



COMMUNITY DEVELOPMENT DEPARTMENT
PLANNING DIVISION
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March 21, 2024

Emailed: emeric@octanecap

Octane Fayette, LLC
800 W. El Camino Real #180
Mountain View, CA 94040

**Re: Planned Community Permit, Development Review Permit, Provisional Use Permit, Heritage Tree Removal Permit, and Vesting Tentative Map
2645-2655 Fayette Drive
PL-2023-174 & PL-2023-175**

Dear Octane Fayette, LLC:

The application for a **Planned Community Permit, Development Review Permit, Provisional Use Permit, Heritage Tree Removal Permit, and Vesting Tentative Map at 2645-2655 Fayette Drive** was deemed complete by the City on February 23, 2024. As described in the completeness letter (referenced above), the next step in the development review process for the City is to provide the applicant with written documentation identifying applicable standards with which the proposed housing development project is inconsistent and an explanation of the reason or reasons the City considers the housing development to be inconsistent with such standards. Therefore, as the Housing Accountability Act requires, this letter provides the City's analysis documenting inconsistencies within 30 days after the housing development application was determined to be complete. Therefore, this letter provides consistency comments focused on identifying Code compliance items to be addressed in the submittal and/or modifications, updates, and information required to allow City staff determine consistency with applicable project requirements, including compliance with Government Code section 65589.5.

Compliance with the California Environmental Quality Act (CEQA)

A formal CEQA determination has not been made at this time. Upon preliminary review, the following studies are expected to be required: Noise, GHG, Air Quality, and Transportation. Public Works Staff is currently working on the utility impact study to ensure

there is sufficient utilities to accommodate the increased units. However, it may be determined that additional studies are required upon subsequent project reviews. The City is currently scoping the environmental review for the project and will determine the steps necessary to comply with CEQA regulations, this information will be provided to you separately when available.

Compliance Items

Although the Housing Accountability Act limits the City's ability to deny a qualifying Builder's Remedy project or condition it in a manner that would render the project infeasible for affordable housing development, the Housing Accountability Act does not prohibit the City from requiring a proposed housing development project to comply with objective, quantifiable, written development standards, conditions, and policies, provided that these requirements accommodate development at the density permitted and/or proposed on the site.

The City has determined this project is inconsistent, not in compliance, or not in conformity with the applicable, objective plans, programs, policies, ordinances, standards, and requirements identified herein. These inconsistencies must be addressed during the entitlement stage, or, if the inconsistencies are not addressed but project is approved, the City will adopt conditions of approval to enforce compliance. The City has also identified potential inconsistencies with development standards that must be addressed prior to the issuance of building permits for the project that the applicant may wish to address through project modifications at the entitlement stage to avoid post-entitlement delays or plan set modifications. In addition, the application package does not provide sufficient information for the staff to evaluate the project's consistency with applicable, objective standards. Finally, there are a number of objective standards that the project conflicts with, but that do not apply to a Builder's Remedy project.

Therefore, the consistency analysis below is broken up into four sections:

- A. **Inconsistencies or non-compliant items that must be addressed during the entitlement stage.** These are applicable, objective standards that must be addressed in the next project submittal or that will become recommended conditions of project approval. The City believes that the project can be modified to comply with these standards without impacting the project's proposed density or the project's feasibility.
- B. **Applicable, objective standards that may affect the project's design.** These are applicable, objective standards that must be addressed before the project receives building permits, should the City approve the project. Although the applicant is not

required to address each of these comments during the entitlement phase, the City believes that further changes to the project may be required. For example, CBC Section 403.5.4 requires all stairs to be constructed as smokeproof enclosures, but the application does not provide sufficient detail to confirm compliance at this time. In an effort to streamline post-entitlement permitting and avoid future redesigns, City staff is raising these future compliance issues for the applicant's information and to provide the applicant with the opportunity to confirm that its plans conform with the Building Code and other applicable standards necessary to obtain building permits.

- C. **Potential inconsistencies/non-compliance.** These are applicable, objective standards that must be addressed, but where it is unclear to staff if the project complies. Additional, clarified and/or corrected information is needed in these areas to determine if the project complies with these applicable standards, and they are noted as potential inconsistencies for the applicant to address.

- D. **Other inconsistent or non-compliant items.** Because the housing development project as proposed would be eligible for the Builder's Remedy, objective standards that would otherwise be applicable but that do not provide a basis for the City to deny or condition the project. Although the City hopes the applicant will attempt to address some of these items, inconsistencies with these standards are not required, and the standards are provided for informational purposes only.

Each section provides an individual table containing City comments from all reviewing departments, as follows:

A. Inconsistencies or non-compliant items that must be addressed during the entitlement stage.

The project is inconsistent with the San Antonio Precise Plan (SAPP) development standards and/or code requirements identified in the following table (below), which must be addressed in the next project submittal or, if not addressed, will become conditions of project approval. Where feasible, staff has identified potential options to improve project compliance.

REVISE THE PROJECT TO ADDRESS THE FOLLOWING CODES AND REGULATIONS				
Sr. No.	Development Standard – SAPP	Requirements	Proposed	Compliance
A.1.	Open Area/Landscaping & Common Usable Open Space	<ul style="list-style-type: none"> ◦ Open Area/Landscaping: 40% (11,619.6 sq. ft.). ◦ Common Usable Open Space: 175 sq. ft. per unit (12,250 sq. ft.). 	<ul style="list-style-type: none"> ◦ <i>Open Area/ Landscaping:</i> 10,438 sq. ft. ◦ <i>Common Usable Open Space:</i> 4,434 sq. ft. (Per applicant’s plan data.)	Non-compliant. Project does not comply with open area and common usable open space standards. Greater compliance may result from correctly calculated open area and plan modifications to increase project open area and common usable open space.
A.2.	Personal Storage	164 cu. ft./unit	76 cu. ft./unit	Non-Compliant. Project does not comply with personal storage standards. Greater compliance may result from floor plan adjustments to create more personal storage.
<p><i>Personal Storage Comments:</i> The proposed project includes additional opportunities throughout the parking facilities (e.g., above parking stalls on the ground level parking garage) and amenity areas (e.g., clubroom and rooftop deck) that can accommodate additional personal storage units. The applicant may identify additional storage areas through floor plan adjustments. Some development projects in Mountain View have placed personal storage rooms on upper floors or provided individual storage closets (directly accessible from interior hallways) throughout a development.</p>				

Sr. No.	Public Works – Code Requirements & Standard Details	Requirements	Proposed	Compliance
A.3.	Sight Visibility Triangles	No private project improvements may encroach into the public right-of-way.	Sight triangles are shown but structure is encroaching into the sight triangle.	Non-compliant. Proposed improvements do not comply with identified City standard improvement requirements, and State/Federal improvement requirements.
<p><i>Sight Visibility Triangles Comments:</i> At all driveways, including driveways that are adjacent to the project site and not part of the project, the driveway shall be compliant with Pedestrian and Vehicular Triangles of Safety per the latest City Public Works Standard Detail A-22. The Project will be required to remove or modify all objects, including, but not limited to landscape, hardscape, poles, posts, bollards, signs, mailboxes, planters, retaining walls, seat walls, bicycle racks, partitions, structures (including columns), parking stalls, etc. that are not compliant with safety triangle height and clearance requirements. See City Standard Details A-22 for further reference. Plans currently show structures within driveway sight distance triangles. Revise to remove these features from encroaching into the sight triangle.</p>				
A.4.	Public Utility Easement	Public Utility Easements (PUEs) shall be provided along any front, side or rear lot or across lots as required by the Public Works Director per Municipal Code Section 28.9.05 and Section 28.9.15 , where needed for the installation, operation and maintenance of utilities and utility accessories.	No PUE is provided.	Non-Compliant. The project does not comply with required PUEs.

<p><i>Public Utility Easement Comments:</i> Update the plans to show layout and dedication of a 10' PUE to accommodate the proposed and relocated utility boxes along project frontages, per Municipal Section. 28.9.05 and Section 28.9.15.</p> <p>Provide a 10' Public Utility Easement behind the existing and proposed 5' street easements. Revise the map accordingly. All utility boxes, including but not limited to phone boxes and CATIV boxes will need to be relocated to the 10' PUE.</p>				
A.5.	Public Right-of-Way Encroachment	Development standards for off-street loading per City Code Section 36.32.75.C.3	No 20' throat length is shown on the plan set and parking is shown within this clearance area	Non-compliant. The project does not show the 20' throat length on-site and parking shall be removed from the clearance area.
<p><i>Public Right-of-Way Encroachment Comments:</i> A minimum 20' throat length, measured from back of sidewalk, is required with no parking allowed within this space. Any gate beyond the 20' clear throat length area shall open inward or upward only. Update the plans to show the 20' throat length, remove any parking spaces within this clearance area, and indicate the gate opening direction.</p>				
A.6.	Trash Management Plan	<p>Trash Management Plan Requirements:</p> <ul style="list-style-type: none"> - The trash compactor is not allowed to be staged on the public street. <p>The project frontage will be painted red curb for roll-out services</p>	A trash compactor is being proposed. The container recycling carts and compost carts will be placed on the public street.	Non-compliant. Trash compactors and non-compacted trash bins are not allowed to stage on the street.
<p><i>Trash Management Plan Comments:</i></p> <p>Schedule a meeting to further discuss trash room and staging area issues with Solid Waste Section staff (contact Jennifer.Cutter@MountainView.gov).</p> <p>The property maintenance will still be responsible for staging the container recycling carts and compost carts on the street where the trash bins are shown now on Fayette Dr. It is not acceptable to stage trash compacted or non-compacted trash bins on the public street. Show footprint of these carts on Fayette and indicate red No Parking curb at this location.</p>				

Create a trash bin staging area on the private property where the bike storage room is currently proposed what will accommodate the 6 bins and display dimensions on the plans. The hauler’s driver will use the garage driveway to roll-out bins in the staging area to Fayette Drive. If the roll-out distance exceeds 30’, a service fee will be assessed.

Sr. No.	Building Division – Code Requirements	Requirements	Proposed	Compliance
A.7.	Parking	<ul style="list-style-type: none"> ◦ <i>Accessible Parking Spaces:</i> Provide accessible parking spaces based on assigned or un-assigned per California Building Code (CBC) Sections 1109A.4. and 1109.5. ◦ <i>EV Charging Spaces (EVCS):</i> 15% of the total number of parking spaces shall be provided with Level 2 chargers, with at least one Level 2 charger in the common area parking. One Level 3 charger is required per 100 parking spaces. 	<ul style="list-style-type: none"> ◦ <i>Accessible Parking Spaces:</i> Plans identify four (4) accessible parking spaces. ◦ <i>EVCS:</i> EV Ready (Lvl 2): 16 EV Capable (Lvl 1): 87 Fast Charger (Lvl 3): Information not provided 	Non-compliant. Level 3 fast chargers do not appear to be proposed and plans do not provide sufficient information to determine compliance with EV Charging Space requirements.

Parking Comments: (Accessible Parking Spaces) Provide a table showing the total number of parking spaces and the number/type of accessible parking spaces based on the proposed assigned/unassigned spaces in the project, per CBC Sections 1109A.4. and 1109.5. This information is necessary to determine compliance, as these two categories (assigned and unassigned) require different numbers of accessible spaces. Code compliance may require substantial design changes and/or impact other City compliance comments.

(EVCS Parking) Provide a table that shows the number and type of required and provided electric vehicle charging spaces. Note that the Mountain View Reach Code requires that 15% of the total number of parking space shall be equipped with Level 2 EVSE. And, where common- use parking is provided, at least one EVCS shall be located in the common-use parking area and shall be available for use by all residents or guests, and 85% EV1 Ready charging. Additionally, Level 3/DC Fast Charger for every 100 spaces, or fraction of 100 spaces.

Although EV parking spaces are designated on the plans, the plans must be updated to show compliant EVCS parking spaces (including the type of each EVCS and associated equipment), which will also allow compliance review of other parking and layout requirements. Ensure the parking table is updated to reflect the requirements of the Municipal Code Section 8.20.32.

A.8.	Accessible Circulation (Parking Level)	Accessible Circulation in compliance with 2022 CBC 11B-250, requires pedestrian paths to be raised access paths in the structured/surface parking area(s).	Information per building code requirements not shown on plans	Non-compliant. Plans do not comply with accessible circulation standards.
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Accessible Circulation Comments: Plans need to be updated to show compliant circulation per 2022 CBC 11B-250. Compliance with this standard is connected to the locations of compliant accessible parking spaces; these compliance items will have a cumulative effect on the design of the proposed parking layout, which could have substantial impacts on the overall project design and other compliance items in the ground-level floor/site plan.

Sr. No.	Fire Department – Code Requirements	Requirements	Proposed	Compliance
A.9.	Type 1A/IIIA Construction	Type IIIA construction is limited to five stories per CBC Table 504.4.	Plans show six stories of Type IIIA construction.	Non-compliant. The plans exceed the maximum allowable stories for Type IIIA construction.

Construction Type Comments: (Sheet AP3.20) Clearly show where the Type IA construction is terminated and show the horizontal separation being proposed. Sheet AP3.20 shows a total of six stories being above the garage. Only five stories of Type IIIA construction are allowed.

(Sheet E.10) This floor shall be shown as Type IA construction not Type IIIA per CBC Table 504.4.

Sr. No.	Housing Department Requirements	Requirements	Proposed	Compliance
A.10.	Below Market Rate (BMR) Guidelines & Affordable Housing Compliance Plan	<p>BMR units at the various income levels shall be proportionately distributed among and representative of the various unit types within the overall development.</p> <p>The BMR unit mix should be as follows:</p> <ul style="list-style-type: none"> • One studio unit • One-bedroom – 2 units • Two-bedroom – 7 units • Three-bedroom – 4 units 	<p>BMR unit mix: Studio – 5 units One-bedroom – 9 units</p>	<p>Non-Compliant. The project does not comply with the BMR unit mix and must provide an updated Affordable Housing Compliance Plan and materials reflecting the proposed market rate unit mix.</p>

Affordable Housing Compliance Plan Comments: The submitted affordable housing plan is non-compliant with the BMR Program due to the unit mix being proposed. The applicant is also proposing all BMR units be studio and one-bedroom units. This is not acceptable per the [BMR Administrative Guidelines](#). The BMR unit mix should be reflective of the market rate unit mix. The applicant will submit an updated [Affordable Housing Compliance Plan](#) with an updated BMR unit mix. The updated mix needs to be clearly marked and indicated on the site plans.

Sr. No.	Forestry Division - Code Requirements	Requirements	Proposed	Compliance
A.11.	Arborist Report – Tree Protection Measures	Tree Protection Zone Fencing and Warning Signs placed on each TPZ fence are required per the Mountain View Tree Technical Manual , Section 5.10 Pre-Construction and 5.10.1 Tree Protection Installation.	<p>The arborist report does not include tree protection measures for trees on neighboring properties.</p> <p>Tree protection measures that are included are boiler points measures and are not applicable to the project because all onsite trees are proposed for removal.</p>	Non-Compliant. Report does not comply with tree protection requirements.
<p><i>Arborist Report Comments:</i> Update the arborist report to include tree protections for trees on neighboring properties. Refer to specific requirements from the Mountain View Tree Technical Manual, Section 5.10 (Pre-Construction) and 5.10.1 (Tree Protection Installation), adding pertinent measures to project site/landscape plans.</p> <p>Additionally, remove tree protection measures for onsite trees from the report because all onsite trees are proposed to be removed.</p>				

Respond in writing to each comment by marking this comment list or by providing a separate letter. Indicate which detail, plan, specification, or calculation shows the required information by use of 1) corresponding revision numbers and 2) bubble or highlights for easy reference.

B. Applicable, objective standards that may affect the project design.

The project may be inconsistent with the following objective development standards and/or code requirements, which must be addressed before the project receives building permits, should the City approve the project. Although the applicant is not required to address each of these comments during the entitlement phase, City staff is raising these future compliance issues for the applicant's information as they may substantially impact the project design.

Sr. No.	Public Works – Code Requirements & Standard Details	Requirements	Proposed	Compliance
B.1.	Public Right-of-Way Improvements	Public right-of-way improvements must be consistent with Municipal Code Section 27.57 , City Standard Details and other State/Federal Regulations	Utilities do not comply with several different utility related City standard details and requirements	Non-Compliant. Proposed improvements do not comply with identified City standard improvement requirements, and State/Federal improvement requirements.
<p><i>Utility Comments:</i> Update plans to show compliant utility alignments with required public improvements including:</p> <ul style="list-style-type: none"> Remove the bend in the 2" irrigation service lateral. Services should be shown perpendicular to the main to reduce maintenance concerns. Revise the proposed 6" sanitary sewer lateral connection to be perpendicular to the main (sheet C2.0) and connect directly to the main. All appurtenances shall be located outside the building and be accessible, with adequate clearance for maintenance. The backflow preventers and water meters may conflict with the proposed transformers. 				

Sr. No.	Building Division – Code Requirements	Requirements	Proposed	Compliance
B.2.	Egress Plans (Occupant Loads & Exiting)	Egress requirements for the number of exits and the location of exits for the Club Room and second level outdoor area does not comply with 2022 CBC 1006.2.1, 1007.1.1, and 1028.2	Information per building code requirements not shown on plans	Non-compliant. Plans do not comply with required number and location of exits.
<p><i>Egress Plan Comments:</i> Clarify how the exits from the assembly areas at the level 2 courtyard are provided and compliance with A occupancy egress requirements of CB Chapter 10.</p> <p>On the plans, clarify how the accessible means of egress will be provided for the building.</p> <p>(Similarly, please see the related Fire Department comment below.)</p>				
Sr. No.	Fire Department – Code Requirements	Requirements	Proposed	Compliance
B.3.	Courtyard and Club Room Egress & Exiting	Fire Code requirements for project egress are associated with occupancy type, occupant load factor and total occupant load for each space.	Information not included in plans.	Compliance could not be determined. Additional information is necessary.
<p><i>Courtyard and Club Room Egress & Exiting Comments:</i> (Sheet E.6) The courtyard and the club room shall both be provided with two separate and distinct exits in accordance with CBC Table 1006.2.1. The exit doors shall swing in the direction of egress. Show the travel distance from each space.</p>				

Respond in writing to each comment by marking this comment list or by providing a separate letter. Indicate which detail, plan, specification, or calculation shows the required information by use of 1) corresponding revision numbers and 2) bubble or highlights for easy reference.

C. Potential inconsistencies/non-conformities.

The project may be inconsistent with the following development standards and/or code requirements, which may need to be addressed by the project but require additional, clarified or corrected information to determine the degree of non-compliance.

ADDITIONAL, CLARIFIED AND/OR CORRECTED PROJECT INFORMATION IS NEED TO DETERMINE PROJECT CONSISTENCY WITH THE FOLLOWING CODES AND REGULATIONS:				
Sr. No.	Development Standard – Zoning Ordinance	Requirements	Proposed	Compliance
C.1.	Tree Removal	<ul style="list-style-type: none"> o An arborist report must reference and evaluate impacts of all on-site trees, based on the current development plans, including a table listing trees slated for removal, reasons for removal and tree mitigation requirements (including replacement trees and transplantation 	Trees #22 and #25 have been removed with no information provided to determine replacement requirements.	Compliance could not be determined. Additional information is necessary.

		options) for all project trees (incl. Heritage and non-Heritage trees). <i>This includes trees identified as removed.</i>		
<p><i>Missing Tree Information:</i> The tree survey data in the arborist report lists trees that have been removed. Of these trees, Trees# 22 is located onsite, and Tree #25 (near the proposed garage entry) appears to have been a City street tree located on the property. Please update the report to provide additional information for Trees #22 and #25, including species, size, Heritage status, etc. to verify compliance with Zoning Ordinance Section 32.35. Please note that when a street tree is removed, it is standard policy for the street tree to be replaced.</p>				
C.2.	Lot Area Calculations	Street dedication is required along Fayette Drive and may affect project data.	Lot area denoted but unclear whether this reflects gross or net lot area.	Compliance could not be determined. Confirmation of net lot area is necessary.
<p><i>Lot Area Comment:</i> A 10' Public Utility Easement is required along the Fayette Drive. Please confirm whether the lot area denoted under Project Data is the net lot area or update as necessary. Be advised that dedication will reduce lot area, affecting multiple categories of project data to be corrected and affect compliance, including setbacks, residential density, and area coverage calculations. Ensure all sheets are updated as necessary to reflect the changes/corrections.</p>				
Sr. No.	Development Standard – SAPP	Requirements	Proposed	Compliance
C.3.	Roof Deck	Up to 10 feet of overall height is allowed for rooftop amenities per the SAPP.	Information not included.	Compliance could not be determined. Additional information is necessary.

<p><i>Roof Deck Comments:</i> The roof plan labels “Potential Roof Deck” and a Provisional Use Permit application was submitted that indicates one has been proposed. However, no details have been provided. Please include detailed plans of this amenity area, including dimensions, colors, materials, programming, furniture, etc. to review potential impacts to overall height for rooftop amenities. Additionally, update common usable open area calculations as necessary.</p>				
Sr. No.	Public Works – Code Requirements & Standard Details	Requirements	Proposed	Compliance
C.4	Fair Share Contribution	Utility Impact Study (UIS)	UIS in progress.	Compliance cannot be determined until UIS is completed by the City.
<p><i>Fair Share Contribution Comments:</i> The City will take the lead on the study and the study shall determine the following: Whether the proposed development will contribute flows that would cause performance and capacity deficiencies in downstream segments of the sanitary sewer system. The applicant shall pay their fair share contribution, as determined by the Public Works Department, to implement these sewer system improvements. Whether the proposed development will contribute to performance and capacity deficiencies in segment of our potable water system. The applicant shall pay their fair share contribution, as determined by the Public Works Department, to implement these water system improvements.</p>				
C.5	Traffic and Transportation Related Public Improvements	Transportation Demand Management (TDM) Plan.	Price of parking not identified.	Compliance could not be determined. Additional information is necessary.
<p><i>Traffic and Transportation Related Public Improvement Comments:</i> Confirm if the price of parking will be unbundled from the sale or lease of the housing unit. Unbundling, or separating, the cost of a parking space from a housing unit may result in a 2.6% - 13% Vehicle Miles Traveled (VMT) reduction.</p>				
C.6	Temporary Guest Bicycle Parking	VTA Bicycle Technical Guidelines	A render of the bike racks is provided, but it is unclear if it	Compliance could not be determined. Additional information is necessary.

			conforms to the VTA guidelines	
<p><i>Temporary Guest Bicycle Parking Comments:</i> Include specifications proposed for temporary guest bicycle parking in plan set. Install inverted U-Class 2 bike racks that provide ease of access and security against theft, per VTA bicycle technical guidelines Pg 10-6. Locate short-term bike parking racks in well-lit, highly visible areas within 100-feet of main entrances.</p>				
Sr. No.	Building Division – Code Requirements	Requirements	Proposed	Compliance
C.7	Photovoltaic (PV) System	A PV system shall provide 100% of the annual kwh consumption per Section 8.20.9	Information per building code requirements not shown on the plans.	Compliance could not be determined since the information was not provided.
<p><i>Photovoltaic System Comments:</i> Provide a photovoltaic system designed to provide 100% of the annual kwh consumption in accordance with the City of Mountain View Reach Codes. Provide calculations to show the estimated annual kwh consumption as well as a plan that show the proposed number, efficiency, and calculations to show the PV generation.</p>				
Sr. No.	Fire Department – Code Requirements	Requirements	Proposed	Compliance
C.8	Standpipe Hose Connections	Class I standpipe hose connections shall be provided within one hundred fifty (150) feet of all areas per City Code Section 14.10.35.	Information cannot be determined as hose reach was not measured along path of travel.	Compliance could not be determined. Additional information is necessary.
<p><i>Standpipe Hose Connections Comments:</i> (Sheet E.1) The hose reach is to be measured along the path of travel, not with a radius around the connection point. Please verify that all portions of the building can be accessed within 150' of the proposed standpipes and that all exterior portions are within 150' of the proposed wharf hydrants and the street.</p>				

<p>(Sheet E.2) The scale shown on Sheet E.2 does not match other drawings. Please revise the scale for consistency and legibility and verify that all portions of the building can be accessed within 150' of proposed standpipes. Additionally, ensure that all exterior patios on floor 2 shall be accessible from the proposed standpipe connections.</p>				
C.8	Occupancy Type and related standards	Project egress is associated with occupancy type, occupant load factor and total occupant load for each space per CBC Section 1004.	Information not included in plans.	Compliance could not be determined. Additional information is necessary.
<p><i>Occupancy Type and Related Standards Comments:</i> (Sheet E.5) The lobby shall be treated as an assembly space with an occupant load factor of 15 in accordance with CBC Section 1004. Amend the drawing to show the correct occupant load and provide adequate exit and exit separation from the space in accordance with CBC Sections 1006 and 1077, respectively.</p> <p>Significant design changes may be required or result from compliance with these requirements.</p>				
C.9	Fire Apparatus Access	Where buildings or have floors located more than 30' above the access road, the minimum unobstructed width shall be increased to 26' for aerial fire apparatus access. The access road (Fayette Dr.) shall be located within a minimum of 15' and a maximum of 30' from the building.	The width of Fayette Drive and distance from the building to Fayette Drive for fire access is not shown on the plans.	Compliance cannot be determined as information is not provided.

Fire Apparatus Comments: (Sheet E.1) Clearly show the distance of the face of the building from Fayette Drive and show that Fayette Drive is a minimum of 26 feet in width. Show the location of the proposed FDC and the new or existing public fire hydrant which shall be within 100' of the FDC and on the same side of the road.

The face of the building shall be a minimum of 15' to a maximum of 30' from Fayette Drive. Fayette Drive shall be a minimum of 26' clear width. Street parking may need to be removed from both sides of Fayette Drive along the building frontage. (City of Mountain View Code Sec 14.10.14 and CFC Sec 507.5.1.1)

C.10	Egress/Exiting	Occupied roofs shall comply with exiting and occupant load per CBC Section 503.1.4.	Information not provided.	Compliance cannot be determined as information is not provided.
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Egress/Exiting Comments: (Sheet AP2.08) The roof plan shows a "Potential Roof Deck". On the egress analysis drawings show that it can comply as an occupied roof with adequate exit access and occupant load in accordance with CBC Section 503.1.4.

Respond in writing to each comment by marking this comment list or by providing a separate letter. Indicate which detail, plan, specification, or calculation shows the required information by use of 1) corresponding revision numbers and 2) bubble or highlights for easy reference.

D. Other Inconsistencies.

As required by statute, the City has also determined the project is inconsistent, non-compliant and otherwise not in conformity with the following objectives standards, ordinances and policies which are not required to become compliant, but the City encourages the applicant to attempt to address some inconsistencies to bring the project into better compliance with the identified objective development standards:

THE PROJECT IS INCONSISTENT WITH THE FOLLOWING CODES AND REGULATIONS:				
Sr. No.	Development Standard – SAPP	Requirements	Proposed	Compliance
D.1.	Density	General Plan Density: 36-80 DU/ac (34-53 units)	104.97 DU/ac (70 units)	Non-compliant. The proposed density and unit count exceeds the maximum density allowed under the General Plan.
D.2.	Max Floor Area Ratio (FAR)	1.85 FAR (Tier 1)	4.34 FAR	Non-compliant. The proposed FAR exceeds allowed residential FAR. Project density may be preserved while modifying the plans for greater compliance with FAR and other applicable standards such as setbacks, personal storage, bike parking, and open space through more compact building design and/or different allocation of floor area. Additionally, FAR diagrams appear to include private open space areas on Floors 2 through 7 that are not substantially enclosed and should not count towards FAR.
D.3.	Setbacks	Frontage: 24' (curb line)	16'-10 3/8"	Non-compliant. The proposed building setback along street frontage is less than the minimum setback required. Additional non-compliance may result from property line corrections to show required dedications

				along Fayette Dr., which should be addressed to provide for pedestrian comfort through additional onsite landscaping, along with the required compliant public right-of-way improvements.
		Neighborhood transition area: 25'-0", plus upper floor step-backs (10' per story)	Neighborhood transition: Ground level: Rear (west): 4'-0" Side (north): 4'-6 7/8" 2 nd – 7 th Floors: Rear (west): 15'-2 3/4" Side (north): 10'-4 7/8"	Non-compliant. The proposed building setbacks along neighborhood transition areas is less than the minimum setback required.
D.4.	Max Height	4 stories and 55' (Up to 5 stories (65') considered on a case-by-case basis w/ significant public benefits or major open space improvements per SAPP Figure 4-2) Max 4 stories (55') at frontage setback line. Where more than 4 stories allowed, 80% of linear frontage above 4	84'-4 1/2" 7 stories	Non-compliant. The proposed building height exceeds the maximum height allowed on site.

		stories step back 10' min on every street face.		
D.5.	Max Automobile Paving Coverage	40% (11,619.6 sq. ft.)	83.5% (24,255 sq. ft.)	Non-compliant. The proposed automobile paving coverage exceeds the maximum allowable automobile paving coverage.
D.6.	Vehicle Parking	1/1-bed unit +2 spaces/2+-bed unit: 123 Guest: 15% of total spaces (19 spaces)	Total: 101 spaces Guest: 0 Accessible (ADA): 4	Non-compliant. The resident, residential guest and total proposed parking spaces are less than the minimum parking spaces required.
Sr. No.	Public Works – Code Requirements & Standard Details	Recommendations	Proposed	Compliance
D.7.	Raised mid-block crosswalk			
Per guidance from SAPP goals CIRC-1.4, 1.7 & 2.1, staff recommends the construction of a raised mid-block crosswalk between the project and the future city park across Fayette Drive.				
D.8.	Preliminary Joint Trench Design		The wet utilities are not shown on the preliminary joint trench plan.	
The backflow preventers and water meters may conflict with the proposed transformers. It is recommended the applicant coordinates joint trench design with PG&E due to extended review times anticipated from the utility.				

Respond in writing to each comment by marking this comment list or by providing a separate letter. Indicate which detail, plan, specification, or calculation shows the required information by use of 1) corresponding revision numbers and 2) bubble or highlights for easy reference.

Design Comments

City staff has a long history of working effectively and efficiently with applicants to achieve exceptional site and architectural design in citywide development projects, without reducing project density. The goal is always to work collaboratively to achieve a design that meets a developer's objectives, while aligning with the City's design-related development standards, General Plan policies and community goals. Collaborative design work is especially important on projects that would introduce high-intensity development next to lower-intensity residential areas, where the new development will stand out by virtue of its scale and have potential impacts on adjacent development.

The enclosed design comments are not project requirements, but strongly suggested by staff in an effort to ensure the project design will result in development that will be attractive to and meet the needs of future residents and neighbors. Staff welcomes the opportunity to discuss these recommendations and collaborate on further improvements to the project design.

- **Site Design/Landscaping:** The current proposal does not comply with applicable frontage setback, neighborhood transition setbacks and other standards that provide opportunities for landscape and open space amenities along public frontages and other site areas. While staff encourages redesign to improve setback compliance, design feedback is also provided below to help support greater design compliance:
 - Consider modifying the ground level parking along the adjacent residential parcels to the west and south to have compliant/increased setbacks, to provide greater opportunity for landscape buffers with high-canopy trees around the site perimeter. Increased setbacks would also provide enhanced conditions for future residents.
 - The current proposal does not provide compliant tree canopy or replacement plantings. Please note the five Red Maple trees proposed offsite along the frontage must be located onsite to count towards tree replacement planting requirements. Evaluate opportunities for additional landscape around the site, particularly for additional or larger trees to offset the net loss in tree canopy (tree canopy should at least meet and preferably exceed existing tree canopy at maturity), meet the replacement planting for the trees to be removed (at a minimum 2:1 replacement of Heritage trees and 1:1 replacement of non-Heritage trees), and provide for attractive landscape buffers between the project to adjacent, lower-intensity residential developments.

Per the SAPP and Council direction on similar projects, the project should also prioritize California Native and drought-tolerant plants, with a goal of 75% native plantings.

- Roof decks above the third floor require a Provisional Use Permit, in order to ensure proposed roof deck areas do not cause and/or designed to avoid offsite impacts. While roof decks are supported by the SAPP, to provide another means to accommodate common useable open space, a landscape buffer (at minimum) is needed between the edge of the useable deck area and the building parapet to enhance the amenity space and reduce offsite visual, privacy and noise impacts to adjacent properties.
- Review and refine the design, location and screening of all trash areas, aboveground transformers and mechanical equipment. Per the Precise Plan, services and utilities should be located away from frontage setback areas and screened/integrated into buildings to the maximum extent feasible.
- **Frontage Design and Building Base:** The SAPP includes a variety of design standards and guidelines aimed at creating well-formed streetwalls, enhancing the pedestrian experience and integrating sites into surrounding neighborhood areas. Please consider the following guidance in refining the design to address these goals:
 - Adjust the ground floor design to enhance the pedestrian experience, with more transparent glazing along the frontage per the SAPP. One option is to shift the mail room inboard (towards the stairwell) to allow for additional glazing and to allow interior spaces to better activate and engage the project frontage.
 - Narrow the garage entry to minimize the visual impact on the building façade and wrap finish detailing into the interior to provide for high-quality materials within public view.
 - Fix asymmetry of brick columns and other detailing of the building base, along the street frontage, as they currently appear to incorporate different column widths, separation distance, etc.
 - The SAPP and City Council generally seek to projects with widened sidewalk zones and/or other frontage amenities – e.g., publicly-accessible plazas, furnishings, art, high-quality paving/building/landscape materials, other pedestrian-scaled features – to enhance the pedestrian realm and connect the project frontage to the surrounding neighborhood. Consider design opportunities to better achieve these applicable design standards and guidelines along the project frontage and at the main entry.
- **Massing, Articulation and Materials/Detailing:** As designed, the project does not comply with building height standards or streetwall and neighborhood transition setbacks and upper floor stepback standards intended to better integrate taller buildings

with adjacent lower-density residential areas. Staff generally encourages consideration of opportunities to better meet these standards, particularly along the frontage and residential transitions, as well as:

- Study opportunities to increase setbacks and/or step back upper floors to vary wall planes and heights between the building base, middle and top and improve neighborhood transitions, per the SAPP. This generally applies to each building facade, but one specific area to study is the club room (and upper floor units above it) massing, which could be shifted inboard to move building areas away from the residential development to the west and open up the courtyard area, which currently appears very limited and shadowed by this building volume.
- Provide greater articulation for all building elevations with projections to better modulate bulky, tall uninterrupted building walls and reduce the prominence of taller building areas, particularly along the street frontage and neighborhood transition areas. This will also make the building more visually interesting, while creating relief from the upper floor massing.
- Evaluate opportunities for more successful material changes in conjunction with step backs to enhance articulation and decrease the appearance of tall, uninterrupted wall planes. Consider how materials are used to emphasize different building areas, with the heaviest/highest-quality materials and detailing used to reduce height impacts and give visual relief.
- Similarly, adjust window locations, vary windows sizes and design window accent details (e.g., trims, awnings, etc.) to provide more variation, texture/shadow and interest in keeping with the architectural style of the building. Ensure that windows are recessed from the wall planes by at least two inches for added depth.
- The ground-level parking garage wall should complement the overall building design. Look for ways to decrease the appearance and massing of the blank walls through greater articulation, alternate roof forms and/or railings, planter walls, higher-quality materials, and improved landscape buffers to integrate better with the overall building and neighborhood character.

Other Comments

The City has also provided an additional set of comments to emphasize existing requirements based on implementation of regulations and other policy-direction that have been important with improving the appearance and operations of a new residential development.

These additional comments are not project requirements, but strongly suggested by staff in an effort to ensure the development and operations will be attractive to and meet the needs of future residents and neighbors.

- 1. Tree Removal:** City Council and community concerns have surrounded preservation of heritage trees. Nine Heritage trees (1-Douglas Fir, 2-Canary Island Palm, 1-Coast Redwood, 1-Coast Live Oak, 1-Mexican Fan Palm, and 3-White Mulberry) are proposed for removal with this development application. Given these concerns, provide additional clarification to the submitted arborist report justifying why relocation of these heritage trees is infeasible. Examples of clarification include discussion on why the structure and trees are not suitable species for relocation, rather than a reasoning based on financial burden.
- 2. Tree Planting Recommendations:**
 - a. Consider replacing the proposed Columnar cherry (*P. sargentii* 'Columnaris') with a longer-lasting, climate-appropriate tree species.
 - b. Staff does not recommend providing new trees in raised planters due to restrictions in root growing space.
 - c. Tree canopy study L-5.1 indicates that future canopy cover will be 2% less at maturity (17.6% to 15.5%). Tree canopy should meet or exceed existing tree canopy at maturity; additional planting sites and/or larger canopy species should be explored. Off-site street trees are not considered in the calculation, but roof top tree canopy can be added to the calculation if proposed.
- 3. Native Landscaping:** City Council has voiced interest in 75% native landscaping in landscaping plans. The landscaping plan utilizes mostly native plantings. Consider incorporating additional information that the project meets the 75% native landscaping, and if it currently does not meet 75% surface area of landscaping, adjustments would support Council goals of native plantings.

- 4. TDM Program Strategies:** The SAPP requires new residential development to provide transit pass subsidies for residents to help offset the project's impacts to the overall roadway demand and reduce automobile use. Although existing regional commuter incentive subsidy programs were identified in the submitted TDM program (i.e. MTC's Bay Area Vanpool Program and VTA's vanpool group subsidies), these are not strategies provided by the project itself. Please update the TDM Program to include strategies for new residential development identified under Table 2-2, which include: 1) at minimum, provide transit subsidies to each new resident for one year, for the first 10 years of the project, and; 2) for projects with 25 units or more, participate in VTA's EcoPass or equivalent program for the first three years of the project.

Staff Contact Information

Project comments, and corrections in this letter are provided from the Planning Division. Please contact the appropriate point person listed below if you have questions regarding specific department/division comments.

- **Planning Division** – Jeffrey Tsumura, Project Planner, (650)903-6306 or Jeffrey.Tsumura@mountainview.gov
- **Building Division** – Diana Perkins, Consulting Plan Checker, (650) 903-6313 or diana.perkins@shumscoda.com
- **Neighborhoods and Housing Division** – Anna Reynoso, (650) 903-6379 or neighborhoods@mountainview.gov
- **Fire Department** – Tanner Wingo, Fire Prevention Engineer, (650) 903-6313 or tanner.wingo@mountainview.gov.
- **Public Works Department** – Wing Fung, Civil Engineer, (650) 903-6311 or Wing.Fung@mountainview.gov
- **Community Services Department, Forestry Division** – Scott Stringer, Consulting Arborist, (925) 484-0211 or scott.stringer@bartlett.com
- **Fire and Environmental Safety Division, Hazardous Materials** – Bryan Barrows, Hazardous Materials Specialist, (650) 903-6378 bryan.barrows@mountainview.gov.
- **Fire and Environmental Safety Division, Stormwater Pollution Prevention Program** – Carrie Sandahl, Fire Marshal, (650) 903-6378 or carrie.sandahl@mountainview.gov

Additional Fee Requirements

Cost-Recovery Expenses: This project is classified as a cost-recovery project, as it requires staff time beyond the amount covered within the scope of the standard application fee. In addition to providing the standard application fees required for this project, your

initial deposit will be charged for each hour of staff time spent on this project from entitlement review through construction completion, if approved. As funds run low, City staff will contact you for additional funds to be provided in order to continue the project review.

Consultant Costs: This project will require additional studies completed by an outside consultant(s) in connection with the California Environmental Quality Act, for which additional fees will be required from the applicant. The amount due to the City will be equal to the complete consultant contract cost plus a 15% City administrative fee, due in full prior to execution of consultant and applicant-funding contracts for the CEQA analysis. Once City staff has received a scope of work and cost from the qualified consultant, staff will share that information with the applicant and collect fees to begin the environmental review.

Timeline, Process and Resubmittal

As part of the development review process, you are encouraged to conduct a neighborhood meeting to gather public input; however, this is not a requirement and would be conducted solely by the applicant. Next steps for the project also include:

- *Project Compliance & CEQA Analysis:* As part of the development review process, the project must address identified inconsistencies and comply with CEQA. Staff is actively engaging consultants to develop a CEQA scope of work. Once the project is scoped, staff will schedule a meeting with your team to discuss the CEQA review, which will commence when staff receives the fees for the work and applicable contracts are executed. Future environmental review may require public meetings pursuant to any applicable CEQA requirements (e.g. EIR scoping meetings, etc.).
- *Design Review:* Staff has provided initial design comments in this letter and welcomes the opportunity to work with the applicant to enhance the project design, including opportunities for design review with staff and the Development Review Committee (DRC).
- *Required Public Hearings:* As the development review process concludes and environmental review is completed, the project will require a project recommendation(s) at an Environmental Planning Commission public hearing and final action at a City Council public hearing.

With the exception of public meetings for design review with the DRC, required public hearings will be scheduled once the

environmental (CEQA) review is complete. At minimum, notices for public hearings will be sent to property owners and tenants within 750' of the project site.

Additionally, a project sign must be posted along each street frontage of the project site identifying the application request, along with contact information for the applicant and City staff at least 10 days prior to the first public meeting for the project. The sign template, along with detailed specifications, will be provided to you under a separate email once the project scope has been confirmed.

Once you have gathered the missing information and completed the necessary revisions to the application materials, please submit all revised materials electronically in .pdf format to the Planning Division for review at www.mountainview.gov/planning. Please submit the following:

- **Revised plans** – Submit revised project plans addressing the incomplete items and comments enclosed. To expedite review when submitting revised plans, please “cloud” each revision on the plan set.
- **Response to Comments** – Provide a response to City Department comments included and enclosed with this letter. Your response must note where (or how) you have addressed each comment or explain how you have responded to each issue raised in this letter.
- **Site Visit** – Staff would like to arrange a visit to the project site to take photos of the existing site and building conditions, along with the surrounding area.

Conclusion

Please be advised that this summary does not constitute a final review. The proposed project may be subject to additional standard City conditions. Revisions to your plans may result in additional comments or requirements.

If the Planning Division does not receive a comprehensive response to this letter and any remaining fee payments within 90 calendar days (June 3, 2024), your application will be considered ‘withdrawn’ due to inactivity and the project file will be closed with no further review or notification. If you choose to move forward with your project after closure of the file, a new application form, fee, and submittal materials will be required to be submitted to the Planning Division.

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Thank you for the opportunity to review this application. If you have any questions, please contact me by phone at (650) 903-6306 or by email at Jeffrey.Tsumura@mountainview.gov.

Respectfully,

Jeffrey Tsumura
Project Planner