, poles, posts, mailbox banks/cluster, planters, retaining walls, seat walls, artwork, bicycle racks, parking stalls, etc., that are not compliant with safety triangle height and clearance requirements. Benches, tables and chairs shall not be installed in this safety area.
165. **DRIVEWAY SIGHT TRIANGLE:** Within the pedestrian and/or vehicle traffic safety sight triangle(s), for the project site and adjacent properties, the site shall be compliant with height and clearance requirements per the Public Works Standard Details and to the satisfaction of the Public Works Director. The project is required to remove or modify all objects, including, but not limited to, landscape, hardscape, poles, bollards, miscellaneous structures (including 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.

166. **PHOTOMETRIC ANALYSIS:** Submit a photometric analysis for crosswalks at the intersection of Hope Street and Fairmont Avenue. The analysis shall show all existing and/or proposed streetlights (show and identify pole height, arm length, and location). The analysis shall calculate the minimum, maximum, average illuminance values, and uniformity ratios for each crosswalk, shown separately. The project shall 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 per the latest City Downtown Lighting Plans and Standard Details. (City Standard Detail E-1A/E-1B.)
167. **NEW STREETLIGHTS AT MIDBLOCK CROSSINGS:** New decorative post-top streetlights shall be installed at the midblock crossings, one on each side of the street, as necessary and as determined by a photometric analysis. The design, spacing, and placement of the new streetlights shall be to the satisfaction of the City Traffic Engineer.
168. **STREET OVERLAY AND/OR PAVEMENT RECONSTRUCTION:** Half-street overlay (minimum 2" grind and overlay) and/or pavement reconstruction along on Castro Street and full-street reconstruction on Hope Street shall be required to address the existing roadway conditions, multiple utility trenches, and impacts from the anticipated construction traffic. The extent of the grind and overlay shall also include areas with significant utility trench reconstruction. Existing street sections shall be shown on the plans based on pavement section data obtained during potholing, and proposed street sections shall be designed in accordance with City Standards and design criteria. The specific areas of work shall be clearly identified and shown on the plans.
169. **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.
170. **TRAFFIC-CALMING DEVICES:** Raised crosswalk, including signage, on the northeast of the intersection of Hope Street and Fairmont Avenue shall be installed. The specific areas of work shall be clearly identified and shown on the plans. The design and placement of the traffic-calming device(s) shall be to the satisfaction of the City Traffic Engineer.
171. **HIGH-VISIBILITY CROSSWALK:** Install high-visibility thermoplastic ladder crosswalks with updated warning signs and pavement markings for new crosswalks at the Fairmont Avenue and Hope Street intersection. Conflicting markings and/or signage shall be removed or relocated, as determined by the City Traffic Engineer during the off-site improvement plan review process. The specific areas of work shall be clearly identified and shown on the plans to the satisfaction of the City Traffic Engineer.
172. **RED CURB AT CROSSWALKS:** Street curbs adjacent to a public crosswalk shall be painted red a minimum of 20' on the approach sides and a minimum of 10' in each of the other directions, as determined and approved by the City Traffic Engineer. The specific areas of work shall be clearly identified and shown on the plans.
173. **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.
174. **RED CURB ALONG HOPE STREET:** Street curbs along the Hope Street project frontage, except the loading zone, 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.
175. **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.

CURBS, SIDEWALKS, AND DRIVEWAYS

176. **ADA RAMP REQUIREMENTS:** All new access ramps shall comply with the Americans with Disabilities Act (ADA) requirements. Existing nonconforming access ramps shall be reconstructed to comply with the ADA requirements. The specific ramp case type, ramp design, and limits of work shall be clearly identified and shown on the plans.
177. **CASTRO SIDEWALK:** The streetscape on Castro Street shall be designed to meet the following requirements, which overwrite the project plans:
- Portion of curb alignment on the northeast Castro Street project frontage will be offset by 4' to accommodate a 12' wide trash truck loading. Two existing trees will be impacted and removed.
 - Install a 9' curb cut with decorative gate for trash collection only.
 - Install one physical barrier on the opposite side of Castro Street at High School Way.
178. **SIDEWALK REPLACEMENT:** Any sidewalk damage on Castro Street and Gateway Plaza by the project shall be replaced following the requirements below:
- **Castro Street and Gateway Plaza Special Paving:** The green color and Bominite stamp pattern for the pedestrian sidewalk and PCC parking zone on Castro Street are proprietary to Bay Area Concrete, Inc., located at 5637 La Ribera Street, Suite B, Livermore, California, 94550 (telephone: 925-245-8900). The permittee/contractor is responsible for arranging for Bay Area Concrete to replace the sidewalk and parking pavement. All sidewalk and parking zone pavement shall be sawcut along the score lines. No. 4 steel dowels shall be drilled and epoxied into the existing concrete at 12" on center. All new sidewalks, parking pavement, expansion joints, and other related improvements shall match the existing and be installed in accordance with Castro Street Improvement Plans, Project 87-14 (Index No. 6859).
 - **Castro Street Edge Band:** The brown color for the concrete side bands on Castro Street shall match the existing LM Scofield C-25 Sombrero Buff. All expansion joints and other related improvements shall match the existing and be installed in accordance with Castro Street Improvement Plans, Project 87-14 (Index No. 6859).
179. **UTILITY BOX RELOCATION OUT OF SIDEWALK:** Move existing utility boxes on Castro Street, El Camino Real, and Hope Street out of the sidewalk and relocate to the Public Service Easement or Public Utility Easement, landscape strip, or behind the back of the curb. Utility boxes must be located so they fit entirely within the utility easement, landscape strip, or behind the curb and shall not encroach into the sidewalk. The specific areas and limits of work shall be clearly identified and shown on the plans.

STREET TREES

180. **STREET TREES:** Install standard City street trees along the street frontage, including where there are gaps in the space of existing street trees. Structural soil per City requirements shall be installed at tree wells on El Camino Real.
- All street trees removed must be replaced. The replacement tree must be approved by the Public Works Department and must be at minimum a 15-gallon tree. 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.
181. **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.

182. **STREET TREE IRRIGATION:** Street trees are to be irrigated by the property owner(s) in accordance with Chapter 32 of the City Code.

UTILITIES

183. **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.
184. **UTILITY RELOCATION:** Existing utilities to be relocated as a result of the streetscape improvements, including, but not limited to, traffic signal poles, street lights, utility boxes and structures, storm drains, and any other conflicts, shall be resolved during the design of off-site improvements in accordance with City Standards and design guidelines.
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.
186. **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 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.
- 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. 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.
187. **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.
188. **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.
189. **OFF-SITE TRASH CAPTURE DEVICES:** Trash capture devices in the public right-of-way required to be installed by the Fire and Environmental Protection Division shall be shown and identified on the improvement plans.

190. **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.
191. **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.
192. **UNDERGROUNDING OF OVERHEAD LINES:** Underground existing overhead electric and telecommunication facilities fronting and through the project site. The undergrounding work shall be constructed in conjunction with any applicable off-site improvements and completed prior to issuance of a Certificate of Occupancy for any new unit. All poles fronting the property and/or within the division of land shall be removed. Coordinate with adjacent property owners regarding any new facilities, such as guy wires, that need to be installed due to undergrounding.
193. **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. Dedicate utility easements that are necessary for the common utility on the final map.

GRADING AND DRAINAGE IMPROVEMENTS (ON-SITE)

194. **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 off-site improvement plans. The stormwater runoff within the public right-of-way shall remain separate from all on-site 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 toward the public street. The design shall minimize the number and size of treatment measures within the public right-of-way 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.
195. **DRAINAGE PLANS:** On-site drainage plans shall be included in the building plans.
196. **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.
197. **COVERED OR UNDERGROUND PARKING GARAGE:** Drainage from covered OR underground parking garages shall be directed to the sanitary sewer system. Sanitary sewer laterals shall be equipped with backwater 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.
198. **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.
199. **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

200. **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."
201. **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.
202. **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."
203. **TRASH ENCLOSURE DESIGN AND DETAILS:** Include trash plan sheet and enclosure details on a separate sheet in the initial building plans. The property must have trash, recycling, and organics/composting service. On the plans, display the trash room layout, location, and dimensions to scale with the minimum service levels indicated below.

Commercial North (~8,636 square feet total—6,500 square foot food and beverage and 2,136 square foot retail):

- Service levels: Four 3-yard trash bin, serviced twice weekly; six 3-yard mixed recycling bin, serviced twice weekly; and three 2-yard compost bin, serviced twice weekly.
- All bins shall be moved from the upper portion of the commercial trash collection area to the staging area near the 8' roll-up door for access by Recology. The bins must be placed to provide easy access to each commodity.
- Recology will roll out the bins from the staging area to Castro Street for service, and a ramp shall be designed to easily move the bins onto the street from the sidewalk. The path of travel from the roll-up door to the ramp to roll out the bins must be smooth and flat.
- Provide 50' of yellow curb with signage to limit parking during the scheduled bin collection service times.

Residential North (47 Units), Trash Room 1:

- Service levels: Three 3-yard trash bins, two 3-yard paper recycling bins, one 2-yard container recycling bin, and three 64-gallon compost bins. All collection containers are serviced once weekly.
- The residential trash collection area must be separated from the commercial trash collection area by a chain-link fence.
- For container recycling, the room must have a blue brute barrel or blue customer-owned cart under the container recycling chute when the one 2-yard bin is being staged for service.

Residential South (72 Units), Trash Room 2 and Level 1 Vestibule:

- Service levels: Four 3-yard trash bins, three 3-yard paper recycling bins, two 2-yard container recycling bins, and four 64-gallon compost bins. All collection containers are serviced once weekly.
- The Level 1 resident vestibule room shall have collection containers purchased by the customer in the following colors: 55-gallon trash (grey), 55-gallon paper (dark blue), containers slim (light blue), and compost slim (green). The Solid Waste Section will not provide occupancy approval for the project during final building inspection until staff is able verify the correct equipment sizes, colors, and quantities are in place.

Residential North and Residential South Resident Upper Vestibules:

- The upper-floor vestibules require a three-chute system consisting of one trash chute and two recycling chutes (containers and paper collected in different chutes) and a compost slim jim. Property maintenance must empty the slim jims weekly into the compost collection bin in the ground-floor trash room.

Residential North and South, Cart and Bin Staging:

- Bins from the north residential trash collection area (Trash 1) must be transported by property maintenance staff to the south residential trash collection area (Trash 2) for staging each week.
- Property maintenance must stage the appropriate bins weekly (including bins from Trash 1) near the roll-up door for service.
- Bins from Trash 2 shall be rolled out by Recology to Hope Street for service. The path of travel to roll out the trash bins to the staging area for servicing must be flat and smooth. Bins will not be rolled over pavers or stamped surfaces.
- Provide 40' of red curb extending from the driveway to the north for the collection vehicle and bin/cart servicing on Hope Street. Demonstrate that the collection vehicle shall not encroach on the crosswalk.
- All compost carts from both residential trash rooms must be set out by property maintenance on Hope Street for weekly service. The carts must be set out as shown on the site plans, before the driveway, and not conflicting with the crosswalk.

Other Design Elements:

- All trash rooms and chute vestibules must have signage with sorting instructions according to the City's programs, and all signage shall be approved by the Solid Waste Program prior to installation.
- Each resident upper-floor chute vestibule requires sufficient space for compost receptacles (e.g., slim jims) or carts for resident use and should be noted on the plans.
- In trash rooms, install light switches above the height of a 3-yard bin (5'2") so it is accessible.
- Trash room doors require minimum of 6' width, and roll-up doors shall have keypad access.
- Maintain 1' between bins, interior curbs, and walls in trash rooms. If there is no interior berm or curb, there shall be bumpers on the walls to avoid damage from bins hitting it.
- Trash rooms are for collection containers only and not for other storage and shall be labeled "Trash Room."
- Property management shall provide 60 days' notice, prior to occupancy, to the City's waste hauler to set up collection services and allow time to procure all equipment. For customer-owned collection containers, proof of purchase along with an installation date must be provided during building plan review. All equipment must be in place prior to granting a Certificate of Occupancy (temporary or final).
- Pavers are not allowed in the path of vehicle travel. Concrete, stamped concrete, and asphalt are acceptable to use in the travelways.
- Any movement of bins over 30' is subject to hauler rollout fees. The current rollout fee is \$0.75 per foot per container per month.
- Overhead clearance for travelways 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'.

CONSTRUCTION ACTIVITIES, NOTES, AND OTHER APPROVALS

204. **CALTRANS PERMIT:** The applicant shall be responsible for applying for, and obtaining approval of, a Caltrans Encroachment Permit for all work within Caltrans' jurisdiction. Work within the state right-of-way must be in accordance with Caltrans requirements.
205. **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."
206. **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."
207. **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.
208. **OCCUPANCY RELEASE (COMMERCIAL):** The owner/developer shall comply with and include the following note on the off-site or grading/drainage or utility plans: "For commercial and office developments, no buildings will be released for occupancy until the off-site improvements to be constructed to City Public Works standards and/or accepted for maintenance by the City are complete and ready for acceptance."

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.

209. **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.
210. **STATE OF CALIFORNIA CONSTRUCTION GENERAL STORMWATER PERMIT:** A "Notice of Intent" (NOI) and "Stormwater Pollution Prevention Plan" (SWPPP) shall be prepared for construction projects disturbing one (1) acre or more of land. Proof of coverage under the State General Construction Activity Stormwater Permit shall be attached to the building plans.
211. **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 the Santa Clara Valley Urban Runoff Pollution Prevention Program's (SCVURPPP) 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).
212. **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.

213. **ENGINEERED DRAWINGS:** Treatment systems and/or porous pavement, pavers, and other uncompacted surfaces require engineered drawings.
214. **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.
215. **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.
216. **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.
217. **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.
218. **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.
219. **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 the 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.
220. **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 Low-Impact Development (LID) measures. The City's guidelines also describe the requirement to select 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.

221. **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>.
222. **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.
223. **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. 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.
224. **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.
225. **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.

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.

EXHIBIT B

SUBDIVISION CONDITIONS OF APPROVAL

SUBDIVISION CONDITIONS
APPLICATION NO.: PL-6753
843-903 CASTRO STREET, 700 WEST EL CAMINO REAL, AND 750 FAIRMONT AVENUE

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, 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 hereby granted for a Vesting Tentative Map for condominium purposes to create one parcel with 140 residential condominium units and six commercial units in conjunction with a Planned Community Permit, Development Review Permit, Provisional Use Permit, and Heritage Tree Removal Permit for a mixed-use development utilizing State Density Bonus Law, located on Assessor's Parcel Nos. 158-06-008, 158-06-010, 158-06-036, 158-06-037, 158-06-038, and 158-06-039 based on the findings above and subject to the applicant's fulfillment of all the conditions of approval. Development shall be substantially as shown on the project materials listed below and for the associated Planned Community, Development Review, Provisional Use, and Heritage Tree Removal Permits, except as may be modified by conditions contained herein, which are kept on file in the Planning Division of the Community Development Department:

- a. Vesting Tentative Map prepared by Lea and Braze Engineering, Inc., dated September 19, 2025.

THIS REQUEST IS GRANTED SUBJECT TO THE FOLLOWING CONDITIONS:

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 building structure 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. **PUBLIC ACCESS EASEMENT (SIDEWALK):** Dedicate a 4' wide pedestrian access easement on the face of the map along El Camino Real to maintain a continuous 12' wide public sidewalk along the project frontage, as required by the Public Works Director.
7. **PUBLIC ACCESS EASEMENTS (CONNECTIONS THROUGH SITES):** Prior to approval of a final map, the owner shall dedicate public access easement (PAE) shown on the Tentative Map, on private property. PAE(s) will be dedicated via separate instruments. The project shall also be required to install signage and comply with applicable term and maintenance requirements for the public access easement (POPA open space component) per City Code Section 41.11(a).
 - Running east-west between Castro Street and Hope Street (Fairmont Paseo): PAE varies from 35' to 52'.
 - Running north-south between El Camino Real and Fairmont Paseo: PAE varies from 5' to 41'.
 - Running east-west from Castro Street and along the Gateway Park: Northwest PAE varies from 8' to 11'.

The dedication shall indicate that:

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

A legal description (metes and bounds) and plat map (drawing) of the owner's property and the PAE area shall be prepared by the owner in accordance with the City's Legal Description and Plat Requirements and submitted to the Public Works Department for review and approval. The legal description and plat must be prepared and stamped by a California-registered civil engineer or land surveyor. Associated improvements within the PAE (PAE Improvements) shall be constructed by the owner and approved by the City. All required materials shall be submitted electronically (i.e., flattened, reduced-size PDFs).

8. **FRONTAGE PUBLIC UTILITY EASEMENT DEDICATION:** Dedicate a 10' wide public utility easement (PUE) on Hope Street and 14' wide PUE on El Camino Real along project street frontage(s) on the face of the map for such use as sanitary sewer, water, storm drains, and other public utilities, including gas, electric, communication, and cable television facilities, as required by the Public Works Director. Utility boxes and vaults are not allowed to encroach into the public sidewalk and must fit either entirely within the landscape strip or within the PUE. The property owner or homeowners association shall maintain the

surface improvements over the easement and must not modify or obstruct the easement area in a manner contrary to the intent of the easement. The dedication statement shall specify the PUE shall be kept free and clear of buildings and other permanent structures/facilities, including, but not limited to, the following: garages, sheds, carports, and storage structures; balconies and porches; retaining walls; C.3 bioretention systems; and private utility lines running longitudinally within the PUE.

9. **EASEMENT VACATIONS AND QUITCLAIMS:** All existing easements listed below that are or will no longer be needed and/or conflict with the proposed buildings and structures shall be vacated or quitclaimed. All vacations shall be approved with the project at the City Council meeting. Easements in conflict with the proposed building shall be vacated prior to the issuance of the building permit.

Public Easements (to be vacated):

- Fairmont Avenue Vacation (Nelson Manor Map).
- 5' Street and Utility Easement (9808 O.R. 502).

PG&E Easements (to be quitclaimed):

- 3' PG&E Pole Line Easement (2193 O.R. 433).
- 7' PG&E Pole Line Easement (382 O.R. 243).

ASSESSMENTS, FEES, AND PARK LAND

10. **SUBDIVISION FEES:** Pay all subdivision fees due, in accordance with the rates in effect at the time of final map approval, prior to the approval of a final map or prior to issuance of the final inspection granting occupancy, as applicable.
11. **MAP PLAN CHECK FEE:** ~~Prior to the 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.
12. **PLAN CHECK AND INSPECTION FEE:** Prior to the 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.

13. **TRANSPORTATION IMPACT FEE:** Prior to the final inspection that grants occupancy, the applicant shall pay the transportation impact fee for the development based on the Fiscal Year 2023-24 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.
14. **PARK LAND DEDICATION FEE:** ~~Prior to the final inspection that grants occupancy~~ The applicant shall pay a Park Land Dedication In-Lieu Fee in the amount of Two Million Dollars - \$2,872,460 (\$2,000,000) on the date of the final inspection, or the date the certificate of occupancy is issued, whichever occurs first, for the 125 net new residential units subject to the fee. This fee is based on a land value of \$11,300,000 per acre, as established in Chapter 41 of the City Code, and represents

~~the project's proportional share of the cost of providing three acres of park and recreational space per 1,000 residents. At the time of payment, this fee amount shall be reduced by the amount of any POPA credit approved for the project.~~

15. [INTENTIONALLY OMITTED]

STREET IMPROVEMENTS

16. **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.
17. **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, but are not limited to: vacation of Fairmont Avenue, installation of new sidewalk, curb, and gutter along project frontages, driveway, and Americans with Disabilities Act (ADA)-compliant curb ramps; new street trees, landscaping, and irrigation; water, sewer, and storm drainage services; new City streetlights and related appurtenances; minimum 2" half-street grind and overlay on Castro Street; full street grind and overlay on Hope Street; and installation of signage and striping along all three project frontages.

Castro Street:

- Install a consistent 10' pedestrian walkway with tree wells, which are similar to the tree wells at the 400 block of Castro Street, matching the current Castro Street streetscape.
- Replace existing diagonal parking with unmarked parallel parking spaces per City standard.

El Camino Real:

- Install a 12' sidewalk with 5' landscape with tree wells.
- Install new curb and gutter.

Hope Street:

- Full 32' wide Hope Street reconstruction with 8' sidewalk and 5' landscape with trees.
- Install a raised island after the crosswalk at El Camino Real and Hope Street.
- Install 80' public loading zone on the west side of Hope Street.
- Red curb on Hope Street project frontage, except loading zone.

Hope Street and Fairmont Avenue intersection:

- Install raised crosswalk crossing Hope Street.
 - Install directional curb ramp crossing Fairmont Avenue.
 - Remove existing cross-culvert system and install stormwater drainage systems with catch basins.
- 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.
18. **CASTRO SIDEWALK:** The streetscape on Castro Street shall be designed to meet the following requirements, which overwrite the project plans:
- Portion of curb alignment on the northeast Castro Street project frontage will be offset by 4' to accommodate a 12' wide trash truck loading. Two existing trees will be impacted and removed.
 - Install a 9' curb cut with decorative gate for trash collection only.
 - Install one physical barrier on the opposite side of Castro Street at High School Way.
19. **SIDEWALK REPLACEMENT:** Any sidewalk damage on Castro Street and Gateway Plaza by the project shall be replaced following the requirements below:
- **Castro Street and Gateway Plaza Special Paving:** The green color and Bominite stamp pattern for the pedestrian sidewalk and PCC parking zone on Castro Street are proprietary to Bay Area Concrete, Inc., located at 5637 La Ribera Street, Suite B, Livermore, California, 94550 (telephone: 925-245-8900). The permittee/contractor is responsible for arranging for Bay Area Concrete to replace the sidewalk and parking pavement. All sidewalk and parking zone pavement shall be sawcut along the score lines. No. 4 steel dowels shall be drilled and epoxied into the existing concrete at 12" on center. All new sidewalks, parking pavement, expansion joints, and other related improvements shall match the existing and be installed in accordance with the Castro Street Improvement Plans, Project 87-14 (Index No. 6859).
 - **Castro Street Edge Band:** The brown color for the concrete side bands on Castro Street shall match the existing LM Scofield C-25 Sombrero Buff. All expansion joints and other related improvements shall match the existing and be installed in accordance with the Castro Street Improvement Plans, Project 87-14 (Index No. 6859).
20. **INFRASTRUCTURE QUANTITIES:** For projects with off-site improvement plans, submit a construction cost estimate with the first submittal of the building permit and improvement plans indicating the quantities of street and utility improvements. A separate construction cost estimate shall also be submitted with the first submittal of the building permit and improvement plans for 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 shall be prepared by the Civil Engineer preparing the improvement plans.
21. **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.

22. **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

23. **ON-SITE UTILITY MAINTENANCE:** On-site water, sanitary sewer, and storm drainage facilities shall be privately maintained by the property owner(s).
24. **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.
25. **UNDERGROUNDING OF OVERHEAD LINES:** Underground existing overhead electric and telecommunication facilities fronting and through the project site. The undergrounding work shall be constructed in conjunction with any applicable off-site improvements and completed prior to issuance of a Certificate of Occupancy for any new unit. All poles fronting the property and/or within the division of land shall be removed.
26. **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. Dedicate utility easements that are necessary for the common utility on the final map.

GRADING AND DRAINAGE IMPROVEMENTS (ON-SITE)

27. **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.
28. **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)

29. **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.
30. **CC&Rs, SPECIAL PAVEMENT MAINTENANCE:** The homeowners association shall be responsible for replacing any special pavers or textured/colored concrete that is removed by the City to repair, replace, or maintain any City underground utilities located within private streets, driveways, or easement areas. This requirement shall be stated in the Covenants, Conditions, and Restrictions (CC&Rs). A copy of the CC&Rs with this provision marked or highlighted shall be submitted to the Community Development Department for review and approval by the Public Works Department.

OTHER APPROVALS AND EXPIRATION

31. **CONSISTENCY WITH OTHER APPROVALS:** This map shall be consistent with all requirements of the Planned Community Permit, Development Review Permit, and Provisional Use Permit, utilizing State Density Bonus Law, and Heritage Tree Removal Permit, (also proposed per Application No. PL-6753). All conditions of approval imposed under that application shall remain in full force.
32. **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.

Certificate Of Completion

Envelope Id: 4E23D0F7-DFB1-81A9-81B6-04269B3C9FAD Status: Completed
 Subject: Complete with Docusign: 2026.04.21_Settlement Agreement_Castro Commons(27882,9).pdf
 Source Envelope:
 Document Pages: 48 Signatures: 2 Envelope Originator:
 Certificate Pages: 5 Initials: 0 Melanie Griswold
 AutoNav: Enabled 1787 McDaniel Ave
 Enveloped Stamping: Enabled San Jose, CA 95126
 Time Zone: (UTC-08:00) Pacific Time (US & Canada) mg@hestia-re.com
IP Address: 2601:646:897f:4

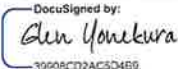
Record Tracking

Status: Original Holder: Melanie Griswold Location: DocuSign
 4/22/2026 4:07:53 PM mg@hestia-re.com

Signer Events

Glen Yonekura
 glen@dukecv.com
 Principal
 Security Level: Email, Account Authentication (None)

Signature

DocuSigned by:

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Timestamp

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Electronic Record and Signature Disclosure:
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Melanie Griswold
 mg@hestia-re.com
 Founder
 DDR Capital Ventures Co.
 Security Level: Email, Account Authentication (None)

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Electronic Record and Signature Disclosure:
 Not Offered via Docusign

In Person Signer Events

Signature

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Editor Delivery Events

Status

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Agent Delivery Events

Status

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Intermediary Delivery Events

Status

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Certified Delivery Events

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Carbon Copy Events

Status

Timestamp

Witness Events

Signature

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Notary Events

Signature

Timestamp

Envelope Summary Events

Status

Timestamps

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Completed	Security Checked	4/23/2026 6:35:00 AM

Payment Events	Status	Timestamps
Electronic Record and Signature Disclosure		

ELECTRONIC RECORD AND SIGNATURE DISCLOSURE

From time to time, Hestia Real Estate LLC (we, us or Company) may be required by law to provide to you certain written notices or disclosures. Described below are the terms and conditions for providing to you such notices and disclosures electronically through the DocuSign system. Please read the information below carefully and thoroughly, and if you can access this information electronically to your satisfaction and agree to this Electronic Record and Signature Disclosure (ERSD), please confirm your agreement by selecting the check-box next to 'I agree to use electronic records and signatures' before clicking 'CONTINUE' within the DocuSign system.

Getting paper copies

At any time, you may request from us a paper copy of any record provided or made available electronically to you by us. You will have the ability to download and print documents we send to you through the DocuSign system during and immediately after the signing session and, if you elect to create a DocuSign account, you may access the documents for a limited period of time (usually 30 days) after such documents are first sent to you. After such time, if you wish for us to send you paper copies of any such documents from our office to you, you will be charged a \$0.00 per-page fee. You may request delivery of such paper copies from us by following the procedure described below.

Withdrawing your consent

If you decide to receive notices and disclosures from us electronically, you may at any time change your mind and tell us that thereafter you want to receive required notices and disclosures only in paper format. How you must inform us of your decision to receive future notices and disclosure in paper format and withdraw your consent to receive notices and disclosures electronically is described below.

Consequences of changing your mind

If you elect to receive required notices and disclosures only in paper format, it will slow the speed at which we can complete certain steps in transactions with you and delivering services to you because we will need first to send the required notices or disclosures to you in paper format, and then wait until we receive back from you your acknowledgment of your receipt of such paper notices or disclosures. Further, you will no longer be able to use the DocuSign system to receive required notices and consents electronically from us or to sign electronically documents from us.

All notices and disclosures will be sent to you electronically

Unless you tell us otherwise in accordance with the procedures described herein, we will provide electronically to you through the DocuSign system all required notices, disclosures, authorizations, acknowledgements, and other documents that are required to be provided or made available to you during the course of our relationship with you. To reduce the chance of you inadvertently not receiving any notice or disclosure, we prefer to provide all of the required notices and disclosures to you by the same method and to the same address that you have given us. Thus, you can receive all the disclosures and notices electronically or in paper format through the paper mail delivery system. If you do not agree with this process, please let us know as described below. Please also see the paragraph immediately above that describes the consequences of your electing not to receive delivery of the notices and disclosures electronically from us.

How to contact Hestia Real Estate LLC:

You may contact us to let us know of your changes as to how we may contact you electronically, to request paper copies of certain information from us, and to withdraw your prior consent to receive notices and disclosures electronically as follows:
To contact us by email send messages to: mg@hestia-re.com

To advise Hestia Real Estate LLC of your new email address

To let us know of a change in your email address where we should send notices and disclosures electronically to you, you must send an email message to us at mg@hestia-re.com and in the body of such request you must state: your previous email address, your new email address. We do not require any other information from you to change your email address.

If you created a DocuSign account, you may update it with your new email address through your account preferences.

To request paper copies from Hestia Real Estate LLC

To request delivery from us of paper copies of the notices and disclosures previously provided by us to you electronically, you must send us an email to mg@hestia-re.com and in the body of such request you must state your email address, full name, mailing address, and telephone number. We will bill you for any fees at that time, if any.

To withdraw your consent with Hestia Real Estate LLC

To inform us that you no longer wish to receive future notices and disclosures in electronic format you may:

i. decline to sign a document from within your signing session, and on the subsequent page, select the check-box indicating you wish to withdraw your consent, or you may;

ii. send us an email to mg@hestia-re.com and in the body of such request you must state your email, full name, mailing address, and telephone number. We do not need any other information from you to withdraw consent.. The consequences of your withdrawing consent for online documents will be that transactions may take a longer time to process..

Required hardware and software

The minimum system requirements for using the DocuSign system may change over time. The current system requirements are found here: <https://support.docusign.com/guides/signer-guide-signing-system-requirements>.

Acknowledging your access and consent to receive and sign documents electronically

To confirm to us that you can access this information electronically, which will be similar to other electronic notices and disclosures that we will provide to you, please confirm that you have read this ERSD, and (i) that you are able to print on paper or electronically save this ERSD for your future reference and access; or (ii) that you are able to email this ERSD to an email address where you will be able to print on paper or save it for your future reference and access. Further, if you consent to receiving notices and disclosures exclusively in electronic format as described herein, then select the check-box next to 'I agree to use electronic records and signatures' before clicking 'CONTINUE' within the DocuSign system.

By selecting the check-box next to 'I agree to use electronic records and signatures', you confirm that:

- You can access and read this Electronic Record and Signature Disclosure; and
- You can print on paper this Electronic Record and Signature Disclosure, or save or send this Electronic Record and Disclosure to a location where you can print it, for future reference and access; and
- Until or unless you notify Hestia Real Estate LLC as described above, you consent to receive exclusively through electronic means all notices, disclosures, authorizations, acknowledgements, and other documents that are required to be provided or made available to you by Hestia Real Estate LLC during the course of your relationship with Hestia Real Estate LLC.