



CITY OF MOUNTAIN VIEW

CITY COUNCIL

AGENDA

NOTICE AND AGENDA

JOINT MEETING OF THE MOUNTAIN VIEW CITY COUNCIL (REGULAR),
THE MOUNTAIN VIEW SHORELINE REGIONAL PARK COMMUNITY (SPECIAL),
AND THE SUCCESSOR AGENCY TO THE MOUNTAIN VIEW
REVITALIZATION AUTHORITY (SPECIAL) - TUESDAY, OCTOBER 22, 2013
CITY HALL - 500 CASTRO STREET
5:00 P.M. – STUDY SESSION
6:30 P.M. – REGULAR SESSION
CLOSED SESSION IMMEDIATELY FOLLOWING THE REGULAR SESSION

5:00 P.M. – STUDY SESSION (TO BE HELD IN THE PLAZA CONFERENCE ROOM)

1. **CALL TO ORDER**
2. **ROLL CALL** – Councilmembers Abe-Koga, Bryant, Kasperzak, McAlister, Siegel, Vice Mayor Clark, and Mayor Inks.
3. **STUDY SESSION**
 - 3.1 **2600 MARINE WAY (INTUIT)**

The City Council will hear a presentation and discuss the proposal for a 370,000 square foot office project.

6:30 P.M. – REGULAR SESSION (TO BE HELD IN THE COUNCIL CHAMBERS)

1. **CALL TO ORDER/PLEDGE OF ALLEGIANCE**
2. **ROLL CALL** – Councilmembers Abe-Koga, Bryant, Kasperzak, McAlister, Siegel, Vice Mayor Clark, and Mayor Inks.

3. **PRESENTATIONS**

- 3.1 Proclamations recognizing eight Mountain View businesses for green business certification.
- 3.2 Retirement proclamation to Darlene Joyner, Executive Assistant, Library Services Department, for her 27 years of service to the City of Mountain View.
- 3.3 Proclamation recognizing Friends of Libraries Week to be accepted by Bill Lowes, Vice President, Friends of the Library.

4. **CONSENT CALENDAR**

These items will be approved by one motion unless any member of the Council or audience wishes to remove an item for discussion. The reading of the full text of ordinances and resolutions will be waived unless a Councilmember requests otherwise.

4.1 **APPROVAL OF MINUTES** – Approve minutes for the:

- (1) City Council Regular Meeting of September 24, 2013;
- (2) City Council Regular Meeting of October 8, 2013;
- (3) Mountain View Shoreline Regional Community Special Meeting of September 3, 2013;
- (4) Successor Agency to the Mountain View Revitalization Authority Special Meeting of May 14, 2013;
- (5) Successor Agency to the Mountain View Revitalization Authority Special Meeting of June 11, 2013;
- (6) Successor Agency to the Mountain View Revitalization Authority Special Meeting of June 18, 2013; and
- (7) Successor Agency to the Mountain View Revitalization Authority Special Meeting of September 3, 2013.

4.2 **Ordinance No. _____ – AMEND CHAPTERS 8, 14, AND 24 OF THE CITY CODE AND ADOPT THE 2013 CALIFORNIA AND 2012 INTERNATIONAL CODES, INCORPORATING BY REFERENCE OTHER UNIFORM CODES (SECOND READING)**

- 1. Adopt AN ORDINANCE AMENDING CHAPTER 8, ARTICLES I, II, III, IV, AND V, OF THE MOUNTAIN VIEW CITY CODE, RELATING TO THE ADOPTION OF THE 2013 CALIFORNIA BUILDING CODES, INCORPORATING BY REFERENCE OTHER INTERNATIONAL AND

UNIFORM CODES, AND ADOPTION OF THE 2012 INTERNATIONAL PROPERTY MAINTENANCE CODE (Attachment 1 to the Council report). (First reading: 6-1; Inks no)

2. Adopt AN ORDINANCE AMENDING CHAPTER 14, ARTICLES I, II, AND III, OF THE MOUNTAIN VIEW CITY CODE, RELATING TO THE ADOPTION OF THE 2012 INTERNATIONAL FIRE CODE, INCORPORATING BY REFERENCE THE AMENDMENTS ADOPTED BY THE STATE OF CALIFORNIA TO ESTABLISH THE 2013 CALIFORNIA FIRE CODE (Attachment 2 to the Council report). (First reading: 6-1; Inks no)
3. Adopt AN ORDINANCE AMENDING CHAPTER 24, ARTICLES I AND II, OF THE MOUNTAIN VIEW CITY CODE, RELATING TO HAZARDOUS MATERIALS (Attachment 3 to the Council report). (First reading: 6-1; Inks no)
- 4.3 **Resolution No. _____ –RECORDS RETENTION SCHEDULE FOR FIRE DEPARTMENT RECORDS** –Adopt A RESOLUTION AMENDING THE RECORD RETENTION SCHEDULE FOR THE CITY OF MOUNTAIN VIEW FIRE DEPARTMENT RECORDS, to be read in title only, further reading waived (Attachment 1 to the Council report).
- 4.4 **THE VIEW TEEN CENTER, ROCK CHURCH REFURBISHMENT, PROJECT 12-36 –APPROVE PLANS AND SPECIFICATIONS/ AUTHORIZE BIDS**
 1. Approve plans and specifications for The View Teen Center, Rock Church Refurbishment, Project 12-36, and authorize staff to advertise the project for bids.
 2. Authorize the City Manager to award the construction contract to the lowest responsible bidder if the low bid is within the project budget.
- 4.5 **PERMANENTE CREEK TRAIL –CHARLESTON ROAD AND AMPHITHEATRE PARKWAY CROSSINGS DESIGN, PROJECT 14-38 – AUTHORIZE ENGINEERING SERVICES CONTRACT** – Authorize the City Manager to execute an engineering services contract with Mark Thomas & Company of San Jose for a not-to-exceed amount of \$200,000 to provide design engineering services, prepare construction documents, and provide

construction support for the Permanente Creek Trail—Charleston Road and Amphitheatre Parkway Crossings Design, Project 14-38.

4.6 AMEND TERMS OF AGREEMENT FOR SALE OF CITY-OWNED REAL PROPERTY IN EL CAMINO ALLEY (NO STREET ADDRESS), APN 189-01-024

1. Direct staff to not exercise the City's right of early termination and allow the project planning process to proceed.
2. Amend the date for Greystar GP II, LLC (Greystar) to submit a formal planning application, and pay all applicable fees, from October 1, 2013 to November 15, 2013.
3. Amend the date for Greystar to obtain City Council approval of their proposed project from December 31, 2014 to March 31, 2015.

5. ORAL COMMUNICATIONS FROM THE PUBLIC ON NONAGENDIZED ITEMS

This portion of the meeting is reserved for persons wishing to address the Council on any matter not on the agenda. Speakers are allowed to speak on any number of topics for one three-minute period during the meeting. State law prohibits the Council from acting on nonagenda items.

6. PUBLIC HEARINGS—None.

7. UNFINISHED BUSINESS

7.1 AGREEMENT WITH COMMUNITY GATEPATH FOR THE OPERATION OF THE MOUNTAIN VIEW CHILD-CARE CENTER

1. Authorize the City Manager or his designee to enter into an Agreement with Community Gatepath/Learning Links for the operation and management of the Mountain View Child-Care Center for a term of five years with an option for two additional five-year terms at the sole discretion of the City.
2. Authorize the City Manager to execute amendments to this agreement for terms having no monetary or fiscal impact.

8. **NEW BUSINESS**

8.1 **RESOLUTION AMENDING CITY COUNCIL POLICY H-7 – ATHLETIC FIELD USE POLICY RELATED TO BANNERS FOR YOUTH SPORTS ORGANIZATIONS**

Resolution No. _____ – Adopt A RESOLUTION AMENDING CITY COUNCIL POLICY H-7, ATHLETIC FIELD USE POLICY, to be read in title only, further reading waived.

8.2 **2014 THURSDAY NIGHT LIVE SERIES**

1. Appropriate and transfer \$15,000 in Fiscal Year 2013-14 from the General Fund Reserve to the Community Services Department for the 2014 Thursday Night Live series. (Five votes required)
2. Eliminate park concerts and reprogram funding of \$5,000 to Thursday Night Live.
3. Approve the dates of June 26, July 10, July 24, and August 7 for the 2014 Thursday Night Live series.
4. Direct staff to develop a sponsorship policy to create financial support for community events.

8.3 **COMPREHENSIVE PLAN TO WIND DOWN THE AFFAIRS OF THE FORMER MOUNTAIN VIEW REVITALIZATION AUTHORITY AND TERMINATE THE SUCCESSOR AGENCY**

Successor Agency to the Mountain View Revitalization Authority Action:

1. **Resolution No. _____** – Adopt A RESOLUTION APPROVING A COMPREHENSIVE PLAN TO WIND DOWN THE AFFAIRS OF THE FORMER MOUNTAIN VIEW REVITALIZATION AUTHORITY AND TERMINATE THE SUCCESSOR AGENCY, to be read in title only, further reading waived (Attachment 1 to the Council report).

City of Mountain View Actions:

1. **Resolution No. ____** – Adopt A RESOLUTION WAIVING REINSTATEMENT OF A LOAN FROM THE CITY OF MOUNTAIN VIEW TO THE FORMER MOUNTAIN VIEW REVITALIZATION AUTHORITY AS AN ENFORCEABLE OBLIGATION, to be read in title only, further reading waived (Attachment 2 to the Council report).
2. Appropriate funds from the Strategic Property Acquisition Reserve to pay the taxing entities in order to allow the City to retain the Bryant Street and Franklin Street properties. (Five votes required)
3. Authorize the City Manager to execute a compensation agreement to share revenues generated by Parking Structures 1 and 2 with the taxing entities.

Mountain View Shoreline Regional Park Community Action:

1. **Resolution No. ____** – Adopt A RESOLUTION WAIVING REINSTATEMENT OF A REGISTERED NOTE AND 2003 TAX ALLOCATION BONDS AS ENFORCEABLE OBLIGATIONS, to be read in title only, further reading waived (Attachment 3 to the Council report).

8.4 ADJUST COMPENSATION FOR CITY ATTORNEY, CITY CLERK, AND CITY MANAGER

Resolution No. ____ – Adopt A RESOLUTION APPROVING COMPENSATION INCREASES FOR THE CITY ATTORNEY, CITY CLERK, AND CITY MANAGER FOR PERFORMANCE DURING THE 2012-13 FISCAL YEAR, to be read in title only, further reading waived (Attachment 1 to the Council report).

9. COUNCIL, STAFF/COMMITTEE REPORTS

No action will be taken on any questions raised by the Council at this time.

10. CLOSED SESSION (TO BE HELD IN THE PLAZA CONFERENCE ROOM)

10.1 CLOSED SESSION ANNOUNCEMENT (OPEN SESSION)

10.2 Conference with Real Property Negotiator (§54956.8)—Property: 3.03-acre parcel of land at the southwest quadrant of Highway 101 and Moffett Boulevard (no street address; no Assessor Parcel Number)—Agency Negotiator: Dennis Drennan, Real Property Program Administrator—Negotiating Party: California Department of Transportation—Under Negotiation: Price and Terms of Payment for Acquisition of Real Property

11. CLOSED SESSION REPORT (OPEN SESSION)

12. ADJOURNMENT

The next Special Council Meeting will be held on Tuesday, October 29, 2013, at 6:30 p.m. in the Council Chambers, 500 Castro Street.

NOTICE

There is a 90-day limit for the filing of a challenge in Superior Court to certain City administrative decisions and orders which require a hearing by law, the receipt of evidence and the exercise of discretion. The 90-day limit begins on the date the decision is final (Code of Civil Procedure Section 1094.6). Further, if you challenge an action taken by the City Council in court, you may be limited, by California law, including but not limited to Government Code Section 65009, to raising only those issues you or someone else raised in the public hearing, or in written correspondence delivered to the City Council prior to or at the public hearing. The City Council may be requested to reconsider a decision if the request is made prior to the next City Council meeting, regardless of whether it is a regular or special meeting. For information on the next regular or special City Council meeting, please call (650) 903-6304.

Any writings or documents provided to a majority of the City Council regarding any item on this agenda will be made available for public inspection in the City Clerk's Office, 500 Castro Street, Third Floor, during normal business hours and at the Council Chambers at City Hall, Second Floor, during the meeting. In addition, such writings and documents will be posted on the City's website at www.mountainview.gov.

WW/5/CLK/429-10-22-13A

COUNCIL MEETINGS AND AGENDA

- The City Council meets regularly on the second and fourth Tuesday of each month at 6:30 p.m. in the Council Chambers at City Hall, 500 Castro Street, Second Floor. Special meetings are called as necessary by the Mayor and noticed at least 24 hours in advance.
- Interested parties may review the agenda, minutes and staff reports at the Mountain View Library, 585 Franklin Street, beginning the Thursday evening before each meeting and at the City Clerk's Office, 500 Castro Street, Third Floor, beginning Friday morning. Agenda materials may also be viewed electronically at www.mountainview.gov. Staff reports are also available at the Council Chambers during the meeting.
- SPECIAL NOTICE—Reference: Americans with Disabilities Act, 1990. Anyone who is planning to attend the next City Council meeting who is visually or hearing-impaired or has any disability that needs special assistance should call the City Clerk's Office at 903-6304 48 hours in advance of the Council meeting to arrange for assistance. Upon request, in advance, by a person with a disability, City Council meeting agendas and writings distributed during the meeting that are public records will be made available in the appropriate alternative format. Also upon request, in advance, an assistive listening device can be made available for use during the meeting.
- The Council meetings are cablecast live on Channel 26 on the Mountain View Comcast cable system and are replayed on Wednesday at 6:30 p.m. and on Saturday at 11:00 a.m. following that week's Council meeting. If there is a live Environmental Planning Commission meeting on a Wednesday, the replay of the City Council meeting will be on a Thursday at 6:30 p.m. In addition, Council Regular meetings are webcasted, and interested persons may visit the City's web site at www.mountainview.gov to watch the meetings live on their computer, laptop or PDA device. Archived broadcasts of previous meetings may also be accessed and watched on-line.
- The Council may take action on any matter noticed herein, and their consideration and action on the matters noticed herein is not limited by the recommendations indicated in the Agenda or staff report(s). The Council may consider and act on items listed on the agenda in any order and thus all those interested in an item listed on the agenda are advised to be present throughout the meeting (see Policy and Procedure A-13). The reading of the full text of ordinances and resolutions will be waived unless a Councilmember requests otherwise.
- By policy, no new items of business will be started after 10:00 p.m., unless an exception is made by vote of the Council.

ADDRESSING THE COUNCIL

- Interested persons are entitled to speak on any action item listed on the agenda and are requested to fill out the blue cards available at the rear of the Council Chambers and deposit them with the clerk or at the podium as soon as completed. This will assure that your name and city of residence are accurately recorded in the minutes and that your interest in speaking is recognized. If you wish to speak and are not recognized by the Mayor, please approach the podium prior to completion of discussion on the item. Speakers are allowed up to three minutes each, and if a large group wishes to express its views, it is more effective to have one spokesperson.
- Items on the "Consent Calendar" are not discussed individually but are approved as a group with one motion. If a citizen wishes to speak on an item on the Consent Calendar, he or she may come to the podium at the time announced by the Mayor and request that the item be pulled for discussion by the Council.
- Anyone wishing to address the Council on a nonagenda item may do so during the "Oral Communications" part of the agenda. Speakers are allowed to speak one time on any number of topics for up to three minutes.
- Reducing Time For Public Input: For any single agenda item and for Oral Communications from the Public, if there appears to be 15 or more speakers and the Council might not be able to conclude the scheduled agenda items for the meeting if speakers were allotted three (3) minutes each, the Mayor may reduce speaking time to no less than two (2) minutes per speaker unless there is an objection from Council, in which case majority vote shall decide the issue without debate.

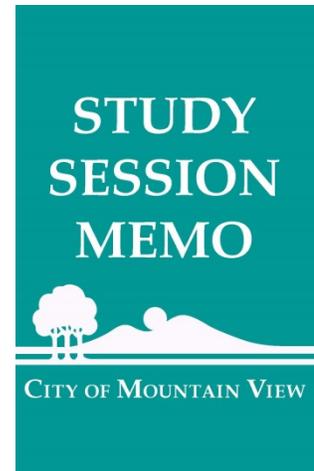
DATE: October 22, 2013

TO: Honorable Mayor and City Council

FROM: Stephanie Williams, Senior Planner
Peter Gilli, Planning Manager (Acting)/
Zoning Administrator
Randal Tsuda, Community Development
Director

VIA: Daniel H. Rich, City Manager

TITLE: 2600 Marine Way (Intuit)



PURPOSE

The purpose of this Study Session is to provide the City Council with an update on the proposed rezoning and 1.0 Floor Area Ratio (FAR) Intuit office development, summarize the Environmental Planning Commission's (EPC) comments from their Study Session on October 2, 2013, and receive Council feedback on the project.

BACKGROUND

Project Description

The proposal requests a rezoning of 8.49 acres from the Limited Industrial (ML) District to the Planned Community (P) District and the redevelopment of the sites with two 4-story office buildings and one 6-level and one 3-level parking structure. The proposed office buildings would contain approximately 178,600 square feet (Bayshore building) and 185,400 square feet (Marine Way building) of office space. The 364,000 square feet of new office space would represent an increase of 245,870 square feet over the existing development on-site.

The Bayshore site has tenants with leases that run through 2017. As a result, Intuit will be requesting a 10-year Development Agreement (DA) to extend the entitlements beyond the standard two-year approval and two-year extension. Approval of a DA will require public benefits in exchange for the increased entitlement period, which will be in addition to any benefits deemed necessary to allow the 1.0 FAR project.

Project Design

The project has been to one City Council Study Session, two EPC Study Sessions, and two Development Review Committee (DRC) meetings thus far. Intuit has made many

modifications to the project plans based on EPC, City Council, and DRC direction, including lowering the height of the Marine Way parking garage, moving the Bayshore building parking garage entrance to the back of the building, providing separated sidewalks along all the project frontages, a dedicated on-site shuttle stop location, incorporating numerous bird-safe building design features, and increasing the Bayshore building setback along Bayshore Parkway.

The applicant did not modify the western facade of the Marine Way building as was discussed at the DRC meeting and recommended by some of the Council members at the last Study Session. The applicant has responded to the request to break up this facade by providing greater ground-floor articulation with groups of windows and walls which are differentiated from the continuous glassy floors above; landscaping; and a new integrated stairwell near the corner of Marine Way and Garcia Avenue. Please refer to the attached EPC report for additional background and analysis on the project design (Attachment 1 – [Environmental Planning Commission Staff Report, October 2, 2013](#)).

Transportation

The City Council set a 45 percent single-occupancy vehicle (SOV) target for the North Bayshore Area. Staff determined that a 35 percent peak-hour trip reduction from standard office traffic levels would be the minimum reduction required to achieve a 55 percent SOV rate for the Intuit project. The remaining 10 percent reduction in the SOV rate would be expected from transit and bicycle infrastructure projects that are expected with the North Bayshore Precise Plan.

A traffic report has been prepared for the project and found that the nine intersections studied around the project site currently operate at an acceptable level of service and that with construction of the project, all the intersections would continue to operate at an acceptable level of service. Freeway segments in the vicinity of the project on U.S. 101 were also analyzed for potential project impacts and found that the project would add more than 1 percent of freeway capacity on three U.S. 101 freeway segments that currently operate at an unacceptable level of service, which is considered a significant impact and would require a statement of overriding considerations. A statement of overriding considerations for freeway segment impacts is not unusual in this region. Please refer to the attached EPC report for an analysis on the project's transportation issues (Attachment 1).

Community Benefits

Community benefits for the requested DA associated with the Bayshore building will be required as part of the DA process. In addition to these, the EPC recommends community benefits for the allowance of a 1.0 FAR office project. The project will be considered by Council ahead of the adoption of the Precise Plan, which will identify future transit or habitat restoration or preservation projects for the area. Staff recommends a monetary contribution toward future transit and bicycle infrastructure projects that end up being identified with the North Bayshore Precise Plan. If Council concurs, staff will develop alternatives for the Council consideration at the final Council hearing anticipated in 2014.

EPC Study Session Summary

The EPC reviewed the proposed project at a Study Session on October 2, 2013. Please refer to the attached EPC report for project background and analysis on the project design, transportation issues, and potential public benefits (Attachment 1).

The EPC was supportive of the project design and transportation package proposed by Intuit. The following is a summary of the EPC's comments from the Study Session:

- Recognized Intuit's participation in the General Plan process, commitment to using the General Plan as a guide to develop their plans, and responsiveness to City comments.
- Supportive of the project design and innovative architectural approach, the applicant's commitment to LEED Platinum-designed buildings, and the low and wide design approach to respect the views and ecology of the area.
- Supportive of the western facade of the Marine Way building without a break in the facade as recommended by the DRC and suggested by Council at a prior Study Session. EPC supported a proposal by the applicant to plant large trees along this facade (e.g., 80- to 100-gallon trees that are 15' to 20' tall at planting) to soften the long facade.
- Supportive of the Transportation Demand Management (TDM) package proposed by Intuit and their participation as a founding member and participant of the Transportation Management Association (TMA).
- Provided the following suggestions for community benefits: monetary contribution to future North Bayshore transportation or ecology improvement

projects that will be identified as part of the North Bayshore Precise Plan; contribution to or construction of Bay Trail improvements; and contribution to the establishment of a North Bayshore Sustainability Management Association.

One person from the public spoke at the Study Session in support of the project.

One of the items that staff requested EPC input on was a new 110' cellular "tree-pole" facility on the Bayshore site to replace an existing cell tower. At the meeting, the applicant indicated that they are going to incorporate the cellular antennas into the mechanical equipment enclosure on the roof of the Bayshore building, as requested by staff and the DRC.

DISCUSSION

Staff requests City Council feedback on the EPC comments, as well as the following topics covered in the EPC report:

1. Should the western facade of the Marine Way building be required to be modified, consistent with the DRC's recommendation and Council direction at the April 23, 2013 Study Session?
2. Does Council accept staff's approach to achieve the 45 percent single-occupancy vehicle (SOV) mode-share target?
3. Does Council accept staff's recommendation that the project contribute funds toward transit and bicycle infrastructure improvements that end up being identified in the North Bayshore Precise Plan?
4. Does the Council have any other project direction?

RECOMMENDATION

That the City Council provide input on the request for a 370,000 square foot Intuit office project at 2600 Marine Way.

NEXT STEPS

Following feedback from the City Council at this Study Session, the applicant will continue the development review and environmental review processes. Final review of the project and the project Environmental Impact Report by the EPC and Council is anticipated in the spring of next year.

PUBLIC NOTICING

Agenda posting, and notices mailed to property owners within 1,000' of the project site and to interested parties on file with the Community Development Department.

SW-PG-RT/7/CAM
818-10-22-13SS-E

Attachment: 1. [Environmental Planning Commission Staff Report, October 2, 2013](#)



**SUCCESSOR AGENCY TO THE MOUNTAIN
VIEW REVITALIZATION AUTHORITY**

MINUTES

SPECIAL MEETING OF THE BOARD OF DIRECTORS
TUESDAY, MAY 14, 2013
CITY HALL - 500 CASTRO STREET
5:30 P.M. – CLOSED SESSION

5:30 P.M. – CLOSED SESSION (HELD IN THE PLAZA CONFERENCE ROOM)

1. CLOSED SESSION ANNOUNCEMENT (OPEN SESSION)

At 5:30 p.m., an announcement was made by Counsel Quinn, who described the item that the Board would consider on the Closed Session agenda below.

2. CLOSED SESSION

President Inks called the meeting to order at 5:31 p.m.

All Board members were present.

2.1 Conference with Legal Counsel – Anticipated Litigation – Initiation of litigation pursuant to Paragraph (4) of Subdivision (d) of Section 54956.9: (One potential case)

The Closed Session concluded at 6:15 p.m.

5. ORAL COMMUNICATIONS FROM THE PUBLIC ON NONAGENDIZED ITEMS

President Inks opened the floor for Oral Communications, and seeing no one wishing to speak, closed the public comment period.

10. **CLOSED SESSION REPORT** – None.

11. **ADJOURNMENT**

The Board adjourned at 10:06 p.m.

ATTEST:

APPROVED:

LORRIE BREWER, MMC
SECRETARY

JOHN M. INKS
PRESIDENT

WW/7/CLK/429-05-14-13mn



SUCCESSOR AGENCY TO THE MOUNTAIN
VIEW REVITALIZATION AUTHORITY

MINUTES

SPECIAL MEETING OF THE BOARD OF DIRECTORS
TUESDAY, JUNE 11, 2013
CITY HALL - 500 CASTRO STREET
5:30 P.M. – CLOSED SESSION
6:30 P.M. – REGULAR SESSION

THIS SPECIAL MEETING WAS ALSO TELECONFERENCED PURSUANT TO GOVERNMENT CODE SECTION 54953(b) WITH VICE PRESIDENT CHRIS CLARK PARTICIPATING IN THE MEETING FROM SOLDIERS FIELD PARK, ROOM NO. 12A, 1 WESTERN AVENUE, CAMBRIDGE, MASSACHUSETTS, 02163. THE TELECONFERENCE LOCATION IS ACCESSIBLE TO THE PUBLIC AND AN AGENDA FOR THE MEETING WAS POSTED AT THAT LOCATION PURSUANT TO GOVERNMENT CODE SECTION 54953(b)(3).

5:30 P.M. – CLOSED SESSION (HELD IN THE PLAZA CONFERENCE ROOM)

1. CLOSED SESSION ANNOUNCEMENT (OPEN SESSION)

At 5:30 p.m., an announcement was made by Counsel Quinn, who described the item that the Board would consider on the Closed Session agenda below.

2. CLOSED SESSION

President Inks called the meeting to order at 5:33 p.m.

Board members Abe-Koga, Bryant, Kasperzak, McAlister, Vice President Clark (via teleconference), and President Inks were present.

Board member Siegel was absent.

2.1 Initiation of Litigation Pursuant to Government Code §54956.9(d)(4) – One potential case

The Closed Session concluded at 5:56 p.m.

6:30 P.M. – REGULAR SESSION (HELD IN THE COUNCIL CHAMBERS)

1. CALL TO ORDER/PLEDGE OF ALLEGIANCE

President Inks called the meeting to order at 6:30 p.m. and led the Pledge of Allegiance.

2. ROLL CALL—Board members Abe-Koga, Bryant, Kasperzak, McAlister, Vice President Clark (via teleconference), and President Inks were present.

Board member Siegel was absent.

5. ORAL COMMUNICATIONS FROM THE PUBLIC ON NONAGENDIZED ITEMS

Don Letcher presented the Board with a copy of the *San Francisco Chronicle* March 29, 2013 article entitled “Government can stop wasting money on Information Technology,” and he expressed concerns with spending money on technology and hiring an Information Technology Director.

Jim Neal spoke in support of the City joining other local government representatives who are fighting the Association of Bay Area Governments quotas for housing. Mr. Neal also expressed concerns with the plastic bag ban.

Mark Honer expressed concerns with crime in his neighborhood and suggested that the Board consider adopting an ordinance similar to the City of Los Altos’ solicitor’s ordinance.

Michael Siladi expressed concerns that a swimming pool was not built as part of the Cuesta Park project in 1962, as promised during the election campaign for the bond funding of the project.

Barbara Goodwin expressed concerns with the possible loss of Rose’s Market. Ms. Goodwin also requested information that the City may have with respect to complaints filed regarding unruly dogs.

6. PUBLIC HEARINGS

6.2 PUBLIC HEARING FOR THE FISCAL YEAR 2013-14 PROPOSED BUDGET

President Inks opened the public hearing at 9:07 p.m.

Community Manager Rich presented an oral staff report and he, Treasurer Kong, Community Services Director de la Montaigne, and Library Services Director Macek, responded to the Board's questions.

SPEAKING FROM THE FLOOR EXPRESSING CONCERNS AND/OR WITH RECOMMENDATIONS:

- Steven Nelson
- Randall Stock. Mr. Stock also responded to the Board's questions.
- Don Letcher

President Inks closed the public hearing at 9:42 p.m.

Motion—M/S Kasperzak/Bryant—Carried 6-0-1; Board member Siegel absent—To continue the meeting to consider the remaining items on the agenda.

9. CLOSED SESSION REPORT

Counsel Quinn reported that at the Closed Session held at 5:30 p.m., direction to initiate an action was given, and that action, the defendants, and the other particulars shall, once formally commenced, be disclosed to any person upon inquiry.

10. ADJOURNMENT

The Board adjourned at 10:54 p.m.

ATTEST:

APPROVED:

LORRIE BREWER, MMC
SECRETARY

JOHN M. INKS
PRESIDENT

WW/5/CLK
429-06-11-13mn-1



SUCCESSOR AGENCY TO THE MOUNTAIN
VIEW REVITALIZATION AUTHORITY

MINUTES

SPECIAL MEETING OF THE BOARD OF DIRECTORS
TUESDAY, JUNE 18, 2013
COUNCIL CHAMBERS AT CITY HALL - 500 CASTRO STREET
6:30 P.M.

THIS SPECIAL MEETING WAS ALSO TELECONFERENCED PURSUANT TO GOVERNMENT CODE SECTION 54953(b) WITH VICE PRESIDENT CHRIS CLARK PARTICIPATING IN THE MEETING FROM SOLDIERS FIELD PARK, ROOM NO. 12A, 1 WESTERN AVENUE, CAMBRIDGE, MASSACHUSETTS, 02163. THE TELECONFERENCE LOCATION WAS ACCESSIBLE TO THE PUBLIC AND AN AGENDA FOR THE MEETING WAS POSTED AT THAT LOCATION PURSUANT TO GOVERNMENT CODE SECTION 54953(b)(3).

1. **CALL TO ORDER**

President Inks called the meeting to order at 6:31 p.m.

2. **PLEDGE OF ALLEGIANCE**

President Inks led the Pledge of Allegiance.

3. **ROLL CALL**—Board members Abe-Koga, Bryant, Kasperzak, McAlister, Siegel, Vice President Clark (available by teleconference), and President Inks were present.

5. **ORAL COMMUNICATIONS FROM THE PUBLIC ON NONAGENDIZED ITEMS**

Don Letcher expressed concerns with the State's recent legislative actions regarding the Public Records Act and Brown Act, as well as the City's action minutes policy.

6. PUBLIC HEARING

6.3 ADOPTION OF FISCAL YEAR 2013-14 BUDGETS, APPROPRIATIONS LIMIT, AND FEE MODIFICATIONS

President Inks opened the Public Hearing at 7:31 p.m.

Executive Director Rich presented an oral staff report and he, and Finance and Administrative Services Director Kong, responded to the Board's questions.

SPEAKING FROM THE FLOOR EXPRESSING CONCERNS AND/OR WITH RECOMMENDATIONS:

Don Letcher
Jim Neal

President Inks closed the Public Hearing at 7:43 p.m.

Motion – M/S Kasperzak/Bryant – Carried 7-0 – To: 5. Adopt the Fiscal Year 2013-14 Successor Agency to the Mountain View Revitalization Authority (SARA) budget.

The Board recessed at 7:48 p.m., and reconvened at 7:57 p.m.

10. ADJOURNMENT

The Board adjourned at 11:27 p.m.

ATTEST:

APPROVED:

LORRIE BREWER, MMC
SECRETARY

JOHN M. INKS
PRESIDENT

WW/7/CLK
429-06-18-13mn-1



SHORELINE REGIONAL
PARK COMMUNITY

MINUTES

SPECIAL MEETING OF THE BOARD OF DIRECTORS
TUESDAY, SEPTEMBER 3, 2013
CITY HALL - 500 CASTRO STREET
6:30 P.M. – REGULAR SESSION
CLOSED SESSION IMMEDIATELY FOLLOWING THE REGULAR SESSION

6:30 P.M. – REGULAR SESSION (HELD IN THE COUNCIL CHAMBERS)

1. CALL TO ORDER/PLEDGE OF ALLEGIANCE

President Inks called the meeting to order at 6:30 p.m. and led the Pledge of Allegiance.

2. **ROLL CALL** – Board members Abe-Koga, Bryant, Kasperzak, McAlister, Siegel, Vice President Clark, and President Inks were present.

4. CONSENT CALENDAR

Board member Bryant pulled Item 4.1.

4.1 APPROVAL OF MINUTES

Counsel Quinn responded to the Board's questions.

SPEAKING FROM THE FLOOR EXPRESSING CONCERNS:

Don Letcher

Motion – M/S Bryant/Kasperzak – Carried 7-0 – To approve minutes for the:

- (3) Mountain View Shoreline Regional Park Community Special Meeting of June 18, 2013; and
- (4) Mountain View Shoreline Regional Park Community Special Meeting of June 25, 2013.

5. **ORAL COMMUNICATIONS FROM THE PUBLIC ON NONAGENDIZED ITEMS**

Linda Storey expressed concerns, from the perspective of a visually impaired citizen, with the proposed development project at El Camino Real and Castro Street, and she also made recommendations.

Linda Curtis expressed concerns with the proposed development project at El Camino Real and Castro Street, and she also provided recommendations.

Larry Voytilla expressed concerns with the proposed development project at El Camino Real and Castro Street.

Patrick Moore expressed concerns with pedestrian and bicycle safety in the community, and presented recommendations with regard to Shoreline Boulevard. Mr. Moore also stated that he is a member of the newly formed group, Safe Mountain View, and he invited Council's participation with the group.

Denise Pinto expressed concerns with the proposed development project at El Camino Real and Castro Street, and with pedestrian and bicycle safety in the community.

Teresita Biggerstaff expressed concerns with the proposed development project at El Camino Real and Castro Street.

Don Letcher expressed concerns with the deterioration of the quality of life in the City, loss of small businesses, higher housing and utility costs, traffic, and increases to the City's budget.

Josh Wolf presented information regarding the Mayors Against Illegal Guns Coalition and requested that Mayor Inks join the coalition.

Monique Kane spoke in support of the Mayors Against Illegal Guns Coalition and requested that Mayor Inks join the coalition.

John Fox spoke in support of the Mayor joining the Mayors Against Illegal Guns Coalition, and he also expressed concerns with the proposed development project at the corner of El Camino Real and Castro Street.

Jim Neal expressed concerns with the proposed development project at the corner of El Camino Real and Castro Street, and the negative impact that Google has on the restaurant business in the North Bayshore Area.

Sula Bloore spoke in support of the proposed development project at the corner of El Camino Real and Castro Street.

Karim Hyder expressed concerns with the proposed development project at the corner of El Camino Real and Castro Street.

8. CLOSED SESSION (HELD IN THE PLAZA CONFERENCE ROOM)

8.1 CLOSED SESSION ANNOUNCEMENT (OPEN SESSION)

At 7:37 p.m., an announcement was made by Counsel Quinn, who described the item that the Board would consider on the Closed Session agenda below.

President Inks called the meeting to order at 7:43 p.m.

Board members Bryant, Kasperzak, McAlister, Siegel, Vice President Clark, and President Inks were present.

Board member Abe-Koga was absent.

8.2 Initiation of Litigation Pursuant to Government Code §54956.9(d)(4) – One potential case

8.3 Conference with Legal Counsel – Anticipated Litigation – Significant Exposure to Litigation Pursuant to Government Code §54956.9(d)(2) – One potential case

9. CLOSED SESSION REPORT

Counsel Quinn reported that direction to initiate an action has been given and that action, the defendants, and the other particulars shall, once formally commenced, be disclosed to any person upon inquiry.

10. **ADJOURNMENT**

The Board adjourned at 8:17 p.m.

ATTEST:

APPROVED:

LORRIE BREWER, MMC
SECRETARY

JOHN M. INKS
PRESIDENT

WW/7/CLK
429-09-03-13mn



**SUCCESSOR AGENCY TO THE MOUNTAIN
VIEW REVITALIZATION AUTHORITY**

MINUTES

SPECIAL MEETING OF THE BOARD OF DIRECTORS
TUESDAY, SEPTEMBER 3, 2013
CITY HALL - 500 CASTRO STREET
6:30 P.M. – REGULAR SESSION
CLOSED SESSION IMMEDIATELY FOLLOWING THE REGULAR SESSION

6:30 P.M. – REGULAR SESSION (HELD IN THE COUNCIL CHAMBERS)

1. CALL TO ORDER/PLEDGE OF ALLEGIANCE

President Inks called the meeting to order at 6:30 p.m. and led the Pledge of Allegiance.

- 2. ROLL CALL** – Board members Abe-Koga, Bryant, Kasperzak, McAlister, Siegel, Vice President Clark, and President Inks were present.

4. CONSENT CALENDAR

Board member Bryant pulled Item 4.1.

4.1 APPROVAL OF MINUTES

Counsel Quinn responded to the Board's questions.

SPEAKING FROM THE FLOOR EXPRESSING CONCERNS:

Don Letcher

Motion – M/S Bryant/Kasperzak – Carried 7-0 – To approve minutes for the:

- (5) Successor Agency to the Mountain View Revitalization Authority Special Meeting of June 5, 2012;
- (6) Successor Agency to the Mountain View Revitalization Authority Special Meeting of September 18, 2012; and
- (7) Successor Agency to the Mountain View Revitalization Authority Special Meeting of April 30, 2013.

5. **ORAL COMMUNICATIONS FROM THE PUBLIC ON NONAGENDIZED ITEMS**

Linda Storey expressed concerns, from the perspective of a visually impaired citizen, with the proposed development project at El Camino Real and Castro Street, and she also made recommendations.

Linda Curtis expressed concerns with the proposed development project at El Camino Real and Castro Street, and she also provided recommendations.

Larry Voytilla expressed concerns with the proposed development project at El Camino Real and Castro Street.

Patrick Moore expressed concerns with pedestrian and bicycle safety in the community, and presented recommendations with regard to Shoreline Boulevard. Mr. Moore also stated that he is a member of the newly formed group, Safe Mountain View, and he invited Council's participation with the group.

Denise Pinto expressed concerns with the proposed development project at El Camino Real and Castro Street, and with pedestrian and bicycle safety in the community.

Teresita Biggerstaff expressed concerns with the proposed development project at El Camino Real and Castro Street.

Don Letcher expressed concerns with the deterioration of the quality of life in the City, loss of small businesses, higher housing and utility costs, traffic, and increases to the City's budget.

Josh Wolf presented information regarding the Mayors Against Illegal Guns Coalition and requested that Mayor Inks join the coalition.

Monique Kane spoke in support of the Mayors Against Illegal Guns Coalition and requested that Mayor Inks join the coalition.

John Fox spoke in support of the Mayor joining the Mayors Against Illegal Guns Coalition, and he also expressed concerns with the proposed development project at the corner of El Camino Real and Castro Street.

Jim Neal expressed concerns with the proposed development project at the corner of El Camino Real and Castro Street, and the negative impact that Google has on the restaurant business in the North Bayshore Area.

Sula Bloore spoke in support of the proposed development project at the corner of El Camino Real and Castro Street.

Karim Hyder expressed concerns with the proposed development project at the corner of El Camino Real and Castro Street.

8. CLOSED SESSION (HELD IN THE PLAZA CONFERENCE ROOM)

8.1 CLOSED SESSION ANNOUNCEMENT (OPEN SESSION)

At 7:37 p.m., an announcement was made by Counsel Quinn, who described the item that the Board would consider on the Closed Session agenda below.

President Inks called the meeting to order at 7:43 p.m.

Board members Bryant, Kasperzak, McAlister, Siegel, Vice President Clark, and President Inks were present.

Board member Abe-Koga was absent.

8.2 Initiation of Litigation Pursuant to Government Code §54956.9(d)(4) – One potential case

9. CLOSED SESSION REPORT

Counsel Quinn reported that direction to initiate an action has been given and that action, the defendants, and the other particulars shall, once formally commenced, be disclosed to any person upon inquiry.

10. **ADJOURNMENT**

The Board adjourned at 8:17 p.m.

ATTEST:

APPROVED:

LORRIE BREWER, MMC
SECRETARY

JOHN M. INKS
PRESIDENT

WW/7/CLK
429-09-03-13mn-1



MINUTES

REGULAR MEETING - TUESDAY, SEPTEMBER 24, 2013
COUNCIL CHAMBERS AT CITY HALL - 500 CASTRO STREET
5:00 P.M. – STUDY SESSION

6:30 P.M. (OR IMMEDIATELY FOLLOWING THE STUDY SESSION) – REGULAR SESSION

5:00 P.M. – STUDY SESSION

1. CALL TO ORDER

Mayor Inks called the meeting to order at 5:02 p.m.

2. ROLL CALL – Councilmembers Abe-Koga, Bryant, Kasperzak, McAlister, Siegel, Vice Mayor Clark, and Mayor Inks were present.

3. STUDY SESSION

3.1 801 EL CAMINO REAL WEST

Senior Planner Williams presented an oral staff report and she, Acting Planning Manager/Zoning Administrator Gilli, City Attorney Quinn and City Manager Rich, responded to Council's questions.

SPEAKING FROM THE FLOOR IN SUPPORT OF THE PROJECT:

Daniel Deibel, Greystar. Mr. Deibel also responded to Council's questions.
Alex Seidel, Seidel Architects Principal
Chrisula Bloore
Lucas Ramirez, speaking for himself and on behalf of Larry Rosenberg
Debra McDonald
Mr. Rasti

SPEAKING FROM THE FLOOR IN OPPOSITION AND/OR EXPRESSING CONCERNS WITH THE PROJECT:

John V. D'Ambrosio
Linda Curtis
Phillip Ogaz. Mr. Ogaz presented petitions signed in opposition to the project and responded to Council's questions.
Jerry Ogaz
Linda Storey
Sandy Ogaz
Toni Rath
Sakae Motouji
Denise Pinto
Carrie Warren
Aileen Tamayo
Edgard Obando
Bill Cranston
Larry Voytilla
Jim Neal
Gloria Miller
Louise Katz
Reay Dick
Unidentified man

The Study Session concluded at 7:30 p.m.

6:30 P.M. (IMMEDIATELY FOLLOWING THE STUDY SESSION) – REGULAR SESSION

1. CALL TO ORDER/PLEDGE OF ALLEGIANCE

Mayor Inks called the meeting to order at 7:47 p.m. and led the Pledge of Allegiance.

2. ROLL CALL – Councilmembers Abe-Koga, Bryant, Kasperzak, McAlister, Siegel, Vice Mayor Clark, and Mayor Inks were present.

3. **PRESENTATION**

3.1 Mayor Inks presented a Teen-Friendly Business Certificate to the House of Bagels. GameStop and Starbucks Coffee Company were also awarded certificates but were unable to attend the meeting.

4. **CONSENT CALENDAR**

The reading of the full text of the ordinance and resolution on the agenda was waived by unanimous consent of the Council.

Councilmembers McAlister and Siegel requested that Item 4.2 be removed from the Consent Calendar.

Councilmember McAlister also requested that Item 4.5 be removed from the Consent Calendar.

Motion - M/S Kasperzak/Siegel - Carried 7-0 - To approve the remaining items on the Consent Calendar.

4.1 **APPROVAL OF MINUTES** – Approve minutes for the:

(1) City Council Regular Meeting of September 10, 2013.

4.2 **ORDINANCE TO AMEND CHAPTER 35, ARTICLES I, II, AND III, OF THE CITY CODE (SECOND READING)** – Adopt AN ORDINANCE AMENDING ARTICLES I, II, AND III OF CHAPTER 35 OF THE MOUNTAIN VIEW CITY CODE RELATING TO WATER, SEWAGE, AND OTHER MUNICIPAL SERVICES. (First reading: 4-2 with 1 absent)

Public Works Director Fuller presented an oral staff report and he, and City Attorney Quinn, responded to Council’s questions.

SPEAKING FROM THE FLOOR EXPRESSING CONCERNS:

Don Letcher

Motion - M/S Siegel/Clark - Carried 6-1; Councilmember McAlister no - To adopt **Ordinance No. 10.13**, AN ORDINANCE AMENDING ARTICLES I, II, AND III OF CHAPTER 35 OF THE MOUNTAIN VIEW CITY CODE RELATING TO WATER, SEWAGE, AND OTHER MUNICIPAL SERVICES. (First reading: 4-2 with 1 absent).

- 4.3 **Resolution No. 17800 – FINAL MAP APPROVAL, TRACT NO. 10175, 115 EVANDALE AVENUE** – Adopt A RESOLUTION APPROVING THE FINAL MAP OF TRACT NO. 10175, ACCEPTING DEDICATIONS, AND MAKING FINDINGS AS REQUIRED BY THE CITY CODE, to be read in title only, further reading waived (Attachment 1 to the Council report).
- 4.4 **STREETLIGHT UPGRADES, PROJECT 12-31 – APPROVE PLANS AND SPECIFICATIONS/AUTHORIZE BIDS**
1. Approve plans and specifications for Streetlight Upgrades, Project 12-31, and authorize staff to advertise the project for bids.
 2. Authorize the City Manager or his designee to award the construction contract to the lowest responsible bidder if the bid is within the project budget.
- 4.5 **2012-13 WATER AND SEWER MAIN REPLACEMENT, PROJECTS 13-21 AND 13-22 – AUTHORIZE DESIGN SERVICES CONTRACT** – Authorize the City Manager to execute a standard design services contract with NV5 Engineers of San Jose in a not-to-exceed amount of \$220,000 to provide civil engineering services to design and prepare construction documents for the 2012-13 Miscellaneous Water and Sewer Main Replacement, Projects 13-21 and 13-22.
- Motion** – M/S Siegel/Clark – Carried 6-1; Councilmember McAlister no – To Authorize the City Manager to execute a standard design services contract with NV5 Engineers of San Jose in a not-to-exceed amount of \$220,000 to provide civil engineering services to design and prepare construction documents for the 2012-13 Miscellaneous Water and Sewer Main Replacement, Projects 13-21 and 13-22.
- 4.6 **ACCEPTANCE OF AUDITORS’ REPORTS OF LESSEE COMPLIANCE WITH CITY’S LESSEES** – Accept and file the special agreed-upon procedure reports (Attachments 1 and 2 to the Council report) for Michaels at Shoreline and Silicon Shores Corporation, City lessees of City-owned properties, pertaining to the year ended December 31, 2012, including staff comments.

4.7 SIERRA VISTA APARTMENTS LOAN AMENDMENTS

1. Approve the proposed amendments to the 1999 and 2007 CDBG loan agreements between Charities Housing and the City of Mountain View affecting Sierra Vista Apartments; and
 2. Authorize the City Manager to execute the Assignment and Assumption of Agreement and the Amendment and Modification of Loan Documents between the City and Sierra Vista I/Charities Housing Corporation.
5. **ORAL COMMUNICATIONS FROM THE PUBLIC ON NONAGENDIZED ITEMS**

Don Letcher expressed concerns that any consideration of new sources of revenue would come at the expense of Mountain View residents and urged Council not to consider taking these measures. Mr. Letcher also expressed concerns with allocating funds for surveys, consultants and additional layers of bureaucracy. Mr. Letcher also requested that Council not micromanage development projects and let staff manage the process.

Linda Curtis presented ideas for solving traffic issues at El Camino Real and Castro Street.

Linda Storey spoke in support of the previous speaker's comments.

An unidentifiable woman expressed concerns with the proposed location of the garbage enclosures at the potential development project at El Camino Real and Castro Street.

Joshua Barouse, representing California State Senator Hill, presented information regarding recent State legislative actions.

Mahmoud Ascarie posed questions regarding the City's sewage infrastructure adequacy analysis, and the role of government in the community.

Larry Voytilla expressed appreciation to Council for the recent sewage infrastructure update. Mr. Voytilla also expressed concerns with the safety of school children on Castro Street and presented potential traffic solutions.

Jim Neal expressed concerns with funding of the proposed high speed rail project.

6. **PUBLIC HEARINGS** – None.

7. **NEW BUSINESS**

7.1 **PROPOSED USE OF PROPERTY AT 771 NORTH RENGSTORFF AVENUE**

Community Services Director de la Montaigne presented an oral staff report and he, and City Manager Rich, responded to Council's questions.

SPEAKING FROM THE FLOOR WITH RECOMMENDATIONS:

Don Letcher
Mary Kay Marinovich
Leslie Grimm
Lucas Ramirez
Kavita Dave Coombe
Olivia Wu
Diane Solomon
Judy Levy
Kristin Clark Verutti
Bill Cranston, representing Monta Loma Neighborhood Association

Motion - M/S Siegel/Bryant - Carried 6-1; Mayor Inks no - To develop the land as 100% passive park, with free play area for children, incorporate the Immigrant House on site, install benches and walkways, preserve as much growth as possible and plant more trees.

7.2 **BELOW-MARKET-RATE UNIT AT 1939 ROCK STREET**

Administrative and Neighborhood Services Manager Lauzze presented an oral staff report and she, and Real Property Program Administrator Drennan, responded to Council's questions.

SPEAKING FROM THE FLOOR EXPRESSING CONCERNS:

Don Letcher

SPEAKING FROM THE FLOOR IN SUPPORT OF STAFF'S RECOMMENDATION:

Melanie Standley
Susan Custer

Motion – M/S Clark/Abe-Koga – Carried 4-3; Councilmembers McAlister, Seigel, Mayor Inks no – To sell the below-market-rate (BMR) condominium at 1939 Rock Street, Unit 8, giving the first purchase option to the current tenant and if they did not qualify then offer the unit to qualified buyers for a sales price of \$230,300

7.3 **SHORELINE ATHLETIC FIELDS, PROJECT 11-33 – CONSIDER CEQA, APPROVE HERITAGE TREE REMOVAL, AUTHORIZE ADVERTISING FOR RESPONSIBLE BIDDERS**

Public Works Director Fuller presented an oral staff report and he, and Senior Project Manager Rodriguez, responded to Council's questions.

Motion – M/S Siegel/Abe-Koga – Carried 7-0 - To: 1. Approve the removal of and mitigation for 13 Heritage trees; and 2. Authorize advertising for determination of responsible bidders as the first phase of the bidding process.

8. **COUNCIL, STAFF/COMMITTEE REPORTS**

Councilmember Kasperzak presented information on Councilmembers Abe-Koga, McAlister and Siegel, Vice Mayor Clark, Mayor Inks and his attendance at the League of California Cities Conference in Sacramento last week.

Mayor Inks reported on his attendance at the Community Health Awareness Council Ribbon Cutting and the Leadership Mountain View Welcoming Breakfast on Friday, the Cuesta Park Neighborhood Association Picnic on Saturday, and the New Employee Orientation Breakfast held today. Mayor Inks also presented information on the award won by the Public Works Department from the American Society of Civil Engineers Awards for the Stevens Creek Trail Bridge Project.

9. **CLOSED SESSION REPORT** – None.

10. **ADJOURNMENT**

At 10:32 p.m., Mayor Inks adjourned the meeting to the next Regular Council Meeting to be held on Tuesday, October 8, 2013, at 5:00 p.m. in the Council Chambers, 500 Castro Street.

10A. Resolutions and Ordinances enacted at this meeting are on file in the Office of the City Clerk.

ATTEST:

APPROVED:

LORRIE BREWER, MMC
CITY CLERK

JOHN M. INKS
MAYOR

MINUTES

REGULAR MEETING - TUESDAY, OCTOBER 8, 2013
COUNCIL CHAMBERS AT CITY HALL - 500 CASTRO STREET
5:00 P.M. – STUDY SESSION
6:30 P.M. (IMMEDIATELY FOLLOWING THE STUDY SESSION) – REGULAR SESSION

5:00 P.M. – STUDY SESSION

1. CALL TO ORDER

Mayor Inks called the meeting to order at 5:00 p.m.

2. **ROLL CALL** – Councilmembers Abe-Koga (arrived at 5:13 p.m.), Bryant, Kasperzak, McAlister, Siegel, Vice Mayor Clark, and Mayor Inks were present.

3. STUDY SESSION

3.1 SAN ANTONIO PRECISE PLAN UPDATE

Mayor Inks recused himself from acting on this item and left the dais.

Vice Mayor Clark presided over the item.

Associate Planner Shapiro presented an oral staff report and she, and Principal Planner Alkire, responded to Council's questions.

SPEAKING FROM THE FLOOR WITH RECOMMENDATIONS AND/OR EXPRESSING CONCERNS:

Lucas Ramirez
Aldona Majorek
Don Bahl
Paul Edwards
Wendee Crofoot
John Miller, Community School of Music and Arts Boardmember

The Study Session concluded at 6:22 p.m.

6:30 P.M. (IMMEDIATELY FOLLOWING THE STUDY SESSION) – REGULAR SESSION

1. CALL TO ORDER/PLEDGE OF ALLEGIANCE

Mayor Inks called the meeting to order at 6:41 p.m.

City of Mountain View Firefighters led the Pledge of Allegiance.

2. ROLL CALL – Councilmembers Abe-Koga, Bryant, Kasperzak, McAlister, Siegel, Vice Mayor Clark, and Mayor Inks were present.

3. PRESENTATION

3.1 Mountain View Firefighters Going “Passionately Pink for the Cure”

4. CONSENT CALENDAR

The reading of the full text of all ordinances and resolutions on the agenda was waived by unanimous consent of the Council.

Councilmember McAlister requested that Item 4.1 be removed from the Consent Calendar.

Motion – M/S Kasperzak/Abe-Koga – Carried 7-0 – To approve the remaining items on the Consent Calendar.

4.1 APPROVAL OF MINUTES – Approve minutes for the:

- (1) City Council Special Meeting of September 16, 2013; and
- (2) City Council Special Meeting of September 17, 2013.

Motion – M/S Kasperzak/Abe-Koga – Carried 6-1; Councilmember McAlister no – To approve the minutes for 1) City Council Special Meeting of September 16, 2013; and 2) City Council Special Meeting of September 17, 2013.

4.2 Resolution No. 17801 – MOUNTAIN VIEW LOS ALTOS HIGH SCHOOL DISTRICT – SANITARY SEWER SERVICES AGREEMENT – Adopt A RESOLUTION AUTHORIZING THE CITY MANAGER OR HIS DESIGNEE TO EXECUTE AN AGREEMENT WITH THE MOUNTAIN VIEW LOS ALTOS HIGH SCHOOL DISTRICT TO PROVIDE SANITARY SEWER SERVICES TO LOS ALTOS HIGH SCHOOL, to be read in title only, further reading waived (Attachment 1 to the Council report).

4.3 **GREATER OPPORTUNITIES LOAN REPAYMENT OPTIONS** – Authorize Greater Opportunities loan repayment based on an appraised property value of \$600,000 and extend the existing use restriction to 2025 for recordation on title of the property.

4.4 **SHORELINE BOULEVARD STORM DRAIN IMPROVEMENTS, PROJECT 10-40 – REJECT ALL BIDS**

1. Reject all bids for Shoreline Boulevard Storm Drain Improvements, Project 10-40, and authorize staff to readvertise the project for bids.
2. Authorize the City Manager to award the construction contract to the lowest responsible bidder if the low bid is within the project budget when rebid.

5. **ORAL COMMUNICATIONS FROM THE PUBLIC ON NONAGENDIZED ITEMS**

Don Letcher requested that the City Council and Successor Agency consider repayment of the Shoreline Regional Park Community 2002 Tax Allocation Bond funding.

City Attorney Quinn presented information regarding the Oversight Board's recommendations to the Successor Agency regarding the Shoreline Regional Park Community bonds and the Redevelopment Agency dissolution.

Lucas Ramirez spoke in support of Caltrain level boarding and high speed rail platform compatibility, as well as the proposed grade separation at Rengstorff, as referenced in the Valley Transit Authority's 2040 Strategic Plan.

Bena Chang, Silicon Valley Group Director of Housing and Transportation, presented information regarding the 9th Annual Silicon Valley Turkey Trot, and encouraged Council to sign up.

Kevin Zwick, Housing Trust Silicon Valley Executive Director, presented information regarding the 9th Annual Silicon Valley Turkey Trot, and expressed appreciation to Council for its past participation. Mr. Zwick also responded to Council's questions.

5. PUBLIC HEARINGS

6.1 AMEND CHAPTERS 8, 14, AND 24 OF THE CITY CODE AND ADOPT THE 2013 CALIFORNIA AND 2012 INTERNATIONAL CODES, INCORPORATING BY REFERENCE OTHER UNIFORM CODES

Mayor Inks opened the Public Hearing at 7:02 p.m.

Chief Building Official Ghiossi and Fire Marshal Wentker presented oral staff reports and they, and City Attorney Quinn, responded to Council's questions.

SPEAKING FROM THE FLOOR EXPRESSING CONCERNS:

 Josue Garcia, Northern California Fire Protection Compliance Group.
 Mr. Garcia also responded to Council's questions.

Mayor Inks closed the Public Hearing at 7:22 p.m.

Motion - M/S Clark/Siegel - Carried 6-1; Mayor Inks no - To: 1. Introduce AN ORDINANCE AMENDING CHAPTER 8, ARTICLES I, II, III, IV, AND V, OF THE MOUNTAIN VIEW CITY CODE, RELATING TO THE ADOPTION OF THE 2013 CALIFORNIA BUILDING CODES, INCORPORATING BY REFERENCE OTHER INTERNATIONAL AND UNIFORM CODES, AND ADOPTION OF THE 2012 INTERNATIONAL PROPERTY MAINTENANCE CODE (Attachment 1 to the Council report), to be read in title only, further reading waived, and set second reading for October 22, 2013; 2. Introduce AN ORDINANCE AMENDING CHAPTER 14, ARTICLES I, II, AND III, OF THE MOUNTAIN VIEW CITY CODE, RELATING TO THE ADOPTION OF THE 2012 INTERNATIONAL FIRE CODE, INCORPORATING BY REFERENCE THE AMENDMENTS ADOPTED BY THE STATE OF CALIFORNIA TO ESTABLISH THE 2013 CALIFORNIA FIRE CODE (Attachment 2 to the Council report), to be read in title only, further reading waived, and set second reading for October 22, 2013; 3. Introduce AN ORDINANCE AMENDING ARTICLES I AND II OF CHAPTER 24 OF THE MOUNTAIN VIEW CITY CODE, RELATING TO HAZARDOUS MATERIALS (Attachment 3 to the Council report), to be read in title only, further reading waived, and set second reading for October 22, 2013; and 4) Incorporate the findings included on pages 4 and 5 of the staff report.

6.2 PUBLIC HEARING ON ASSESSMENT FOR BUSINESS IMPROVEMENT DISTRICT (BID) NO. 2 AND ALLOCATION OF 2014 BID REVENUES

Mayor Inks opened the Public Hearing at 7:29 p.m.

Business Development Specialist Chew presented an oral staff report.

SPEAKING FROM THE FLOOR IN SUPPORT:

Julie Smiley, Central Business Association Executive Director

Mayor Inks closed the Public Hearing at 7:33 p.m.

Motion – M/S Abe-Koga/Kasperzak – Carried 7-0 – To: 1. Adopt **Resolution No. 17802** – A RESOLUTION LEVYING THE ANNUAL BENEFIT ASSESSMENTS FOR FISCAL YEAR 2014 FOR DOWNTOWN MOUNTAIN VIEW BUSINESS IMPROVEMENT DISTRICT (BID) NO. 2, to be read in title only, further reading waived (Attachment 1 to the Council report); and 2. Authorize the City Manager to execute a contract for services with the Central Business Association (CBA) for 2014 and authorize the allocation of 2014 revenues from BID No. 1 and BID No. 2 to the CBA.

7. UNFINISHED BUSINESS

7.1 PREVAILING WAGE FOR AFFORDABLE HOUSING DEVELOPMENTS

Project Manager Gil presented an oral staff report and she, City Attorney Quinn and City Manager Rich, responded to Council's questions.

SPEAKING FROM THE FLOOR IN SUPPORT OF THE RECOMMENDATION AND/OR EXPRESSING CONCERNS:

Craig Bright
Lucas Ramirez
Louise Auerhahn
Mercedes Salem
Neil Struthers, Santa Clara and San Benito Counties Building & Trades
Council Chief Executive Officer
Matt Savage
Dennis Raj, South Bay AFL-CIO Labor Council Political Director
Wendee Crofoot

**SPEAKING FROM THE FLOOR IN SUPPORT OF THE RECOMMENDATION
AND/OR EXPRESSING CONCERNS (cont.):**

Benjamin R. Marchand
Sally Lieber
Josue Garcia, Northern California Fire Protection Compliance Group
Sal Ventura, South Bay Labor Council
Cherie Cabral, California Construction Trades Labor Management Council
Mark Van Den Heuvel, Sheet Metal Workers Union
Rick Solis, Carpenters Union Local 405

SPEAKING FROM THE FLOOR EXPRESSING CONCERNS:

Scott Littlehale, representing Smart Cities Prevail
Don Bahl
Stephanie Munoz

Motion - M/S Bryant/Siegel - Carried 6-1; Mayor Inks no - To: 1. Adopt Resolution No. 17803, requiring prevailing wages for all future Affordable Housing Projects receiving City funding; and 2. Direct staff to bring back amendments to the Housing Impact Fee Ordinance to require the payment of State Prevailing Wages.

8. NEW BUSINESS

**8.1 PROPOSED MIGRATION TO CALPERS HEALTH PROGRAM FOR
SWORN EMPLOYEES**

Assistant City Manager Stevenson Dile, Firefighter-Paramedic Cooper and Finance and Administrative Services Director Kong presented oral staff reports and they, and City Manager Rich, responded to Council's questions.

Motion - M/S Siegel/Abe-Koga - Carried 7-0 - To accept the report on proposed migration to the California Public Employees Retirement System (CalPERS) Health Program for sworn employees and retirees of the City of Mountain View (City) and direct staff to execute side letter and prepare enabling resolutions for Council consideration.

9. **COUNCIL, STAFF/COMMITTEE REPORTS**

Councilmember Kasperzak reported on his trip with the Silicon Valley Leadership Group to Washington D.C. last week.

Councilmember Bryant inquired whether or not Council was interested in participating with the Midpeninsula Regional Open Space District Board of Director's Amicus Curiae regarding the Lehigh Plant appeal. City Attorney Quinn responded to Council's questions. No action was taken.

Councilmember McAlister reported on his attendance at the rave concert last week at the Shoreline Amphitheatre, where he had the opportunity to observe activities and law enforcement in action.

Mayor Inks reported on Dr. Bruce Chernof's presentation on Aging in the Community which was hosted by the Palo Alto Medical Foundation's Druker Center at the Computer History Museum on September 27th.

10. **CLOSED SESSION REPORT** - None.

11. **ADJOURNMENT**

At 9:14 p.m., Mayor Inks adjourned the meeting to the next Special Council Meeting to be held on Tuesday, October 15, 2013, at 6:00 p.m. in the Council Chambers, 500 Castro Street.

11A. Resolutions enacted at this meeting are on file in the Office of the City Clerk.

ATTEST:

APPROVED:

LORRIE BREWER, MMC
CITY CLERK

JOHN M. INKS
MAYOR



DATE: October 22, 2013

CATEGORY: Consent

DEPT.: Fire/Community Development

TITLE: **Amend Chapters 8, 14, and 24 of the City Code and Adopt the 2013 California and 2012 International Codes, Incorporating by Reference Other Uniform Codes (Second Reading)**

RECOMMENDATION

1. Adopt AN ORDINANCE AMENDING CHAPTER 8, ARTICLES I, II, III, IV, AND V, OF THE MOUNTAIN VIEW CITY CODE, RELATING TO THE ADOPTION OF THE 2013 CALIFORNIA BUILDING CODES, INCORPORATING BY REFERENCE OTHER INTERNATIONAL AND UNIFORM CODES, AND ADOPTION OF THE 2012 INTERNATIONAL PROPERTY MAINTENANCE CODE (Attachment 1 to the Council report). (First reading: 6-1; Inks no)
2. Adopt AN ORDINANCE AMENDING CHAPTER 14, ARTICLES I, II, AND III, OF THE MOUNTAIN VIEW CITY CODE, RELATING TO THE ADOPTION OF THE 2012 INTERNATIONAL FIRE CODE, INCORPORATING BY REFERENCE THE AMENDMENTS ADOPTED BY THE STATE OF CALIFORNIA TO ESTABLISH THE 2013 CALIFORNIA FIRE CODE (Attachment 2 to the Council report). (First reading: 6-1; Inks no)
3. Adopt AN ORDINANCE AMENDING CHAPTER 24, ARTICLES I AND II, OF THE MOUNTAIN VIEW CITY CODE, RELATING TO HAZARDOUS MATERIALS (Attachment 3 to the Council report). (First reading: 6-1; Inks no)

SUMMARY

On October 8, 2013, the City Council held the first reading of the revisions and amendments to the City Code; Chapter 8, Articles I, II, III, IV, and V; Chapter 14, Articles I, II, and III; and Chapter 24, Articles I and II. These revisions reflect the 2013 Triennial State Model Code adoption cycle and amendments tailored for local conditions. Staff recommends approval of second reading.

FISCAL IMPACT

The degree of fiscal impact to the City is expected to be minimal. Funding for code books and associated staff training is provided for in the Fiscal Year 2013-14 Building Inspection Division and Fire Department budgets.

PUBLIC NOTICING – Agenda posting.

Prepared by:

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AG-JW/5/CAM
808-10-22-13CR-E

- Attachments: 1. Ordinance, Chapter 8
2. Ordinance, Chapter 14
3. Ordinance, Chapter 24

ORDINANCE NO.

AN ORDINANCE AMENDING CHAPTER 8, ARTICLES I, II, III, IV, AND V, OF THE MOUNTAIN VIEW CITY CODE, RELATING TO THE ADOPTION OF THE 2013 CALIFORNIA BUILDING CODES, INCORPORATING BY REFERENCE OTHER INTERNATIONAL AND UNIFORM CODES, AND ADOPTION OF THE 2012 INTERNATIONAL PROPERTY MAINTENANCE CODE

THE CITY COUNCIL OF THE CITY OF MOUNTAIN VIEW DOES HEREBY ORDAIN AS FOLLOWS:

Section 1. A local entity such as the City of Mountain View must adopt the California Building Standard Code prior to January 1, 2014 if the local agency desires to maintain local control and to make amendments to the California Codes or other international and uniform codes in order to accommodate local requirements for local conditions; and

Section 2. The City of Mountain View has adopted and amended Chapter 1, Division II of the California Building Code to address administrative provisions; and

Section 3. Council Findings.

The City of Mountain View has local conditions which require amendments to the California Building Standard Code and other international and uniform codes; and

The City of Mountain View experiences low humidity and warm temperatures during the summer months, creating conditions which are particularly conducive to the ignition and spread of grass, brush, and structure fires. Additionally, the City of Mountain View is geographically located in the most severe seismic zone, Seismic Zone 4, and situated near active earthquake faults capable of producing substantial seismic activity. Since the City of Mountain View is divided by major freeways and other transportation corridors, the occurrence of a major earthquake would significantly impact the ability of Fire Department personnel to respond to emergencies should one or more overpasses be substantially damaged or collapse. Additionally, fire suppression capabilities could be severely limited should the water system be extensively damaged during a seismic event. Therefore, mitigation measures are necessary such as: automatic fire suppression systems, communications systems, access to buildings, seismic protection, safety controls for hazardous materials and other safeguards in an effort to minimize the risks to citizens, property, and fire suppression personnel; and

The City of Mountain View finds that amendments to CALGreen are necessary due to local environmental conditions due to climate change issues. The City Council approved community-wide Greenhouse Gas Reduction Targets which align with the provisions of California Assembly Bill 32 (Global Warming Solutions Act). The proposed amendments include provisions to administer and preserve natural resources, encourage the use of sustainable materials, manage waste, and reduce other direct and indirect causes of climate change; and

The City of Mountain View has made amendments and adopted the California Building Codes as Chapter 8, Articles I, II, III, and IV, to address climatic, topographic, geological, and environmental conditions; and

Section 4. The City of Mountain View, in adopting these codes, will be consistent with the State of California and other local municipalities;

Section 5. Article I, Divisions I, II, and III and Articles II, III, IV, and V of Chapter 8 of the Mountain View City Code are hereby deleted in their entirety.

Section 6. Article I, Division I, is hereby added to Chapter 8 of the Mountain View City Code, to read as follows:

**“ARTICLE I.
BUILDING CODE.**

DIVISION I. CALIFORNIA BUILDING CODE.

SEC. 8.10.1. California Building Code – Adopted.

The California Building Code, 2013 edition, incorporates, by adoption, the 2012 edition of the International Building Code of the International Code Council with California amendments. The 2012 International Building Code, promulgated by the International Code Council, which regulates the erection, construction, enlargement, alteration, repair, moving, removal, conversion, demolition, occupancy, equipment, use, height, area, and maintenance of buildings and other structures, is adopted, including the following appendices: Appendices I and J by this reference is made a part of this city code with the same force and effect as though set out herein in full. Division II, Part 1, Scope and Administration, is adopted as the City of Mountain View administrative provisions for all adopted building codes. One (1) copy of the California Building Code is on file and open to public inspection in the building inspection office.

SEC. 8.10.2. Subsection 101.1 amended – Title.

Subsection 101.1 of the 2013 California Building Code is amended to read:

101.1. Title. These regulations shall be known as the Building Codes of the City of Mountain View, hereinafter referred to as “this code.”

SEC. 8.10.3. Subsection 101.4.4 amended – Property maintenance.

Subsection 101.4.4 of the 2013 California Building Code is amended to read:

101.4.4. Property Maintenance. The provisions of the California Building Code, California Residential Code, California Mechanical Code, California Electrical Code, California Plumbing Code, California Fire Code, and 2012 International Property Maintenance Code shall apply to existing structures and premises; equipment and facilities; light, ventilation, space heating, sanitation, life and fire safety hazards; responsibilities of owners, operators, and occupants and occupancy of existing premises and structures.

SEC. 8.10.4. Subsection 103.1 amended – Division of building inspection established.

Subsection 103.1 of the California Building Code is amended to read as follows:

103.1. Division of building inspection established. There is hereby established in the City of Mountain View a division of building inspection which shall be under the supervision of the chief building official who shall be accountable to the community development director of the city.

SEC. 8.10.5. Subsection 104.1 amended – General.

Subsection 104.1 of the California Building Code is amended to read as follows:

104.1. General. The chief building official is hereby authorized and directed to enforce the provision of this code. The chief building official shall have the authority to render interpretations of this code and to adopt policies and procedure in order to clarify the application of its provisions. Such interpretations, policies and procedures shall be in compliance with the intent and purpose of this code. Such policies and procedures shall not have the effect of waiving requirements specifically provided for in this code.

(a) The chief building official is hereby authorized and empowered to enforce all the provisions of this code. For such purposes, he/she shall have the powers of a law enforcement officer.

(b) The chief building official shall enforce a fee schedule set forth by city council resolution, as amended from time to time.

SEC. 8.10.6. Subsection 105.1.1 deleted – Annual permit.

SEC. 8.10.7. Subsection 105.1.2 deleted – Annual permit records.

SEC. 8.10.8. Subsection 105.2 amended – Work exempt from permit.

Subsection 105.2 of the California Building Code is hereby amended to read as follows:

105.2. Building.

1. One-story detached accessory structures used as tool and storage sheds, playhouses and similar uses, provided the floor area does not exceed 120 square feet (11 m²).

2. Fences not over 6 feet (1,829 mm) high.

3. Oil derricks.

4. Retaining walls that are not over 4 feet (1,219 mm) in height measured from the bottom of the footing to the top of the wall, unless supporting a surcharge or impounding Class I, II or IIIA liquids.

5. Water tanks supported directly on grade if the capacity does not exceed 5,000 gallons (18,925 L) and the ratio of height to diameter or width does not exceed 2:1.

6. Sidewalks, residential decks and driveways no more than 30 inches (762 mm) above adjacent grade, and not over any basement or story below and are not part of an accessible route or required exit.

7. Painting, papering, tiling, carpeting, cabinets, countertops and similar finish work that is not an element of an accessible route or furnishing.

8. Temporary motion picture, television, and theater stage sets and scenery.

9. Prefabricated swimming pools accessory to a Group R-3 occupancy that are less than 24 inches (610 mm) deep, do not exceed 5,000 gallons (1,895 L) and are installed entirely above ground.

10. Shade cloth structures constructed for nursery or agricultural purposes, not including service systems.

11. Swings and other playground equipment accessory to single detached one- and two-family dwellings and not considered a public playground.

12. Window awnings supported by an exterior wall that do not project more than 54 inches (1,372 mm) from the exterior wall and do not require additional support of Group R-3 and U occupancies.

13. Nonfixed and movable fixtures, cases, racks, counters and partitions not over 5 feet 9 inches (1,753 mm) in height.

14. Window replacements in the same opening, when window opening is not modified and there is no framing construction required.

SEC. 8.10.9. Subsection 105.3.2 amended – Time limitation of application.

Subsection 105.3.2 of the California Building Code is amended to read as follows:

105.3.2. Time limitation of application. An application for a permit for any proposed work shall be deemed to have been abandoned one hundred eighty (180) days after the date of filing, unless such application has been pursued in good faith or a permit has been issued; except that the chief building official is authorized to grant one (1) or more extensions of time for additional periods not exceeding one hundred eighty (180) days each. The extension shall be requested in writing and justifiable cause demonstrated.

SEC. 8.10.10. Subsection 105.5 amended – Expiration.

Subsection 105.5 of the California Building Code is amended to read as follows:

105.5. Expiration. Every permit issued by the chief building official under the provisions of this code shall expire by limitation and become null and void if the building or work authorized by such permit is not commenced within one hundred eighty (180) days from the date of such permit or if the building or work authorized by such permit is suspended or abandoned at any time after the work is commenced for a period of one hundred eighty (180) days from the last inspection. Before such work can be recommenced, a new permit shall be first obtained to do so, and the fee therefor shall

be one-half (1/2) the amount required for a new permit for such work, provided no changes have been made or will be made in the original plans and specifications for such work; and provided further that such suspension or abandonment has not exceeded one (1) year from the issuance date of such permit or if the building or work authorized by such permit is suspended or abandoned at any time after the work is commenced for a period of one (1) year from the last inspection. The chief building official has the authority to waive or reduce said fees if deemed appropriate and maintaining cost recovery. In order to renew action on a permit after expiration, the permittee shall pay a new full permit fee.

Any permittee holding an unexpired permit may apply for an extension of the time within which work may commence under that permit when the permittee is unable to commence work within the time required by this section for good and satisfactory reasons. The chief building official may extend at no charge the time for action by the permittee for a period not exceeding one hundred eighty (180) days on written request by the permittee showing that circumstances beyond the control of the permittee have prevented action from being taken.

SEC. 8.10.11. Subsection 105.8 added—Required approval of community development director.

Subsection 105.8 is added to the California Building Code, to read as follows:

105.8. Required approval of community development director. As to any application for a building permit regarding any proposed or existing building or structure situated, or to be situated, on any lot, which lot is subject to a previously granted variance, site plan, and architectural approval, conditional use permit, planned community permit or any other type of entitlement set forth in Chapter 36 of the Mountain View City Code, the chief building official shall not be required to issue any such building permit unless the community development director, or the director's authorized representative, has informed the chief building official that the conditions of approval of such variance, site plan, and architectural approval, conditional use permit, planned community permit or other land use entitlement have been fulfilled, or that sufficient guarantees have or will be posted with the director to ensure that all such conditions of approval will be fulfilled.

SEC. 8.10.12. Subsection 109.2 amended—Schedule of permit fees.

Subsection 109.2 of the California Building Code is amended to read as follows:

109.2. Schedule of permit fees. On buildings, structures, electrical, gas, mechanical and plumbing systems or alterations requiring a permit, a fee for each

permit shall be paid as required, in accordance with the master fee schedule as adopted by the city council.

SEC. 8.10.13. Subsection 109.3 amended – Building permit valuations.

Subsection 109.3 of the California Building Code is amended to read as follows:

109.3. Building permit valuations. The applicant for a permit shall provide an estimated permit value at time of application. Permit valuations shall include total value of work, including materials and labor, for which the permit is being issued, such as electrical, gas, mechanical, plumbing equipment and permanent systems. If, in the opinion of the chief building official, the valuation is underestimated on the application, the valuation shall be adjusted using the current building valuation data table adopted by the city council. Final minimum building permit valuation shall be set by the chief building official.

SEC. 8.10.14. Subsection 109.5 amended – Related fees.

Subsection 109.5 of the California Building Code is amended to read as follows:

109.5. Related fees. The payment of the fee for the construction, alteration, removal or demolition for work done in connection to or concurrently with the work authorized by a building permit shall not relieve the applicant or holder of the permit from the payment of other fees that are prescribed by law and the City of Mountain View.

SEC. 8.10.15. Section 111.2 amended – Certificate issued.

Subsection 111.2 of the California Building Code is amended to read as follows:

111.2. Certificate issued. After the chief building official inspects the building or structure and finds no violations of the provisions of this code, City of Mountain View conditions and ordinances, or other laws that are enforced by the building inspection division, the chief building official shall issue a certificate of occupancy. The project job card issued by the City of Mountain View shall serve as the certificate of occupancy when properly signed.

SEC. 8.10.16. Subsection 112.1 – Amended – Connection of utility service.

Subsection 112.1 of the California Building Code is amended to read as follows:

112.1. Connection of utility service. It shall be unlawful for any person, firm or corporation to make a connection from a source of electrical energy or fuel gas to any

electric wiring system, gas piping system, device, appliance or equipment for the installation of which a permit is required, unless such wiring system, gas piping system, device, appliance or equipment has first been inspected and found to comply with all applicable codes and ordinances of the city.

SEC. 8.10.17. Subsection 112.3 amended – Authority to disconnect service utilities.

Subsection 112.3 of the California Building Code is amended to read as follows:

112.3. Authority to disconnect service utilities. The chief building official is authorized to disconnect, or order disconnection of, electrical or gas service to any system, device, appliance, or equipment found to be in violation of this code or under any of the following conditions:

1. Failure of the owner or his/her agent to secure or to fully comply with the conditions of the required permits.
2. Work found to be hazardous to life and property due to improper installation or maintenance or lack thereof of devices, appliances or equipment.
3. Work performed with or without a permit which has been connected to a source of supply without approval of the chief building official.
4. Electrical or gas services to buildings vacant for a period exceeding sixty (60) days.

SEC. 8.10.18. Subsection 113.1 amended – Board of appeals.

Subsection 113.1 of the California Building Code is amended to read as follows:

113.1. General procedure for appeals. Any applicant for a building permit who is in disagreement with the chief building official's interpretation of any provision of this code, or any applicant for a building permit who has been refused issuance of such permit, may appeal the chief building official's interpretation or refusal to issue said permit to the city council of the city. All such appeals shall be filed within ten (10) working days after the date the chief building official renders an interpretation of any provision of this code or refuses to issue said permit. All appeals shall be in writing, shall be filed with the city clerk, shall state the ground or grounds of appeal and shall be accompanied by a nonrefundable fee of two hundred fifty dollars (\$250). Within sixty (60) calendar days after an appeal is filed, or as soon thereafter as possible, the appeal shall be heard by the city council. The city clerk shall give at least five (5) days prior written notice to the applicant of the date, time, and place for the hearing on said appeal. The city council shall not be required to give public notice of said hearing. The

applicant shall be entitled to present any oral and/or written evidence at said hearing. Any hearing held pursuant to this section may be continued from time to time by the city council. Within twenty-one (21) days after the hearing is closed, the council shall announce its decision. All decisions of the city council on any appeal shall be final. Any action to challenge, annul or contest the validity of any decision of the city council on any such appeal shall be filed no later than sixty (60) calendar days after the date the city council has adopted a resolution formalizing its decision on the appeal.

SEC. 8.10.19. Subsection 114.1 amended – Unlawful acts.

Subsection 114.1 of the California Building Code is amended to read as follows:

114.1. Unlawful acts.

It shall be unlawful for any person, firm or corporation to erect, construct, enlarge, alter, repair, move, improve, remove, convert or demolish, equip, use, occupy or maintain any building or structure in the city, or cause or permit the same to be done, contrary to or in violation of any of the provisions of this code.

Any person, firm or corporation violating any of the provisions of this code shall be deemed guilty of a misdemeanor, and each such person shall be deemed guilty of a separate offense for each and every day or portion thereof during which any violation of any of the provisions of this code is committed, continued or permitted, and upon conviction of any such violation such person shall be punishable as set forth in the city charter.

SEC. 8.10.20. Section [F] 501.2 amended – Address identification.

Section [F] 501.2 of the California Building Code is amended to read as follows:

[F] 501.2. Address identification. New and existing buildings shall be provided with approved address numbers or letters. Each character shall be not less than 6 inches (152.4 mm) in height and not less than 0.5 inch (12.7 mm) in width. They shall be installed on a contrasting background and be plainly visible from the street or road fronting the property. When required by the fire code official, address numbers shall be provided in additional approved locations to facilitate emergency response. Where access is by means of a private road and the building address cannot be viewed from the public way, a monument, pole, or other approved sign or means shall be used to identify the structure. Address numbers shall be maintained.

Exception: For R-3 occupancies, numbers shall be a minimum 4 inches high with minimum stroke width of 0.5 inch.

SEC. 8.10.21. Subsection 706.1.1 amended – Party walls.

Subsection 706.1.1 of the California Building Code is amended to read as follows:

706.1.1. Party walls. Any wall located on a lot line between adjacent buildings which is used or adopted for joint service between the two buildings shall be constructed as a fire wall in accordance with Section 705. Party walls shall create separate buildings. In occupancy group R-3, the construction separation at the lot line shall be with two (2) separate one (1) hour-rated fire walls complying with Section 705.

SEC. 8.10.22. Section 903.2 amended – Automatic sprinkler systems, where required.

Section 903.2 of the California Fire Code is amended to read as follows:

903.2. Where required. Approved automatic sprinkler systems in new buildings and structures, and in existing modified buildings and structures, shall be provided in the locations described in this section. Automatic fire sprinklers shall be installed per the requirements set forth in Sections 903.2.1 through 903.2.19 and as follows, whichever is the more restrictive:

1. An automatic sprinkler system shall be installed throughout all new buildings and structures.

Exceptions:

a. Buildings and structures that do not exceed 1,000 square feet of building area in the following Groups: A, B, E, F, I, L, M, S and U occupancies. Exception does not apply to habitable accessory structures constructed on residential properties, regardless of area or occupancy classification.

b. Group S-2 or U occupancies used exclusively for vehicle parking and meeting all of the following conditions:

- (1) Noncombustible construction;
- (2) Maximum building area not to exceed 5,000 square feet;
- (3) Structure is open on three (3) or more sides;
- (4) Minimum of 10 feet separation from existing buildings unless area is separated by fire walls complying with California Building Code Section 706.

2. In determining whether an automatic fire sprinkler system is required, the following criteria shall be used:

(a) Determine the Building Area as defined by the California Building Code.

Exception: Eave projections 24 inches or less shall not be counted.

(b) Multiply the Building Area as determined herein by the number of stories. A full basement shall be counted as a story and the floor area of mezzanine(s) shall be added to the Building Area of the story in which they are located.

(c) For the purposes of determining whether automatic fire sprinklers are required in a building, the installation fire walls will not be considered to create separate buildings.

3. Any change in the character of occupancy or in the use of any building with a Building Area at or over 3,600 square feet which, in the opinion of the fire chief or chief building official, would place the building into a more hazardous division of the same occupancy group or into a different group of occupancies and constitutes a greater degree of life safety, or increased fire risk, shall require the installation of an approved automatic fire sprinkler system.

(a) For purposes of this section, life safety includes, but is not limited to, increased occupant load, public assembly areas, public meeting areas, churches, indoor amusement attractions, buildings with complex exiting system due to increased occupant loads, large schools/day-care facilities, large residential care facilities with nonambulatory clients.

(b) For purposes of this section, fire risks include, but is not limited to, high piled combustible storage, woodworking operations, hazardous operations using hazardous materials, increased fuel loads (storage of moderate to highly combustible materials), increased sources of ignition (welding, automotive repair with the use of flammable liquids and open flame).

4. For existing nonsprinklered buildings, an approved automatic sprinkler system shall be required when additions meet one of the following criteria:

(a) Additions equal to or greater than 100 percent of the existing square footage.

(b) Additions that increase the total building area to over 4,100 square feet.

SEC. 8.10.23. Subsection 903.3.1 amended – Standards.

Subsection 903.3.1 of the California Building Code is amended to read as follows:

903.3.1. Standards. Sprinkler systems shall be designed and installed in accordance with Section 903.3.1.1, unless otherwise permitted by 903.3.1.2 and 903.3.1.3. Sprinkler systems shall also be designed and installed in accordance with the City of Mountain View “Commercial Automatic Fire Sprinklers Requirements” and “Residential Automatic Fire Sprinklers Requirements.”

SEC. 8.10.24. Subsection 905.3 amended – Standpipe systems.

Subsection 905.3 of the California Building Code is amended to read as follows:

905.3. Required installations. Standpipe systems shall be installed where required by Subsections 905.3.1 through 905.3.11.1 and in the locations indicated in Subsections 905.4, 905.5, and 905.6. Standpipe systems are required to be combined with automatic sprinkler systems.

Exception: Standpipe systems are not required in Group R-3 Occupancies.

SEC. 8.10.25. Section 905.3.1 amended – Height.

Section 905.3.1 of the California Fire Code is amended to read as follows:

905.3.1. Height. Class III standpipe systems shall be installed throughout buildings where the floor level of the highest story is located more than twenty (20) feet above the lowest level of the fire department vehicle access, or where the floor level of the lowest story is located more than twenty (20) feet below the highest level of fire department vehicular access.

Exceptions:

1. Class I wet standpipes are allowed in buildings equipped throughout with an automatic sprinkler system in accordance with Section 903.3.1.1 or 903.3.1.2.
2. Class I wet standpipes are allowed in open parking garages where the highest floor is located not more than 150 feet above the lowest level of fire department vehicle access.
3. Class I manual dry standpipes are allowed in open parking garages that are subject to freezing temperatures, provided the hose connections are located as required for Class II standpipes in accordance with Section 905.5.

4. Class I wet standpipes are allowed in basements equipped throughout with an automatic sprinkler system.

5. In determining the lowest level of fire department vehicular access, it shall not be required to consider:

5.1 Recessed loading docks for four (4) vehicles or less; and

5.2 Conditions where topography makes access from the fire department vehicle to the building impractical or impossible.

SEC. 8.10.26. Subsection 905.3.5 amended – Underground buildings.

Subsection 905.3.5 of the California Building Code is amended to read as follows:

905.3.5. Underground Buildings and Parking Structures. Underground buildings and parking structures shall be equipped throughout with a Class I automatic wet standpipe system.

SEC. 8.10.27. Section 905.4 amended – Location of Class I Standpipe Hose Connections.

Section 905.4 of the International Fire Code is amended to read as follows:

905.4 Location of Class I Standpipe Hose Connections. Class I standpipe hose connections shall be provided in all of the following locations:

1. In every required stairway, a hose connection shall be provided for each floor level above or below grade. Hose connections shall be located at an intermediate floor level landing between floors, unless otherwise approved by the fire code official.

2. On each side of the wall adjacent to the exit opening of a horizontal exit.

Exception: Where floor areas adjacent to a horizontal exit are reachable from exit stairway hose connections by a 30-foot hose stream from a nozzle attached to 100 feet of hose, a hose connection shall not be required at the entrance from the exit passageway to other areas of the building.

3. In every exit passageway, at the entrance from the exit passageway to other areas of the building.

Exception: Where the floor areas adjacent to an exit passageway are reachable from exit stairway hose connections by a 30-foot hose stream from a nozzle attached to 100 feet of hose, a hose connection shall not be required at the entrance from the exit passageway to other areas of the building.

4. In covered mall buildings, adjacent to each exterior public entrance to the mall and adjacent to each entrance from an exit passageway or exit corridor to the mall. In open mall buildings, adjacent to each public entrance to the mall at the perimeter line and adjacent to each entrance from an exit passageway or exit corridor to the mall.

5. Where the roof has a slope less than four (4) units vertical in twelve (12) units horizontal, a hose connection shall be located to serve the roof or at the highest landing of a stairway with stair access to the roof provided in accordance with Section 1009.16.

6. Where the most remote portion of a sprinklered or nonsprinklered floor or story is more than 150 feet from a hose connection, additional Class I standpipe hose connections shall be provided within 150 feet of all areas. The distance from a hose connection shall be measured along the path of travel.

SEC. 8.10.28. Subsection [F] 907.6 amended – Installation.

Section [F] 907.6 of the California Building Code is amended to read as follows:

[F] 907.6 – Installation. A fire alarm system shall be installed in accordance with 907.6.1 through 907.6.5.2, National Fire Protection Agency (NFPA) 72 and the City of Mountain View “Fire Alarm and Sprinkler Monitoring System Requirements.”

SEC. 8.10.29. Section 1008.1.9.11 amended – Stairway doors.

Section 1008.1.9.11 of the California Fire Code is amended, to read as follows:

1008.1.9.11. Stairway doors. Interior stairway means of egress doors shall be openable from both sides without the use of a key or special knowledge or effort.

Exceptions:

1. Stairway discharge doors shall be openable from the egress side and shall only be locked from the opposite side.

2. This section shall not apply to doors arranged in accordance with Section 403.5.3 of the International Building Code.

3. In stairways serving not more than six (6) stories, in buildings not otherwise classified as a high-rise building in accordance with California Building Code, doors are permitted to be locked from the side opposite the egress side, provided they are openable from the egress side and capable of being unlocked simultaneously without unlatching upon a signal from the fire command center, if present, or a signal by emergency personnel from a single location inside the main entrance to the building.

4. Stairway exit doors shall be openable from the egress side and shall only be locked from the opposite side in Group B, F, M and S occupancies where the only interior access to the tenant space is from a single exit stair where permitted in Section 1021.2.

5. Stairway exit doors shall be openable from the egress side and shall only be locked from the opposite side in Group R-2 occupancies where the only interior access to the dwelling unit is from a single exit stair where permitted in Section 1021.2.

SEC. 8.10.30. Subsection 1705.3, Exception 1 amended – Concreted construction.

Section 1705.3, Exception 1 of the California Building Code is amended to read as follows:

1705.3 Concrete construction. The special inspections and verifications for concrete construction shall be as required by this section and Table 1705.3.

Exception: Special inspections shall not be required for:

1. Isolated spread concrete footings of buildings three (3) stories or less above grade plane that are fully supported on earth or rock, where the structural design of the footing is based on a specified compressive strength, f'_c , no greater than 2,500 pounds per square inch (psi) (17.2 Mpa).

SEC. 8.10.31. Subsection 1905.1.8 amended – ACI 318, Section 22.10.

Subsection 1905.1.8 of the California Building Code is amended to read as follows:

1905.1.8. ACI 318, Section 22.10.

22.10. Plain concrete in structures assigned to Seismic Design Category C, D, E or F.

22.10.1. Structures assigned to Seismic Design Category C, D, E or F shall not have elements of structural plain concrete, except as follows:

a. Isolated footings of plain concrete supporting pedestals or columns are permitted, provided the projection of the footing beyond the face of the supported member does not exceed the footing thickness.

Exception: In detached one- and two-family dwelling three (3) stories or less in height, the projection of the footing beyond the face of the supported member is permitted to exceed the footing thickness.

b. Plain concrete footing supporting walls are permitted, provided the footings have at least two (2) continuous longitudinal reinforcing bars. Bars shall not be smaller than No. 4 and shall have a total area of not less than 0.002 times the gross cross-sectional area of the footing. A minimum of one (1) bar shall be provided at the top and bottom of the footing. Continuity of reinforcement shall be provided at corners and intersections.

Exception: In detached one- and two-family dwellings three (3) stories or less in height and constructed with stud bearing walls, plain concrete footings with at least two (2) continuous longitudinal reinforcing bars not smaller than No. 4 are permitted to have a total area of less than 0.002 times the gross cross-sectional area of the footing.

SEC. 8.10.32. Subsection 2308.9.3 amended – Conventional construction provisions – Bracing.

Section 2308.9.3 of the California Building Code is amended to read as follows:

2308.9.3. Bracing. Braced wall lines shall consist of braced wall panels that meet the requirements for location, type and amount of bracing as shown in Figure 2308.9.3, specified in Table 2308.9.3(1), and are in line or offset from each other by not more than 4 feet (1,219 mm). Braced wall panels shall start not more than 12-1/2 feet (3,810 mm) from each end of a braced wall line. Braced wall panels shall be clearly indicated on the plans. Construction of braced wall panels shall be by one of the following methods:

1. Deleted.
2. Deleted.
3. Wood structural panel sheathing with a thickness not less than 5/16 inch (7.9 mm) for 16-inch (406 mm) stud spacing and not less than 3/8 inch (9.5 mm) for 24-inch (610 mm) stud spacing in accordance with Tables 23-II-A-1 and 23-IV-D-1.

4. Fiberboard sheathing 4-foot by 8-foot (1,219 mm by 2,438 mm) panels not less than 1/2 inch (13 mm) thick applied vertically on studs spaced not over 16 inches (406 mm) on center when installed in accordance with Section 2315.6 and Table 23-II-J.

5. Deleted.

6. Deleted.

7. Portland cement plaster on studs 16 inches (406 mm) on center installed in accordance with Table 25-I. These standards can only be used in one-story structures of R3 and U1 occupancies.

8. Hardboard panel siding where installed in accordance with Section 2303.1.6 and Table 2308.9.3(5).

For cripple wall bracing, see Section 2308.9.4.1. For Methods 3, 4, 7 and 8, each panel must be at least 48 inches (1,219 mm) in length, covering three (3) stud spaces where studs are spaced 16 inches (406 mm) apart and covering two (2) stud spaces where studs are spaced 24 inches (610 mm) apart.

SEC. 8.10.33. Section 2505 deleted – Shear wall construction.

Section 2505 is deleted from the California Building Code, entitled Shear Wall Construction.

SEC. 8.10.34. Subsection 3310.1 amended – Means of egress.

Subsection 3310.1 of the California Building Code is amended to read as follows:

3310.1. Stairways Required. Each level above the first story in new multi-story buildings that require two (2) exit stairways shall be provided with at least two (2) usable exit stairways after the floor decking is installed. The stairways shall be continuous and discharge to grade level. Exit stairs in new and in existing, occupied buildings shall be lighted and maintained clear of debris and construction materials at all times.

Exception: For multi-story buildings, one of the required exit stairs may be obstructed on not more than two (2) contiguous floor levels for the purpose of stairway construction (i.e., installation of gypsum board, painting, flooring, etc.).”

Section 7. Article I, Division II, is hereby added to Chapter 8 of the Mountain View City Code, to read as follows:

“DIVISION II. CALIFORNIA RESIDENTIAL CODE.

SEC. 8.15.1. California Residential Code adopted – Short title.

The California Residential Code, 2013 edition, incorporates, by adoption, the 2012 edition of the International Residential Code of the International Code Council with California amendments. The 2012 International Residential Code, promulgated by the International Code Council, which regulates the erection, construction, enlargement, alteration, repair, moving, removal, conversion, demolition, occupancy, equipment, use, height, area, and maintenance of buildings and other structures is adopted, including the following appendices: Appendix Chapter H and Appendix Chapter G, and by this reference is made a part of this city code with the same force and effect as though set out herein in full. One (1) copy of the 2013 California Residential Code is on file and open to public inspection in the building inspection office.

SEC. 8.15.2. Chapter 1 deleted – Scope and administration.

Chapter 1, Division I and Division II, is deleted from the California Residential Code.

SEC. 8.15.3. Table R301.2(1) amended – Climatic and geographic design criteria.

Table R301.2(1) of the 2013 California Residential Code is amended to read as follows:

**TABLE R301.2(1)
CLIMATIC AND GEOGRAPHIC DESIGN CRITERIA**

GROUND SNOW LOAD	WIND DESIGN			SUBJECT TO DAMAGE FROM			WINTER DESIGN TEMP ^e	ICE BARRIER UNDERLAYMENT REQUIRED ^h	FLOOD HAZARDS ^g	AIR FREEZING INDEX ⁱ	MEAN ANNUAL TEMP ^j
	Speed ^d (mph)	Topographic Effects ^k	SEISMIC DESIGN CATEGORY ^f	Weathering ^a	Frost Line Depth ^b	Termite ^c					
0	85	NO	D ₂	Negligible	0			NO		0	55

SEC. 8.15.4. Subsection R313.1 added – Townhouse automatic sprinkler systems.

Subsection R313.1 of the California Residential Code is added, to read as follows:

R313.1. Townhouse automatic fire sprinkler systems. An automatic residential fire sprinkler system shall be installed in new townhouses.

Exception No. 1: For existing nonsprinklered townhouses, an approved automatic residential fire sprinkler system shall be required when additions meet one of the following criteria:

- a. Additions equal to or greater than 100 percent of the existing square footage.
- b. Additions that increase the total building area to over 4,100 square feet.

Exception No. 2: An automatic residential fire sprinkler system shall not be required for alterations made to existing townhouses that do not have an automatic residential fire sprinkler system installed.

Exception No. 3: Group S-2 or U occupancies used exclusively for vehicle parking and meeting all of the following conditions:

1. Noncombustible construction;
2. Maximum building area not to exceed 5,000 square feet;
3. Structure is open on three (3) or more sides;
4. Minimum of 10 feet separation from existing buildings unless area is separated by fire walls complying with California Building Code Section 706.

SEC. 8.15.5. Subsection R313.2 added – One- and two-family dwellings automatic sprinkler systems.

Subsection R313.2 of the California Residential Code is added, to read as follows:

R313.2. One- and two-family dwelling automatic fire sprinkler systems. An automatic residential fire sprinkler system shall be installed in new one- and two-family dwellings.

Exception No. 1: For existing nonsprinklered one- and two-family dwellings, an approved automatic residential fire sprinkler system shall be required when additions meet one of the following criteria:

- a. Additions equal to or greater than 100 percent of the existing square footage.
- b. Additions that increase the total building area to over 4,100 square feet.

Exception No. 2: An automatic residential fire sprinkler system shall not be required for alterations made to existing one- and two-family dwellings that do not have an automatic residential fire sprinkler system installed.

Exception No. 3: Group S-2 or U occupancies used exclusively for vehicle parking and meeting all of the following conditions:

1. Noncombustible construction;
2. Maximum building area not to exceed 5,000 square feet;
3. Structure is open on three (3) or more sides;
4. Minimum of 10 feet separation from existing buildings unless area is separated by fire walls complying with California Building Code Section 706.

SEC. 8.15.6. Subsection R403.1.3 amended – Seismic reinforcing.

Subsection R403.1.3, Seismic Reinforcing, is amended to read as follows:

R403.1.3. Seismic reinforcing.

Concrete footings located in Seismic Design Categories D_0 , D_1 and D_2 , as established in Table R301.2(1), shall have minimum reinforcement of at least two (2) continuous longitudinal reinforcing bars not smaller than No. 4 bars. Bottom reinforcement shall be located a minimum of 3 inches (76 mm) clear from the bottom of the footing.

In Seismic Design Categories D_0 , D_1 and D_2 where a construction joint is created between a concrete footing and a stem wall, a minimum of one (1) No. 4 bar shall be installed at not more than 4 feet (1,219 mm) on center. The vertical bar shall extend to 3 inches (76 mm) clear of the bottom of the footing, have a standard hook, and extend a minimum of 14 inches (357 mm) into the stem wall.

In Seismic Design Categories D_0 , D_1 and D_2 where a grouted masonry stem wall is supported on a concrete footing and stem wall, a minimum of one (1) No. 4 bar shall be installed at not more than 4 feet (1,219 mm) on center. The vertical bar shall extend to 3 inches (76 mm) clear of the bottom of the footing and have a standard hook.

In Seismic Design Categories D_0 , D_1 and D_2 , masonry stem walls without solid grout and vertical reinforcing are not permitted.

Exception: In detached one- and two-family dwellings which are three (3) stories or less in height and constructed with stud bearing walls, isolated plain concrete footings, supporting columns or pedestals are permitted.

SEC. 8.15.7. Table R602.10.3(3) amended – Bracing requirements based on seismic design category.

Table R602.10.3(3) of the California Residential Code is amended to read as follows:

Add footnote “e” notation to Table heading as follows:

TABLE R602.10.1.2(2)^{a, b, c, d, e}

Add footnote “e” wording to the end of Table R602.10.3.3, to read as follows:

^e In Seismic Design Categories D₀, D₁ and D₂, Method GB is not permitted and the use of Method PCP is limited to one-story, single-family dwellings and accessory structures.

SEC. 8.15.8. Subsection R602.10.4.4 added – Limits on Methods GB and PCP.

Subsection R602.10.4.4 is added to the California Residential Code, to read as follows:

R602.10.4.4. Limits on Methods GB and PCP. In Seismic Design Categories D₀, D₁ and D₂, Method GB is not permitted for use as intermittent braced wall panels, but gypsum board is permitted to be installed when required by this section to be placed on the opposite side of the studs from other types of braced wall panel sheathing. In Seismic Design Categories D₀, D₁ and D₂, the use of Method PCP is limited to one-story, single-family dwellings and accessory structures.”

Section 8. Article I, Division III, is hereby added to Chapter 8 of the Mountain View City Code, to read as follows:

“DIVISION III. GREEN BUILDING CODE.

SEC. 8.20.1. California Green Building Standards Code – Adopted.

The California Green Building Standards Code, 2013 edition, which regulates the design and construction of buildings through the use of building concepts having a reduced negative impact or positive environmental impact and encouraging sustainable construction for all new construction. One (1) copy of the California Green Building

Standards Code, including the Mountain View amendments, is on file and open to public inspection in the building inspection office.

SEC. 8.20.2. Subsection 101.1 – Amended – Title.

Subsection 101.1 of the 2013 California Green Building Standards Code is amended to read as follows:

101.1 Title. These regulations shall be known as the Mountain View Green Building Code and may be cited as such and will be referred to herein as “this code.” The Mountain View Green Building Code is an amendment to Parts 11 of 12 of the official compilation and publication of the adoption, amendment and repeal of building regulations to the California Code of Regulations, Title 24, also referred to as the California Building Standards Code.

SEC. 8.20.3. Subsection 101.3 – Amended.

Subsection 101.3 of the 2013 California Green Building Standards Code is amended to read as follows:

101.3 Scope. The provisions of this code shall apply to the planning, design, operation, construction, use and occupancy of every privately owned, newly constructed building, addition or tenant improvement as regulated in this code throughout the City of Mountain View.

It is not the intent that this code substitute or be identified as meeting the certification requirements of any private, third-party green building program.

SEC. 8.20.4. Subsection 101.3.2 – Added.

Subsection 101.3.2 is added to the 2013 California Green Building Standards Code to read as follows:

101.3.2 Exempted projects. Projects that are exempted from complying with the Mountain View Green Building Code are:

1. Accessory structures;
2. Registered or eligible to be registered local, state or federal historic structures;
3. Natural disaster repairs;
4. Temporary structures;

5. Residential interior alterations (i.e., remodels) which do not increase the conditioned area, volume or size; and

6. Nonresidential tenant improvements with a construction valuation less than two hundred thousand dollars (\$200,000).

SEC. 8.20.5. Subsection 101.10 – Amended.

Subsection 101.10 of the 2013 California Green Building Standards Code is amended to read as follows:

101.10 Mandatory requirements. This code contains the minimum mandatory green building measures required by the City of Mountain View. All new structures in the City of Mountain View must comply with the mandatory measures of the 2013 California Green Building Standards Code as adopted by the state in addition to local amendments included in this code. This includes all residential new construction projects regardless of height or number of stories.

SEC. 8.20.6. Subsection 101.10.1 – Added.

Subsection 101.10.1 is added to the 2013 California Green Building Standards Code to read as follows:

101.10.1 Project types. Table 101.10, Mandatory Green Building Requirements, details the project types that are required to comply with this code.

SEC. 8.20.7. Subsection 101.10.1.1 – Added.

Subsection 101.10.1.1 is added to the 2013 California Green Building Standards Code to read as follows:

101.10.1.1 Residential projects. All residential projects (single-family and multi-family) regulated by this code must comply with Mountain View's green building requirements as listed below.

SEC. 8.20.8. Subsection 101.10.1.1.2 – Added.

Subsection 101.10.1.1.2 is added to the 2013 California Green Building Standards Code to read as follows:

101.10.1.1.2 Residential new construction—Less than five (5) units. All residential new construction less than five (5) units must comply with the following:

- a. The mandatory measures of the 2013 California Green Building Standards Code and any Mountain View amendments; and
- b. Demonstrate energy compliance to meet or exceed Title 24, Part 6.

SEC. 8.20.9. Subsection 101.10.1.1.3 – Added.

Subsection 101.10.1.1.3 is added to the 2013 California Green Building Standards Code to read as follows:

101.10.1.1.3 Residential new construction – Five (5) units or more. All residential new construction with five (5) units or more must comply with the following:

- a. The mandatory measures of the 2013 California Green Building Standards Code and any Mountain View amendments.
- b. Meet the intent of seventy (70) GreenPoint Rated points.
- c. Demonstrate energy compliance to meet or exceed Title 24, Part 6.

SEC. 8.20.10. Subsection 101.10.1.2 – Added.

Subsection 101.10.1.2 is added to the 2013 California Green Building Standards Code to read as follows:

101.10.1.2. Nonresidential projects. All nonresidential projects regulated by this code must comply with Mountain View’s green building requirements as listed below.

SEC. 8.20.11. Subsection 101.10.1.2.2 – Added.

Subsection 101.10.1.2.2 is added to the 2013 California Green Building Standards Code to read as follows:

101.10.1.2.2. Nonresidential new construction – Less than 5,000 square feet. All nonresidential new construction less than 5,000 square feet (gross) must comply with the following:

- a. Meet the mandatory measures of the California Green Building Standards Code and any Mountain View amendments; and
- b. Demonstrate energy compliance to meet or exceed Title 24, Part 6.

SEC. 8.20.12. Subsection 101.10.1.2.3 – Added.

Subsection 101.10.1.2.3 is added to the 2013 California Green Building Standards Code to read as follows:

101.10.1.2.3. Nonresidential new construction – 5,000 through 25,000 square feet. All nonresidential new construction of 5,000 through 25,000 square feet (gross) must comply with the following:

- a. Meet the mandatory measures of the California Green Building Standards Code and any Mountain View amendments;
- b. Meet the intent of LEED® certified; and
- c. Demonstrate energy compliance to meet or exceed Title 24, Part 6.

SEC. 8.20.13. Subsection 101.10.1.2.4 – Added.

Subsection 101.10.1.2.4 is added to the 2013 California Green Building Standards Code to read as follows:

101.10.1.2.4 Nonresidential new construction – Greater than 25,000 square feet. All nonresidential new construction greater than 25,000 square feet (gross) must comply with the following:

- a. Meet the mandatory measures of the California Green Building Standards Code and any Mountain View amendments;
- b. Meet the intent of LEED® Silver certified; and

- c. Demonstrate energy compliance to meet or exceed Title 24, Part 6.

SEC. 8.20.14. Subsection 101.10.1.3 – Added.

Subsection 101.10.1.3 is added to the 2013 California Green Building Standards Code to read as follows:

101.10.1.3 Mixed-use projects. All new mixed-use construction projects must comply with Mountain View's green building requirements and meet the requirements applicable to each primary occupancy component. See Table 101.10 for mixed-use project types that apply.

SEC. 8.20.15. Table 101.10 – Added.

Table 101.10 is added to the 2013 California Green Building Standards Code to read as follows:

Table 101.10 Mandatory Green Building Requirements

<u>Project Type</u>	<u>Energy Requirement</u>	<u>Green Building Standard and Requirement</u>
<u>New Construction</u>		
New Residential < 5 units	Title 24, Part 6	Mandatory CALGreen Requirements
New Residential > 5 units	Title 24, Part 6	Meet the intent of 70 GreenPoint Rated points and Mandatory CALGreen Requirements
<u>Additions and Alterations</u>		
Additions and Alterations	Title 24, Part 6	Mandatory CALGreen Requirements
<u>New Construction</u>		
New Residential < 5 units and New Nonresidential Use < 25,000 square feet	Title 24, Part 6 for Residential and Nonresidential	Residential and Nonresidential criteria as applicable to each component of the project.
New Residential > 5 units and New Nonresidential Use ≥ 25,000 square feet	Title 24, Part 6 for Residential and-Nonresidential	
<u>New Construction</u>		
New Nonresidential Buildings < 5,000 square feet	Title 24, Part 6	Mandatory CALGreen Requirements
New Nonresidential Buildings 5,000 to 25,000 square feet	Title 24, Part 6	Meet the intent of LEED® Certified and Mandatory CALGreen Requirements
New Nonresidential Buildings > 25,000 square feet	Title 24, Part 6	Meet the intent of LEED® Silver and Mandatory CALGreen Requirements
<u>Tenant Improvements</u>		
Building additions of 1,000 square feet or greater, and/or building alterations with a permit valuation of \$200,000 or above	Title 24, Part 6	Mandatory CALGreen Requirements

SEC. 8.20.16. Subsection 101.10.2 – Added.

Subsection 101.10.2 is added to the 2013 California Green Building Standards Code to read as follows:

101.10.2 Alternate green building standards. If an applicant proposes to use an alternate green building standard not included in this code, they must demonstrate that the alternate standard is, at minimum, equivalent to the referenced standard in terms of criteria, scope, and certification process. The chief building official must approve the alternate standard prior to issuing a building permit.

SEC. 8.20.17. Subsection 101.10.3 – Added.

Subsection 101.10.3 is added to the 2013 California Green Building Standards Code to read as follows:

101.10.3 Certification. The city does not require projects to be certified by a third-party green building organization unless certification is a condition of approval for a zoning permit. Applicants must demonstrate the project meets the intent of the required standard through documentation and verification consistent with the criteria and documentation process of the respective green building rating system. This includes meeting all mandatory prerequisites and minimum point totals of each category, if required by the rating system.

SEC. 8.20.18. Subsection 101.11 – Amended.

Subsection 101.11 of the 2013 California Green Building Standards Code is amended to read as follows:

101.11 Effective use of this code. The following steps shall be used to establish which provisions of this code are applicable to a specific occupancy:

1. Establish the type of occupancy.
2. Verify which state agency has authority for the established occupancy by reviewing the authorities list in Sections 103 through 106.
3. Once the appropriate agency has been identified, find the chapter which covers the established occupancy.
4. The Matrix Adoption Tables at the beginning of Chapters 4 and 5 identify the mandatory green building measures necessary to meet the minimum requirements of

this code for the established occupancy. Occupancies regulated by this code must also comply with the green building requirements included in Chapter 1.

5. Voluntary tier measures are contained in Appendix Chapters A4 and A5. A checklist containing each green building measure, both required and voluntary, is provided at the end of each appendix chapter. Each measure listed in the application checklist has a section number which correlates to a section where more information about the specific measure is available.

6. The application checklist identifies which measures are required by this code and allows users to check off which voluntary items have been selected to meet voluntary tier levels if desired or mandated by a city, county, or city and county.

SEC. 8.20.19. Subsection 102.1 – Amended.

Subsection 102.1 of the 2013 California Green Building Standards Code is amended to read as follows:

102.1 Submittal documents. Construction documents and other data shall be submitted in one (1) or more sets with each application for a permit. Where special conditions exist, the city is authorized to require additional construction documents to be prepared by the applicant or a licensed design professional, depending on the size of the project (see Section 102.4 for details) and may be submitted separately.

When submitting for building permits for a project regulated by this code, the applicant shall submit the following materials:

1. The appropriate completed green building checklist;
2. Project construction documentation (plans and specifications) that verifies incorporation of the design and construction-related credits;
3. A letter of acknowledgement from the applicant, licensed professional or qualified green building professional indicating the project has been designed to achieve the sustainability standards defined in this code and in accordance with the approved green building checklist. The letter shall indicate the number of points the project has been designed to achieve;
4. Any additional documentation such as maps, calculations or product information that would be required by U.S. Green Building Council's Green Building Certification Institute for LEED® certification or by Build It Green for GreenPoint Rated certification; and

5. Any additional information believed to be relevant by the city in determining that a good-faith effort has been made to comply with this code.

Exception: The enforcing agency is authorized to waive the submission of construction documents and other data not required to be prepared by a licensed design professional.

SEC. 8.20.20. Subsection 102.2 – Amended.

Subsection 102.2 of the 2013 California Green Building Standards Code is amended to read as follows:

102.2 Information on construction documents. Construction documents shall be of sufficient clarity to indicate the location, nature and scope of the proposed green building feature and show that it will conform to the provisions of this code, the California Building Standards Code and other relevant laws, ordinances, rules and regulations as determined by the city.

SEC. 8.20.21. Subsection 102.3 – Amended.

Subsection 102.3 of the 2013 California Green Building Standards Code is amended to read as follows:

102.3 Hardship or infeasibility exemption. If an applicant believes circumstances exist that make it a hardship or infeasible to meet the requirements of this code, the applicant may request an exemption. The applicant must still comply with the mandatory measures of the California Green Building Code and can only receive an exemption from the Mountain View amendments to the code. In applying for an exemption, the burden is on the applicant to show hardship or infeasibility. An exemption will only be granted in unusual circumstances where, due to exceptional characteristics of the structure or property involved, a literal enforcement of this code will result in practical difficulties or unnecessary hardships, provided that no such exception will be contrary to the intent of this code.

SEC. 8.20.22. Subsection 102.3.1 – Added.

Subsection 102.3.1 is added to the 2013 California Green Building Standards Code to read as follows:

102.3.1 Proof of hardship or infeasibility. The applicant shall submit a letter indicating the maximum threshold of compliance that is feasible for the project and the circumstances that create a hardship or make it infeasible to comply fully with this code.

SEC. 8.20.23. Subsection 102.3.2 – Added.

Subsection 102.3.2 is added to the 2013 California Green Building Standards Code to read as follows:

102.3.2 Approval or denial of exemption. The chief building official will determine if it is infeasible for the project to comply fully with this code and approve an alternative requirement. This alternative requirement can be the amount of green building measures required. For all approved exemptions, the project must continue to comply with the minimum requirements of the 2013 Building Energy Efficiency Standards (Title 24, Part 6) and the mandatory measures of the 2013 California Green Building Standards Code. The applicant will be notified of the final decision by the chief building official.

SEC. 8.20.24. Subsection 102.4 – Added.

Subsection 102.4 is added to the 2013 California Green Building Standards Code to read as follows:

102.4 Verification. Documentation of conformance for applicable green building measures shall be provided to the city. Alternate methods of documentation shall be acceptable when the city finds that the proposed alternate documentation is satisfactory to demonstrate substantial conformance with the intent of the proposed green building measure.

SEC. 8.20.25. Subsection 102.4.1 – Added.

Subsection 102.4.1 is added to the 2013 California Green Building Standards Code to read as follows:

102.4.1 Self-verification. The burden of proving compliance with this code is on the applicant. The verification professional must provide evidence of adequate green building compliance or documentation to the building division to satisfy the requirements of this code.

SEC. 8.20.26. Subsection 102.4.1.1 – Added.

Subsection 102.4.1.1 is added to the 2013 California Green Building Standards Code to read as follows:

102.4.1.1 Verification professional. The applicant or industry professional filing on behalf of the applicant must be the individual who verifies the project complies with the requirements of this code.

1. For residential additions and nonresidential tenant improvements regulated by this code, this individual can be a licensed industry professional, an authorized tenant or the property owner.

2. For all nonresidential and residential new construction projects regulated by this code, this individual must be a qualified green building professional with an industry license, such as an architect or contractor, or a professional with similar qualifications acceptable to the chief building official.

SEC. 8.20.27. Subsection 102.4.2 – Added.

Subsection 102.4.2 is added to the 2013 California Green Building Standards Code to read as follows:

102.4.2 Noncompliance. If, as a result of any inspection, the city determines the project does not or is unlikely to comply with the approved plans or green building program, a stop work order shall be issued if the inspector determines that continuation of construction activities will lessen the project’s ability to meet the required compliance threshold. The stop work order shall remain in effect until the chief building official determines the project will be brought into compliance with the approved plans and/or verification documents.

SEC. 8.20.28. Section 202 – Amended.

Section 202 of the 2013 California Green Building Standards Code is amended to add the following definitions:

ADDITION. New construction square footage added to an existing structure.

ALTERNATE GREEN BUILDING STANDARD. A private, third-party green building rating system not explicitly referenced in this code that achieves green building goals through a comprehensive checklist of requirements. To use an alternate standard, the applicant must prove it is at least equivalent to the referenced green building standard.

APPLICANT. Any entity or any subsequent owner of the site that applies to the city for the applicable permits to undertake any project types regulated by this code.

AREA OF IMPROVEMENT. The area (in square feet) where interior building improvements are proposed. Such improvements can include, but are not limited to, painting, installing carpet or flooring, and replacing or upgrading mechanical, electrical, or plumbing systems.

CITY. City means the City of Mountain View.

ENFORCING AGENCY. The community development department in the City of Mountain View as specified by this code.

GREEN POINT RATED (GPR). Refers to a residential green building rating system developed by Build It Green. Projects can use any of the adopted GPR checklists that most appropriately apply to the project type proposed.

GREEN BUILDING CERTIFICATION INSTITUTE (GBCI™). Oversees and administers the building certifications and professional designations for the U.S. Green Building Council's LEED® Green Building Rating Systems™.

LEADERSHIP IN ENERGY AND ENVIRONMENTAL DESIGN (LEED®). Refers to a green building rating system developed by the U.S. Green Building Council for residential and nonresidential projects. Projects can use any of the adopted LEED® checklists that most appropriately apply to the project type proposed.

MEET THE INTENT. To demonstrate compliance with the green building requirements of LEED® or GPR without formally submitting documentation to the U.S. Green Building Council's Green Building Certification Institute or Build It Green for verification and certification. The applicant must follow the approaches and procedures in the guidebook or reference guides for respective rating systems and submit the required documentation and verification materials as outlined in Section 102 of this code to the community development department. This includes meeting all mandatory prerequisites and minimum point totals of each category, if required per the rating system.

MIXED-USE. The construction of a building or buildings that include both commercial and residential uses.

NONRESIDENTIAL BUILDING. Any building constructed or occupied for a use other than residential, which may include, but is not limited to, commercial or hotel uses.

PROJECT. Any proposed development that is regulated by this code.

QUALIFIED GREEN BUILDING PROFESSIONAL. A licensed professional, such as an architect or contractor, trained through the Green Building Certification Institute as a LEED AP® or through Build It Green as a certified green building professional, or similar qualifications if acceptable to the chief building official.

SELF-VERIFICATION. Verification by the applicant or a qualified green building professional that the project has met the standards as indicated for the project type set forth in this code.

SQUARE FEET (GROSS). The gross square footage of a structure includes all floor area enclosed within the walls of the structure (measured from the outside perimeter of the wall).

TENANT IMPROVEMENTS. Any owner or authorized agent who intends to enlarge, alter, or change the occupancy of a building or structure, or to erect, enlarge, alter, or convert any electrical, gas, mechanical, or plumbing system, the installation of which is regulated by the California Building Code, or to cause any such work to be done, shall obtain the required permit and must comply with the requirements included in this code.

ZONING PERMIT. Any discretionary permit approval from the planning division that includes conditions of approval.

SEC. 8.20.29. Subsection 303.1.1. – Amended.

Subsection 303.1.1 of the 2013 California Green Building Standards Code is amended to read as follows:

303.1.1 Tenant improvements. The provisions of this code shall apply to the applicable tenant or occupant improvements to a project.

SEC. 8.20.30. Subsection 4.106.2 – Amended.

Subsection 4.106.2 of the 2013 California Green Building Standards Code is amended to read as follows:

4.106.2 Stormwater drainage and retention during construction. Projects which disturb less than one (1) acre of soil and are not part of a larger common plan of development which in total disturbs one (1) acre or more, shall manage stormwater drainage during construction. In order to manage stormwater drainage during

construction, one or more of the following measures shall be implemented to prevent flooding of adjacent property, prevent erosion, and retain soil runoff on the site.

1. Retention basins of sufficient size shall be utilized to retain stormwater on the site.
2. Where stormwater is conveyed to a public drainage system, collection point, gutter or similar disposal method, water shall be filtered by use of a barrier system, wattle or other method approved by the enforcing agency.
3. Stormwater pollutant control measures must be installed at construction sites year round, in compliance with Section 35.32.10.1(T) of the Mountain View City Code. The stormwater pollutant control measures listed in the ordinance include erosion control, run-on and runoff control, sediment control, active treatment (as appropriate), good site management, and nonstormwater management through all phases of construction until the site is fully stabilized by landscaping or the installation of permanent erosion control measures.

SEC. 8.20.31. Subsection 4.304.1 – Amended.

Subsection 4.304.1 of the 2013 California Green Building Standards Code is amended to read as follows:

4.304.1 Compliance with local water-efficient landscape ordinance. Projects with landscape areas of one thousand (1,000) square feet or greater must comply with the City of Mountain View’s Water Conservation in Landscaping Regulations, pursuant to Chapter 36, Article XII-A, Division A36.32 of the city code. Projects with landscape areas of less than one thousand (1,000) square feet must comply with the requirements of Section 4.304.2 of this code.

1. Controllers shall be weather- or soil moisture-based controllers that automatically adjust irrigation in response to changes in plants’ needs as weather conditions change.
2. Weather- and soil moisture-based controllers without integral rain sensors or communication systems that account for local rainfall shall have a separate wired or wireless rain sensor which connects or communicates with the controller(s).

Note: More information regarding irrigation controller function and specifications is available from the irrigation association.

SEC. 8.20.32. Subsection 4.408.1 – Amended.

Subsection 4.408.1 of the 2013 California Green Building Standards Code is amended to read as follows:

4.408.1 Compliance with local construction and demolition debris diversion program. Projects adding or constructing five thousand (5,000) square feet or more of new floor area must comply with the City of Mountain View’s Construction and Demolition Debris Ordinance, pursuant to Chapter 16, Article III of the city code. Projects adding or constructing five thousand (5,000) square feet or less of new floor area, if subject to this code, must comply with the requirements of Section 4.408 of this code.

SEC. 8.20.33. Subsection 4.408.1.1 – Added.

Subsection 4.408.1.1 is added to the 2013 California Green Building Standards Code to read as follows:

4.408.1.1 Construction waste reduction of at least fifty (50) percent. Recycle and/or salvage for reuse a minimum of fifty (50) percent of the nonhazardous construction and demolition debris, or meet a local construction and demolition waste management ordinance, whichever is more stringent.

Exceptions:

1. Excavated soil and land-clearing debris.
2. Alternate waste reduction methods developed by working with local agencies if diversion or recycle facilities capable of compliance with this item do not exist or are not located reasonably close to the job site.

SEC. 8.20.34. Subsection 4.408.3 – Added.

Subsection 4.408.3 is added to the 2013 California Green Building Standards Code to read as follows:

4.408.3 Excavated soil and land clearing debris. One hundred (100) percent of trees, stumps, rocks, and associated vegetation and soils resulting primarily from land clearing shall be reused or recycled. For a phased project, such material may be stockpiled on-site until the storage site is developed.

SEC. 8.20.35. Subsection 4.410.2 – Added.

Subsection 4.410.2 is added to the 2013 California Green Building Standards Code to read as follows:

4.410.2 Recycling by occupants. Provide readily accessible areas that serve the entire building and are identified for the depositing, storage and collection of nonhazardous materials for recycling, including (at a minimum) paper, corrugated cardboard, glass, plastics and metals.

SEC. 8.20.36. Subsection 4.410.2.1 – Added.

Subsection 4.410.2.1 is added to the 2013 California Green Building Standards Code to read as follows:

4.410.2.1 Sample ordinance. Space allocation for recycling areas shall comply with Chapter 18, Part 3, Division 30 of the Public Resources Code. Chapter 18 is known as the California Solid Waste Reuse and Recycling Access Act of 1991 (Act).

SEC. 8.20.37. Subsection 4.503.1 – Amended.

Subsection 4.503.1 of the 2013 California Green Building Standards Code is amended to read as follows:

4.503.1 General. Any installed gas fireplace shall be a direct-vent, sealed-combustion type. Any installed wood stove or pellet stove shall comply with U.S. EPA Phase II emission limits where applicable. Wood stoves, pellet stoves and fireplaces shall also comply with applicable local ordinances. Mountain View City Code Chapter 8, Article 1, Division IV shall be referenced for wood-burning appliances.

SEC. 8.20.38. Subsection 4.504.2.4 – Amended.

Subsection 4.504.2.4 of the 2013 California Green Building Standards Code is amended to read as follows:

4.504.2.4 Verification. Verification of compliance with this section shall be provided at the request of the City of Mountain View. Documentation may include, but is not limited to, the following:

1. Manufacturer’s product specification.
2. Field verification of on-site product containers.

SEC. 8.20.39. Subsection 5.106.1 – Amended.

Subsection 5.106.1 of the 2013 California Green Building Standards Code is amended to read as follows:

5.106.1 Stormwater sediment and erosion control plan. For newly constructed projects of less than one (1) acre, develop and implement a stormwater sediment and erosion control plan that has been designed specific to its site. The stormwater sediment and erosion control plan shall be developed to provide equivalent protection to projects regulated by the state stormwater NPDES construction permit (greater than one (1) acre of disturbed land), and Section 35.32.10.1(T) in accordance with the Mountain View City Code. The stormwater pollutant control measures that shall be included in the plan are erosion control, run-on and runoff control, sediment control, advanced treatment (as appropriate), good site management and nonstormwater management through all phases of construction until it is fully stabilized by landscaping or the installation of permanent erosion control measures.

Note: No state permit is required, but construction best management practices (BMP) as approved by the City of Mountain View shall be followed. BMP include, but are not limited to, the following:

1. Erosion and sediment control BMP:
 - a. Scheduling construction activity;
 - b. Preservation of natural features, vegetation and soil;
 - c. Drainage swales or lined ditches to control stormwater flow;
 - d. Mulching or hydroseeding to stabilize soils;
 - e. Erosion control covers to protect slopes;
 - f. Protection of storm drain inlets (gravel bags or catch basin inserts);
 - g. Perimeter sediment control (perimeter silt fence, fiber rolls);
 - h. Sediment trap or sediment basin to retain sediment on-site;
 - i. Stabilized construction exits;
 - j. Wind erosion control.

2. Housekeeping BMP:
 - a. Material handling and waste management;
 - b. Building materials stockpile management;
 - c. Management of washout areas (concrete, paints, stucco, etc.);
 - d. Control of vehicle/equipment fueling to contractor's staging area;
 - e. Vehicle and equipment cleaning performed off-site;
 - f. Spill prevention and control.

SEC. 8.20.40. Subsection 5.302.1 – Amended.

Subsection 5.302.1 of the 2013 California Green Building Standards Code is amended to add the following definition:

NEW WATER SERVICE. A site that has not been connected to the city's water distribution system as determined by the public works department.

SEC. 8.20.41. Subsection 5.304.1 – Amended.

Subsection 5.304.1 of the 2013 California Green Building Standards Code is amended to read as follows:

5.304.1 Compliance with Local Water-Efficient Landscape Ordinance. Projects with landscape areas of one thousand (1,000) square feet or greater must comply with the city's Water Conservation in Landscaping Regulations, pursuant to Chapter 36, Article XII-A, Division A36.32 of the city code. Projects with landscape areas of less than one thousand (1,000) square feet must comply with the requirements of Section 5.304.

SEC. 8.20.42. Subsection 5.304.2 – Amended.

Subsection 5.304.2 of the 2013 California Green Building Standards Code is amended to read as follows:

5.304.2 Water budget. A water budget shall be developed for landscape irrigation use that conforms to the Local Water-Efficient Landscape Ordinance or to the California Department of Water Resources Model Water-Efficient Landscape Ordinance where no local ordinance is applicable.

SEC. 8.20.43. Subsection 5.304.3 – Amended.

Subsection 5.304.3 of the 2013 California Green Building Standards Code is amended to read as follows:

5.304.3 Outdoor potable water use. For new water service for landscaped areas between one thousand (1,000) square feet and five thousand (5,000) square feet (the level at which Water Code Section 535 applies), separate meters or submeters shall be installed for indoor and outdoor potable water use.

SEC. 8.20.44. Subsection 5.304.4 – Amended.

Subsection 5.304.4 of the 2013 California Green Building Standards Code is amended to read as follows:

5.304.4 Irrigation design. In new nonresidential construction with between one thousand (1,000) and two thousand five hundred (2,500) square feet of landscaped area (the level at which the Model Water-Efficient Landscape Ordinance (MLO) applies), install irrigation controllers and sensors which include the following criteria and meet manufacturer’s recommendations.

SEC. 8.20.45. Subsection 5.304.4.1 – Amended.

Subsection 5.304.4.1 of the 2013 California Green Building Standards Code is amended to read as follows:

5.304.4.1 Irrigation controllers. Automatic irrigation system controllers installed at the time of final inspection shall comply with the following:

1. Controllers shall be weather- or soil moisture-based controllers that automatically adjust irrigation in response to changes in plants’ needs as weather conditions change.

2. Weather- and soil moisture-based controllers without integral rain sensors or communication systems that account for local rainfall shall have a separate wired or wireless rain sensor which connects or communicates with the controller(s). Soil moisture-based controllers are not required to have rain sensor input.

SEC. 8.20.46. Subsection 5.408.1 – Amended.

Subsection 5.408.1 of the 2013 California Green Building Standards Code is amended to read as follows:

5.408.1 Compliance with local construction and demolition debris diversion program. Projects adding, constructing or renovating five thousand (5,000) square feet or more of floor area must comply with the City of Mountain View’s Construction and Demolition Debris Diversion Ordinance, pursuant to Chapter 16, Article III of the city code. Projects adding or constructing five thousand (5,000) square feet or less of floor area, if subject to this code, must comply with the requirements of Section 5.408 of this code.

SEC. 8.20.47. Subsection 5.408.1.1 – Added.

Subsection 5.408.1.1 is added to the 2013 California Green Building Standards Code to read as follows:

5.408.1.1 Construction waste diversion. Establish a construction waste management plan for the diverted materials, or meet local construction and demolition waste management ordinance, whichever is more stringent.

SEC. 8.20.48. Subsection 5.503.1 – Amended.

Subsection 5.503.1 of the 2013 California Green Building Standards Code is amended to read as follows:

5.503.1 General. Install only a direct-vent sealed-combustion gas or sealed wood-burning fireplace, or a sealed wood stove or pellet stove, and refer to residential requirements in the California Energy Code, Title 24, Part 6, Subchapter 7, Section 150. Wood stoves, pellet stoves and fireplaces shall comply with applicable local ordinances. Mountain View City Code Chapter 8, Article 1, Division IV shall be referenced for wood-burning appliances.

SEC. 8.20.49. Subsection 5.504.4.3.2 – Amended.

Subsection 5.504.4.3.2 of the 2013 California Green Building Standards Code is amended to read as follows:

5.504.4.3.2 Verification. Verification of compliance with this section shall be provided at the request of the City of Mountain View. Documentation may include, but is not limited to, the following:

1. Manufacturer’s product specification.
2. Field verification of on-site product containers.”

Section 9. Article II is hereby added to Chapter 8 of the Mountain View City Code, to read as follows:

**“ARTICLE II.
PLUMBING CODE.**

SEC. 8.30.1. 2013 California Plumbing Code adopted.

The California Plumbing Code, 2013 edition, first printing, including Appendices A, D and I, based on the 2012 Uniform Plumbing Code, promulgated by the International Association of Plumbing and Mechanical Officials Association, 4755 East Philadelphia Street, Ontario, California, 91761-2816, which regulates the erection, installation, alteration, repair, relocation, removal, replacement, conversion, use and maintenance of plumbing, gas, drainage systems, and other similar work in order to provide minimum requirements and standards for the protection of the public health, safety and welfare; is adopted and by this reference made a part of this municipal code with the same force and effect as though set out herein in full. One (1) copy of the California Plumbing Code is on file for public inspection in the building inspection office.

SEC. 8.30.2. Subsection 101.1 amended – Administration.

Subsection 101.1 of the California Plumbing Code is amended to read as follows:

101.1. Title. This document shall be known as the “California Plumbing Code” and may be cited as such and will be refer to herein as “this code.” Administrative provisions of the California Plumbing Code are referenced to the California Building Code, Chapter 1, Division II for provisions.

SEC. 8.30.3. Subsection 103.9 added – Procedure for appeals.

Subsection 103.9 of the California Plumbing Code is added, to read as follows:

103.9. Procedure for appeals. The provisions of Section 8.10.16 of this code are hereby incorporated by reference as if fully set forth herein. When Section 8.10.16 is used in reference to a plumbing code appeal, the term “Plumbing Permit” shall replace the term “Building Permit” in said section.”

Section 10. Article III is hereby added to Chapter 8 of the Mountain View City Code, to read as follows:

**“ARTICLE III.
MECHANICAL CODE.**

SEC. 8.40.1. California Mechanical Code – Adopted.

The California Mechanical Code, 2013 edition, first printing, including all Appendices, based on the 2012 Uniform Mechanical Code, promulgated by the International Association of Plumbing and Mechanical Officials, 4755 East Philadelphia Street, Ontario, California, 91761-2816, including all appendices, which regulates and provides complete requirements for the installation and maintenance of heating, ventilating, comfort cooling and refrigeration systems, is adopted and by reference and made a part of this municipal code with the same force and effect as though set out herein in full. One (1) copy of the 2013 California Mechanical Code is on file and open to public inspection in the building inspection office.

SEC. 8.40.2. Chapter 1, Division II amended – Administration.

Subsection 101.1 of the California Mechanical Code is amended to read as follows:

101.1. Title. This document shall be known as the “California Mechanical Code” and may be cited as such and will be referred to herein as “this code.” Administrative provisions of the California Mechanical Code are referenced to the California Building Code, Chapter 1, and Division II for provisions.

SEC. 8.40.3. Subsection 110.1 amended – General.

Subsection 110.1 of the California Mechanical Code is amended to read as follows:

110.1. Procedure for appeals. The provisions of Section 8.10.16 of this code are hereby incorporated by reference as if fully set forth herein. When Section 8.10.16 is

used in reference to a Mechanical Code appeal, the term “Mechanical Permit” shall replace the term “Building Permit” in said section.”

Section 11. Article IV is hereby added to Chapter 8 of the Mountain View City Code, to read as follows:

**“ARTICLE IV.
ELECTRICAL CODE.**

SEC. 8.50.1. 2013 California Electrical Code – Adopted – Short title.

The California Electrical Code, 2013 edition, based on the 2012 National Electrical Code, promulgated by the National Fire Protection Association (NFPA), One Batterymarch Park (P.O. Box 9146), Quincy, Massachusetts, 02269-9959, which establishes minimum standards to protect the health, safety and general welfare of the occupant and the public against hazards that may arise from the use of electricity by governing the design, construction, reconstruction, installation, quality of materials, location, operation, and maintenance or use of electrical equipment, wiring and systems, is adopted and by reference made a part of this municipal code with the same force and effect as though set out herein in full. One (1) copy of the 2013 California Electrical Code is on file and open to public inspection in the building inspection office.”

SEC. 8.50.2. Subsection 89.101.1 amended – Title.

Subsection 89.101.1 of the California Electrical Code is amended to read as follows:

89.101.1 Title. This document shall be known as the “California Electrical Code” and may be cited as such and will be referred to herein as “this code.” Administrative provisions of the California Electrical Code are referenced to the California Building Code, Chapter 1, and Division II for provisions.

SEC. 8.50.3. Section 89.108.8 amended – Appeals Board.

Subsection 89.108.8 of the California Electrical Code is amended to read as follows:

89.108.8.1. Procedure for appeals. The provisions of Section 8.10.16 of this code are hereby incorporated by reference as if fully set forth herein. When Section 8.10.16 is used in reference to an Electrical Code appeal, the term “Electrical Permit” shall replace the term “Building Permit” in said section.”

Section 12. Article V is hereby added to Chapter 8 of the Mountain View City Code, to read as follows:

**“ARTICLE V.
2012 INTERNATIONAL PROPERTY MAINTENANCE CODE.**

SEC. 8.60.1. 2012 International Property Maintenance Code.

The International Property Maintenance Code, 2012 edition, promulgated by the International Code Council, which provides minimum requirements for the protection of life, limb, health, property, safety and welfare of the general public and the owners and occupants of residential buildings, is adopted and by reference made a part of this code with the same force and effect as though set out in full in this chapter. One (1) copy of the International Property Maintenance Code is on file and open to public inspection in the building inspection office.

SEC. 8.60.2. Subsection 101.1 amended – Title.

Subsection 101.1 of the International Property Maintenance Code is amended to read as follows:

101.1 Title. This document shall be known as the “International Property Maintenance Code of the City of Mountain View” and may be cited as such and will be referred to herein as “this code.” Administrative provisions of the International Property Maintenance Code are referenced to the California Building Code, Chapter 1, and Division II for provisions.

SEC. 8.60.3. Section 103 amended – Department of Property Maintenance Inspection.

Section 103 of the International Property Maintenance Code is amended to read as follows:

103. Property Maintenance.

103.1 General. The building inspection division of the community development department is hereby responsible for the enforcement of this code and the chief building official shall be the executive official in charge. Code official shall mean chief building official as referenced herein.

SEC. 8.60.4. Section 111 amended – Means of appeal.

Section 111 of the International Property Maintenance Code is amended to read as follows:

111. Procedure for appeals. Any owner or owner representative who is in disagreement with the chief building official's interpretation of any provision of this code may appeal the chief building official's interpretation to the city council of the city. All such appeals shall be filed within ten (10) working days after the date the chief building official renders an interpretation of any provision of this code. All appeals shall be in writing, shall be filed with the city clerk, shall state the ground or grounds of appeal and shall be accompanied by a nonrefundable fee of two hundred fifty dollars (\$250). Within sixty (60) calendar days after an appeal is filed, or as soon thereafter as possible, the appeal shall be heard by the city council. The city clerk shall give at least five (5) days prior written notice to the applicant of the date, time and place for the hearing on said appeal. The city council shall not be required to give public notice of said hearing. The applicant shall be entitled to present any oral and/or written evidence at said hearing. Any hearing held pursuant to this section may be continued from time to time by the city council. Within twenty-one (21) days after the hearing is closed, the council shall announce its decision. All decisions of the city council on any appeal shall be final. Any action to challenge, annul or contest the validity of any decision of the city council on any such appeal shall be filed no later than sixty (60) calendar days after the date the city council has adopted a resolution formalizing its decision on the appeal.

SEC. 8.60.5. Subsection 201.3 amended – Terms defined in other codes.

Subsection 201.3 of the International Property Maintenance Code is amended to read as follows:

201.3. Terms defined in other codes. Where terms are not defined in this code and are defined in the California Building, Fire, Plumbing, Mechanical and Electrical Code or NFPA 70, such terms shall have the meanings ascribed to them as stated in those codes. Where this code refers to "International" Building, Fire, Plumbing, Mechanical or other International Codes, the term international shall be replaced with the word "California."

Section 13. The provisions of this ordinance shall be effective at least thirty (30) days from and after the date of its adoption, but no sooner than January 1, 2014.

Section 14. If any section, subsection, sentence, clause, or phrase of this ordinance is for any reason held to be unconstitutional, such decision shall not affect the validity of the other remaining portions of this ordinance. The City Council hereby declares that

it would have passed this ordinance and each section, subsection, sentence, clause, or phrase thereof, irrespective of the fact that any one or more sections, subsections, sentences, clauses, or phrases be declared unconstitutional.

Section 15. Pursuant to Section 522 of the Mountain View City Charter, it is ordered that copies of the foregoing proposed ordinance be posted at least two (2) days prior to its adoption in three (3) prominent places in the City and that a single publication be made to the official newspaper of the City of a notice setting forth the title of the ordinance, the date of its introduction, and a list of the places where copies of the proposed ordinance are posted.

Section 16. This ordinance is not subject to the California Environmental Quality Act (CEQA) pursuant to Sections 15060(c)(2) of the CEQA Guidelines (Title 14, Chapter 3, of the California Code of Regulations) (the activity will not result in a direct or reasonably foreseeable indirect physical change in the environment) and 15060(c)(3) of the CEQA Guidelines (because it has no potential for resulting in physical change to the environment, directly or indirectly).

AG/5/ORD
808-10-08-13o-E

ORDINANCE NO.

AN ORDINANCE AMENDING CHAPTER 14, ARTICLES I, II, AND III, OF
THE MOUNTAIN VIEW CITY CODE, RELATING TO THE ADOPTION OF THE
2012 INTERNATIONAL FIRE CODE, INCORPORATING BY REFERENCE THE
AMENDMENTS ADOPTED BY THE STATE OF CALIFORNIA
TO ESTABLISH THE 2013 CALIFORNIA FIRE CODE

THE CITY COUNCIL OF THE CITY OF MOUNTAIN VIEW DOES HEREBY
ORDAIN:

Section 1. A local entity such as the City of Mountain View must adopt the International Fire Code prior to January 1, 2014 if the local agency desires to maintain local control and allow for amendments to the International Fire Code in order to accommodate local requirements for local conditions. The City of Mountain View has local conditions which require amendments to the International Fire Code.

Section 2. The City of Mountain View has local conditions which require amendments to the California Building Standard Codes and other international and uniform codes.

Section 3. Council Findings. The City of Mountain View experiences low humidity and warm temperatures during the summer months, creating conditions which are particularly conducive to the ignition and spread of grass, brush, and structure fires. Additionally, the City of Mountain View is geographically located in the most severe seismic zone, Seismic Zone 4, and situated near active earthquake faults capable of producing substantial seismic activity. Since the City of Mountain View is divided by major freeways and other transportation corridors, the occurrence of a major earthquake would significantly impact the ability of Fire Department personnel to respond to emergencies should one or more overpasses be substantially damaged or collapsed. Additionally, fire suppression capabilities could be severely limited should the water system be extensively damaged during a seismic event. Therefore, mitigation measures are necessary such as: automatic fire suppression systems, communications systems, access to buildings, seismic protection, safety controls for hazardous materials, and other safeguards in an effort to minimize the risks to citizens, property, and fire suppression personnel.

Section 4. Articles I, II, and III of Chapter 14 of the Mountain View City Code are hereby amended to read as follows:

**“ARTICLE I.
FIRE PREVENTION CODE.**

SEC. 14.10.1. Adoption of the International Fire Code and the California Fire Code.

The city hereby adopts for the purpose of prescribing regulations governing conditions hazardous to life and property from fire or explosion, that certain code known as the International Fire Code, 2012 Edition, including Appendices B and F of the International Fire Code, with the amendments adopted by the State of California, including Appendix K, to establish the California Fire Code, 2013 Edition, published by the International Code Council, Inc., thereof and the whole thereof, save and except such portions as are hereinafter changed, deleted, modified or amended, as defined in California Fire Code Section 1.1.8. A copy of said code has been and is now filed in the office of the fire marshal of the City of Mountain View, and the same, as amended herein, is hereby adopted by reference and incorporated as fully as if set out at length herein, and from the date on which this section shall take effect, the provisions thereof shall be controlling within the limits of the City of Mountain View.

SEC. 14.10.2. Definitions.

a. Wherever the word “municipality” is used in the International Fire Code, it shall mean the city.

b. Wherever the term “corporation counsel” is used in the International Fire Code, it shall mean the city attorney.

c. “Fire and environmental protection division” includes those employees of the fire department who have the duty of enforcing this code in accordance with and pursuant to California Penal Code Sections 830.37, 836.5 and 853.6, to arrest persons for violations of such ordinances or statutes and issue notice to appear citations as provided by law. Within the Mountain View city limits, this term shall refer to the fire prevention personnel, hazardous materials personnel, fire marshal and other fire department personnel so designated by the fire chief.

SEC. 14.10.3. Section 101.6 added – Administration; General.

Section 101.6 is added to the International Fire Code, to read as follows:

101.6. Fire Protection. The adoption of this code is a reflection of levels of protection of “built-in” fire protection equipment which shall be required in order to provide an adequate level of fire protection to the community at a reasonable cost. Anyone constructing or using properties or processes or engaging in other activities which constitute a potentially higher demand on fire department staffing requirements than are planned for may be required to install automatic fire extinguishing systems, fire protection equipment or such other safeguards that will make it possible to provide an adequate fire protection service with the city’s normal fire department capability.

SEC. 14.10.4. Section 102.10 amended – Applicability.

Section 102.10 of the International Fire Code is amended to read as follows:

102.10. Conflicting provisions. Where there is a conflict between a general requirement and a specific requirement, the specific requirement shall be applicable. Where there is a conflict between requirements in this code and requirements in other local, state or federal laws, regulations or ordinances, the more restrictive shall be applicable.

SEC. 14.10.5. Table 105.6.8 deleted – Permits.

Table 105.6.8 of the International Fire Code is deleted.

SEC. 14.10.6. Table 105.6.10 deleted – Permits.

Table 105.6.10 of the International Fire Code is deleted.

SEC. 14.10.7. Table 105.6.20 deleted – Permits.

Table 105.6.20 of the International Fire Code is deleted.

SEC. 14.10.8. Section 105.6.10 amended – Permits.

Section 105.6.10 of the International Fire Code is amended to read as follows:

105.6.10. Cryogenic fluids. An operational permit is required to store, handle or use cryogenic fluids in aboveground tanks.

SEC. 14.10.9. Section 105.6.16 amended – Permits.

Section 105.6.16 of the International Fire Code is amended to read as follows:

105.6.16. Flammable and combustible liquids. An operational permit is required to store, handle or use flammable or combustible liquids in excess of local permit thresholds, or in any quantity in aboveground or belowground storage tanks.

SEC. 14.10.10. Section 105.6.20 amended – Permits.

Section 105.6.20 of the International Fire Code is amended to read as follows:

105.6.20. Hazardous materials. An operational permit is required to store, transport on-site, dispense, use or handle hazardous materials in excess of local permit thresholds.

SEC. 14.10.11. Section 105.6.47 added – Additional permits.

Section 105.6.47 of the International Fire Code is added to read as follows:

105.6.47. Additional permits. In addition to the permits required by Section 105.6, the following operational permits shall be obtained from the fire prevention bureau prior to engaging in the following uses, activities, operations, practices or functions:

1. **Production facilities.** To change use or occupancy, or allow the attendance of a live audience, or for wrap parties.
2. **Pyrotechnics and special effects.** To use pyrotechnic special effects, open flame, use of flammable or combustible liquids and gases, welding, and the parking of motor vehicles in any building or location used for the purpose of motion picture, television or commercial production.
3. **Live audiences.** To install seating arrangements for live audiences in approved production facilities, production studios and sound stages.
4. **Temporary haunted house, ghost walks and similar amusements.**
5. **High-rises.** High-rise buildings as defined in Health and Safety Code Section 13210 and California Building Code.
6. **Licensed facilities.** To operate a state-licensed facility, including community care, residential care for the elderly and day care.

SEC. 14.10.12. Section 113.6 added – Fees.

Section 113.6 is added to the International Fire Code, to read as follows:

113.6. Local fees.

1. The fees for the primary inspection, first reinspection and any inspection thereafter shall be established by council resolution.

2. The fees for special inspections of temporary installations/events shall be established by council resolution. These shall include, but not be limited to: fireworks displays, pyrotechnic displays, temporary membrane structures (tents, canopies); carnivals, parades, fairs, haunted houses, Christmas tree lots, pumpkin patches, etc.

3. The fees for fire permits, as described in Chapter 1, Section 105, shall be established by council resolution.

4. Late fees (paid after permit expiration date) for fire permits, as described in Chapter 1, Section 105, shall be established by council resolution.

5. Maintenance fees for fire protection or extinguishing systems shall be established by council resolution. These shall include, but not be limited to: fire alarm systems, sprinkler systems, standpipe systems, hood and duct systems, private fire hydrants, etc.

6. The fee for preventable false fire alarms shall be established by council resolution.

SEC. 14.10.13. Section 202, amended – Definitions.

Section 202 of the International Fire Code is amended to include the following definitions:

Continuous Gas Detection System shall mean a gas detection system where the analytical instrument is maintained in continuous operation and sampling is performed without interruption. Analysis is allowed to be performed on a cyclical basis at intervals not to exceed thirty (30) minutes. In occupied areas where air is recirculated and not exhausted to a treatment system (e.g., breathing zone), the fire code official may require a cyclical basis at intervals not to exceed five (5) minutes. The gas detection system shall be able to detect the presence of a gas at or below the permissible exposure limit in occupied areas and at or below one-half (1/2) IDLH (or 0.05 LC₅₀ if no established IDLH) in unoccupied areas.

Maximum Threshold Quantity (MAX TQ) is the maximum quantity of a moderately toxic or toxic gas, which may be stored in a single vessel before a more stringent category or regulation is applied. The following equation shall be used to calculate the Max TQ:

$$\text{Max TQ (pounds)} = \text{LC}_{50} \text{ (ppm)} \times 2 \text{ pounds}$$

For gas mixtures containing one or more toxic, highly toxic or moderately toxic components, LC₅₀ shall be calculated using CGA Standards P-20 and P-23 as referenced in Appendix E, Section 103.1.3.1.

Other Health Hazard Material is a hazardous material which affects target organs of the body, including, but not limited to, those materials which produce liver damage, kidney damage, damage to the nervous system, act on the blood to decrease hemoglobin function, deprive the body tissue of oxygen or affect reproductive capabilities, including mutations (chromosomal damage) or teratogens (effects on fetuses). Other health hazard materials include carcinogens and radioactive materials. See also Section 2702.1 – Health Hazard.

Sensitizer is a chemical that causes a substantial proportion of exposed people or animals to develop an allergic reaction in normal tissue after repeated exposure to the chemical.

Temporary shall mean not to exceed one (1) year.

Workstation is a defined space or independent principal piece of equipment using hazardous materials where a specific function, laboratory procedure or research activity occurs. Approved or listed hazardous materials storage cabinets, flammable liquid storage cabinets or gas cabinets serving a workstation are included as part of the workstation. A workstation is allowed to contain ventilation equipment, fire protection devices, electrical devices, and other processing and scientific equipment.

SEC. 14.10.14. Section 311.1 amended – Vacant premises.

Section 311.1 of the International Fire Code is amended to read as follows:

311.1. General. Temporary unoccupied buildings, structures, premises or portions thereof, including tenant spaces, shall be safeguarded and maintained in accordance with Sections 311.1.1 through 311.4.

SEC. 14.10.15. Section 316.7 added – Hazard to firefighters.

Section 316.7 is added to the International Fire Code, to read as follows:

316.7 Roof, guardrails at interior courts. Roof openings into interior courts that are bounded on all sides by building walls shall be protected with guardrails. The top of the guardrail shall not be less than forty-two (42) inches in height above the adjacent roof surface that can be walked on. Intermediate rails shall be designed and spaced such that a twelve (12) inch diameter sphere cannot pass through.

EXCEPTION:

Where the roof opening is greater than six hundred (600) square feet in area.

SEC. 14.10.16. Chapter 4 of the International Fire Code is not adopted – Emergency planning and preparedness.

SEC. 14.10.17. Section 503.2.1 amended – Dimensions.

Section 503.2.1 of the International Fire Code is amended to read as follows:

503.2.1. Dimensions. Fire apparatus access roads shall have an unobstructed width of not less than twenty (20) feet (6,096 mm) and an unobstructed vertical clearance of not less than 13 feet 6 inches (4,115 mm). Unobstructed width shall mean a clear travel way, excluding parking width and designed for emergency vehicle weight. It shall not include the width of rolled curbs, sidewalks or nondrivable surfaces.

EXCEPTIONS:

1. Vertical clearances or widths shall be increased when, in the opinion of the fire chief, vertical clearances or widths are not adequate to provide fire apparatus access.

2. Where buildings or portions of buildings or facilities have floors used for human occupancy located more than thirty (30) feet above the access road, the minimum unobstructed width shall be increased to twenty-six (26) feet.

SEC. 14.10.18. Section 503.2.4 amended – Turning radius.

Section 503.2.4 of the International Fire Code is amended to read as follows:

503.2.4. Turning radius. The inside turning radius of a fire apparatus access road shall be a minimum of twenty-one (21) feet.

SEC. 14.10.19. Section 504.4 added – Access to building openings and roofs.

Section 504.4 is added to the International Fire Code, to read as follows:

504.4. Access control devices. When access control devices, including bars, grates, gates, electric or magnetic locks or similar devices are installed, which would inhibit rapid fire department emergency access within and throughout the building, such devices shall be approved by the fire chief or his/her designee. All electrically powered access control devices shall be provided with an approved means for deactivation or unlocking from a single location or otherwise approved by the fire chief or his/her designee.

Access control devices shall also comply with Chapter 10, Egress.

SEC. 14.10.20. Section 505.1 amended – Premises identification.

Section 505.1 of the International Fire Code is amended to read as follows:

505.1. Address identification. New and existing buildings shall have approved address numbers, building numbers or approved building identification placed in a position that is plainly legible and visible from the street or road fronting the property. These numbers shall contrast with their background. Address numbers shall be Arabic numbers or alphabetical letters. Numbers shall be a minimum of 6 inches (152.4 mm) high with a minimum stroke width of 0.5 inch (12.7 mm). Where access is by means of a private road and the building cannot be viewed from the public way, a monument, pole or other sign or means shall be used to identify the structure. Address numbers shall be maintained.

EXCEPTION:

For R-3 occupancies, address numbers shall be a minimum of 4 inches high with a minimum strike width of 0.5 inch.

SEC. 14.10.21. Section 509.3 added – Fire-protection equipment identification and access.

Section 509.3 is added to the International Fire Code, to read as follows:

509.3. Fire-protection equipment and fire hydrants. Fire-protection equipment and fire hydrants shall be clearly identified in an approved manner and maintained unobstructed. Fire department connections (FDCs) and system control valves shall also be identified by their function and occupancy(ies)/address(es) they serve.

When required by the fire chief, hydrant locations shall be identified by installation of reflective markers.

SEC. 14.10.22. Section 510.1.1 added – Emergency responder radio coverage.

Section 510.1.1 is added to the International Fire Code, to read as follows:

510.1.1. Obstruction by new buildings or structures. When determined by the fire code official, a new building or structure obstructs the line of sight emergency radio communications to existing buildings or to any other locations, the developer of the structure shall provide and install the radio retransmission equipment necessary to restore communication capabilities. The equipment shall be located in an approved space or area within the new structure.

SEC. 14.10.23. Section 605.12 added – Immersion heaters.

Section 605.12 is added to the International Fire Code, to read as follows:

605.12. Immersion heaters. All electrical immersion heaters used in dip tanks, sinks, vats and similar operations shall be provided with approved overtemperature controls and low liquid level electrical disconnects. Manual reset of required protection devices shall be provided.

SEC. 14.10.24. Section 608.6.1.1 added – Failure of ventilation system.

Section 608.6.1.1 is added to the International Fire Code, to read as follows:

608.6.1.1. Failure of ventilation system. Failure of the ventilation system shall automatically disengage the charging system.

SEC. 14.10.25. Section 806.1.1 amended – Display inside buildings.

Section 806.1.1 of the International Fire Code is amended to read as follows:

806.1.1. Display inside buildings. The display of Christmas trees and other decorative vegetation in new and existing buildings shall be in accordance with the California Code of Regulations, Title 19, Division 1, Section 308 and Sections 806.1 through 806.5.

EXCEPTIONS:

1. Trees located in areas protected by an approved automatic sprinkler system in accordance with Section 901.1.1 or 903.3.1.2 shall not be prohibited in Group A, E, M, R-1 and R-2.
2. Tree shall be allowed within dwelling units in Group R-2 occupancies.

SEC. 14.10.26. Section 901.6.3 added – Existing systems.

Section 901.6.3 is added to the International Fire Code, to read as follows:

901.6.3. Existing systems. Fire alarm and detection systems installed prior to the adoption of this code shall be maintained per NFPA 72.

Inoperable or unserviceable fire alarm systems shall be restored to operable conditions, equivalent to their original design and installation.

Section 901.6.3.1 is added to the International Fire Code, to read as follows:

901.6.3.1. Enforcement. Existing multi-family (R-2) occupancies with interior exit corridors containing five (5) or more units shall not be occupied without a thermal detection system or equivalent detection system.

SEC. 14.10.27. Section 903.2 amended – Automatic sprinkler systems, where required.

Section 903.2 of the International Fire Code is amended to read as follows:

903.2. Where required. Approved automatic sprinkler systems in new buildings and structures, and in existing modified buildings and structures, shall be provided in the locations described in this section. Automatic fire sprinklers shall be installed per the requirements set forth in Sections 903.2.1 through 903.2.12 and as follows, whichever is the more restrictive:

1. An automatic sprinkler system shall be installed throughout all new buildings and structures.

Exceptions:

- a. Buildings and structures that do not exceed 1,000 square feet of building area in the following Groups: A, B, E, F, I, L, M, S and U occupancies. This exception does

not apply to habitable accessory structures constructed on residential properties, regardless of area or occupancy classification

b. Group S-2 or U occupancies used exclusively for vehicle parking and which meet all of the following conditions:

- (1) Noncombustible construction.
- (2) Maximum building area not to exceed 5,000 square feet.
- (3) Structure is open on three (3) or more sides.

(4) Minimum of 10 feet separation from existing buildings unless area is separated by fire walls complying with California Building Code 706.

2. In determining whether an automatic fire sprinkler system is required, the following criteria shall be used:

(a) Determine the Building Area as defined by the California Building Code.

Exception: Eave projections 24 inches or less shall not be counted.

(b) Multiply the Building Area as determined herein by the number of stories. A full basement shall be counted as a story and the floor area of mezzanine(s) shall be added to the Building Area of the story in which they are located.

(c) For the purposes of determining whether automatic fire sprinklers are required in a building, the installation of fire walls will not be considered to create separate buildings.

3. Any change in the character of occupancy or in the use of any building with a Building Area at or over 3,600 square feet which, in the opinion of the fire chief or chief building official, would place the building into a more hazardous division of the same occupancy group or into a different group of occupancies and constitutes a greater degree of life safety, or increased fire risk, shall require the installation of an approved automatic fire sprinkler system.

(a) For purposes of this section, Life Safety includes, but is not limited to, increased occupant load, public assembly areas, public meeting areas, churches, indoor amusement attractions, buildings with complex exiting system due to increased occupant loads, large schools/day-care facilities and large residential care facilities with nonambulatory clients.

(b) For purposes of this section, Fire Risk includes, but is not limited to, high piled combustible storage, woodworking operations, hazardous operations using hazardous materials, increased fuel loads (storage of moderate to highly combustible materials) and increased sources of ignition (welding, automotive repair with the use of flammable liquids and open flame).

4. For existing nonsprinklered buildings, an approved automatic sprinkler system shall be required when additions meet one of the following criteria:

(a) Additions equal to or greater than 100 percent of the existing square footage.

(b) Additions that increase the total building area to over 4,100 square feet.

SEC. 14.10.28. Section 903.3.1 amended – Installation requirements, standards.

Section 903.3.1 of the International Fire Code is amended to read as follows:

903.3.1. Standards. Sprinkler systems shall be designed and installed in accordance with Section 903.3.1.1, unless otherwise permitted by 903.3.1.2 and 903.3.1.3. Sprinkler systems shall also be designed and installed in accordance with the City of Mountain View “Commercial Automatic Fire Sprinklers Requirements” and “Residential Automatic Fire Sprinklers Requirements.”

SEC. 14.10.29. Section 905.3 amended – Standpipe systems required installations.

Section 905.3 of the International Fire Code is amended to read as follows:

905.3. Required installations. Standpipe systems shall be installed where required by Sections 905.3.1 through 905.3.8 and in the locations indicated in Sections 905.4, 905.5 and 905.6. Standpipe systems are required to be combined with automatic sprinkler systems.

EXCEPTION:

Standpipe systems are not required in Group R-3 Occupancies.

SEC. 14.10.30. Section 905.3.1 amended – Height.

Section 905.3.1 of the International Fire Code is amended to read as follows:

905.3.1. Height. Class III standpipe systems shall be installed throughout buildings where the floor level of the highest story is located more than twenty (20) feet above the lowest level of the fire department vehicle access, or where the floor level of the lowest story is located more than twenty (20) feet below the highest level of fire department vehicular access.

EXCEPTIONS:

1. Class I wet standpipes are allowed in buildings equipped throughout with an automatic sprinkler system in accordance with Section 903.3.1.1 or 903.3.1.2.

2. Class I wet standpipes are allowed in open parking garages where the highest floor is located not more than 150 feet above the lowest level of fire department vehicle access.

3. Class I manual dry standpipes are allowed in open parking garages that are subject to freezing temperatures, provided the hose connections are located as required for Class II standpipes in accordance with Section 905.5.

4. Class I wet standpipes are allowed in basements equipped throughout with an automatic sprinkler system.

5. In determining the lowest level of fire department vehicular access, it shall not be required to consider:

5.1 Recessed loading docks for four vehicles or less, and

5.2 Conditions where topography makes access from the fire department vehicle to the building impractical or impossible.

SEC. 14.10.31. Section 905.3.5 amended – Underground buildings and parking structures.

Section 905.3.5 of the International Fire Code is amended to read as follows:

905.3.5. Underground buildings and parking structures. Underground buildings and parking garages shall be equipped throughout with a Class I automatic wet standpipe system.

SEC. 14.10.32. Section 905.4 amended—Location of Class I standpipe hose connections.

Section 905.4 of the International Fire Code is amended to read as follows:

905.4. Location of Class I standpipe hose connections. Class I standpipe hose connections shall be provided in all of the following locations:

1. In every required stairway, a hose connection shall be provided for each floor level above or below grade. Hose connections shall be located at an intermediate floor level landing between floors, unless otherwise approved by the fire code official.

2. On each side of the wall adjacent to the exit opening of a horizontal exit.

Exception: Where floor areas adjacent to a horizontal exit are reachable from exit stairway hose connections by a 30-foot hose stream from a nozzle attached to 100 feet of hose, a hose connection shall not be required at the entrance from the exit passageway to other areas of the building.

3. In every exit passageway, at the entrance from the exit passageway to other areas of the building.

Exception: Where the floor areas adjacent to an exit passageway are reachable from exit stairway hose connections by a 30-foot hose stream from a nozzle attached to 100 feet of hose, a hose connection shall not be required at the entrance from the exit passageway to other areas of the building.

4. In covered mall buildings, adjacent to each exterior public entrance to the mall and adjacent to each entrance from an exit passageway or exit corridor to the mall. In open mall buildings, adjacent to each public entrance to the mall at the perimeter line and adjacent to each entrance from an exit passageway or exit corridor to the mall.

5. Where the roof has a slope less than four (4) units vertical in twelve (12) units horizontal, a hose connection shall be located to serve the roof, or at the highest landing of a stairway with stair access to the roof provided in accordance with Section 1009.16.

6. Where the most remote portion of a sprinklered or nonsprinklered floor or story is more than 150 feet from a hose connection, additional Class I standpipe hose connections shall be provided within 150 feet of all areas. The distance from a hose connection shall be measured along the path of travel.

SEC. 14.10.33. Section 907.6 amended – Installation.

Section 907.7 of the International Fire Code is amended to read as follows:

907.6. Installation. A fire alarm system shall be installed in accordance with 907.6.1 through 907.6.5.2, National Fire Protection Association 72 and the City of Mountain View “Fire Alarm and Sprinkler Monitoring System Requirements.”

SEC. 14.10.34. Section 1008.1.9.11 amended – Stairway doors.

Section 1008.1.9.11 of the International Fire Code is amended, to read as follows:

1008.1.9.11. Stairway doors. Interior stairway means of egress doors shall be openable from both sides without the use of a key or special knowledge or effort.

EXCEPTIONS:

1. Stairway discharge doors shall be openable from the egress side and shall only be locked from the opposite side.
2. This section shall not apply to doors arranged in accordance with Section 403.5.3 of the International Building Code.
3. In stairways serving not more than six (6) stories in buildings not otherwise classified as a high-rise building in accordance with the California Building Code, doors are permitted to be locked from the side opposite the egress side, provided they are openable from the egress side and capable of being unlocked simultaneously without unlatching upon a signal from the fire command center, if present, or a signal by emergency personnel from a single location inside the main entrance to the building.
4. Stairway exit doors shall be openable from the egress side and shall only be locked from the opposite side in Group B, F, M and S occupancies where the only interior access to the tenant space is from a single exit stair where permitted in Section 1021.2.
5. Stairway exit doors shall be openable from the egress side and shall only be locked from the opposite side in Group R-2 occupancies where the only interior access to the dwelling unit is from a single exit stair where permitted in Section 1021.2.

SEC 14.10.35. Section 3206.4 amended—General fire protection and life safety features, automatic sprinklers.

Section 3206.4 of the International Fire Code is amended, to read as follows:

3206.4. Automatic sprinklers. Automatic sprinkler systems shall be provided in accordance with Sections 3207, 3208, 3209 and 903.2 as amended.

SEC. 14.10.36. Section 3304.8 added—Precautions against fire, firewalls.

Section 3304.8 is added to the International Fire Code, to read as follows:

3304.8. Firewalls. When firewalls are required in combustible construction, the wall construction shall be completed immediately after the building is sufficiently weather-protected at the location of the wall(s).

SEC. 14.10.37. Section 3311.1 amended—Means of egress, stairways required.

Section 3311.1 of the International Fire Code is amended, to read as follows:

3311.1. Stairways required. Each level above the first story in new multi-story buildings that require two (2) exit stairways shall be provided with at least two (2) usable exit stairways after the floor decking is installed. The stairways shall be continuous and discharge to grade level. Exit stairs in new and in existing occupied buildings shall be lighted and maintained clear of debris and construction materials at all times.

EXCEPTION:

For multi-story buildings, one of the required exit stairs may be obstructed on not more than two (2) contiguous floor levels for the purpose of stairway construction (i.e., installation of gypsum board, painting, flooring, etc.).

SEC. 14.10.38. Section 5003.9.11 added—General requirements, fire extinguishing systems.

Section 5003.9.11 is added to the International Fire Code, to read as follows:

5003.9.11. Fire Extinguishing systems for fume hoods and workstations dispensing, handling or using hazardous materials. Combustible and noncombustible fume hoods and workstations, which dispense, handle or use hazardous materials, shall be protected by an approved automatic fire extinguishing system in accordance with Section 2703.10.

EXCEPTION:

Internal fire protection is not required for Biological Safety Cabinets that carry NSF/ANSI certification where quantities of flammable liquids in use or storage within the cabinet do not exceed 500 ml.

SEC. 14.10.39. Section 5704.2.9.6.1 amended – Flammable and combustible liquids, storage.

Section 5704.2.9.6.1 of the International Fire Code is amended to read as follows:

5704.2.9.6.1. Locations where aboveground tanks are prohibited. Storage of Class I and II liquids in aboveground tanks outside of buildings is prohibited within any portion of the City of Mountain View, now or hereafter existing.

EXCEPTION:

Double-wall approved aboveground tanks used for the storage of diesel fuel (including integral diesel fuel storage tanks) to power listed generators or fire pumps.

SEC. 14.10.40. Section 6104.2 amended – Liquefied petroleum gases, location of LP-gas containers.

Section 6104.2 of the International Fire Code is amended to read as follows:

6104.2. Maximum capacity within established limits. Liquefied Petroleum Gas (LPG) containers shall not be permitted within the city limits where natural gas mains exist. Upon the installation of natural gas mains, conversion from LPG to natural gas must be made within thirty (30) days of the installation of the mains. When an area is annexed to the city and no natural gas mains exist, the use of LPG may be continued until natural gas mains are installed. If natural gas mains exist within the area of annexation, conversion from LPG to natural gas shall be made within thirty (30) days of annexation.

EXCEPTION:

Installations of LPG containers may be permitted within the city limits if used for: (1) filling of portable containers for retail sales; or (2) industrial operators where natural gas would not provide a workable substitute.

SEC. 14.11 TO 14.29. Reserved.

**ARTICLE II.
EXPLOSIVES AND FIREWORKS REGULATIONS.**

SEC. 14.30. Chapter 56 of the International Fire Code, Explosives and fireworks, is not adopted, with the exception of the following sections:

SEC. 14.31. Section 5601.1 amended – Scope.

Section 5601.1 of the International Fire Code is amended to read as follows:

5601.1. Scope. For explosives requirements, see Title 19 California Code of Regulations, Division 1, Chapter 10 and Section 5601.2 of this chapter. For fireworks requirements, see Title 19 California Code of Regulations, Division 1, Chapter 6 and Section 5601.3 of this chapter. For small arms ammunition requirements, see Section 5601.5 of this chapter.

EXCEPTIONS:

1. The Armed Forces of the United States, Coast Guard or National Guard.
2. Explosives in forms prescribed by the official United States Pharmacopoeia.
3. The use of explosive materials by federal, state and local regulatory, law enforcement and fire agencies acting in their official capacities.
4. Items preempted by federal regulations.

SEC. 14.32. Section 5601.2 added – Explosives

Section 5601.2 is added to the International Fire Code, to read as follows:

5601.2. Explosives. The possession, manufacture, storage, sale, handling and use of explosives are prohibited.

EXCEPTIONS:

Possession, storage, handling and use of explosives for test and research purposes may be allowed with permit and approval of the fire chief or his/her designee.

SEC. 14.33. Section 5601.3 added – Fireworks,.

Section 5601.3 is added to the International Fire Code, to read as follows:

5601.3. Fireworks. The possession, manufacture, storage, sale, handling and use of fireworks, including those fireworks classified as Safe and Sane by the California State Fire Marshal, are prohibited.

EXCEPTIONS:

1. Storage, handling and use of fireworks and pyrotechnic special effects outside of buildings when used for public or proximate audience displays, motion picture, television, theatrical and group entertainment productions when handled and used by a California State licensed pyrotechnic operator in accordance with Title 19 of the California Code of Regulations and with permit and approval of the fire chief or his/her designee.

2. Storage, handling and use of pyrotechnic special effects fireworks inside of buildings, equipped throughout with an approved fire sprinkler system, when used for proximate audience displays or special effects in theatrical, television, motion picture and group entertainment productions and when handled and used by a California State licensed pyrotechnic operator in accordance with Title 19 of the California Code of Regulations and with permit and approval of the fire chief or his/her designee.

SEC. 14.34. Section 5601.4 added – Explosives and fireworks, general.

Section 5601.4 is added to the International Fire Code, to read as follows:

5601.4. Rocketry. The storage, handling and use of model rockets shall be in accordance with Title 19 of the California Code of Regulations and with permit and approval of the fire chief or his/her designee.

SEC. 14.35. Section 5601.5 added – Explosives and fireworks, general.

Section 5601.5 is added to the International Fire Code, to read as follows:

5601.5. Small arms ammunition – general. Indoor storage and display of black powder, smokeless propellants and small arms ammunition shall comply with Sections 3301.5.1 through 3301.5.3.2.3.

Section 5601.5.1 is added to the International Fire Code, to read as follows:

5601.5.1. Packages. Smokeless propellants shall be stored in approved shipping containers conforming to Department of Transportation, 49 CFR, Part 173.

Section 5601.5.1.1 is added to the International Fire Code, to read as follows:

5601.5.1.1. Repackaging. The bulk repackaging of smokeless propellants, black powder and small arms primers shall not be performed in retail establishments.

Section 5601.5.1.2 is added to the International Fire Code, to read as follows:

5601.5.1.2. Damaged packages. Damaged containers shall not be repackaged.

EXCEPTION:

Approved repackaging of damaged containers of smokeless propellant into containers of the same type and size as the original container.

Section 5601.5.2 is added to the International Fire Code, to read as follows:

5601.5.2. Storage in Group R occupancies. The storage of small arms ammunition in Group R occupancies shall comply with Sections 5601.5.2.1 through 3301.5.2.3.

Section 5601.5.2.1 is added to the International Fire Code, to read as follows:

5601.5.2.1. Smokeless propellants. Smokeless propellants intended for personal use in quantities not exceeding 20 pounds (9 kg) are permitted to be stored in Group R-3 occupancies where kept in original containers. Smokeless powder in quantities exceeding 20 pounds (9 kg), but not exceeding 50 pounds (23 kg), are permitted to be stored in Group R-3 occupancies where kept in a wooden box or cabinet having walls of at least 1 inch (25 mm) nominal thickness.

Section 5601.5.2.2 is added to the International Fire Code, to read as follows:

5601.5.2.2. Black powder. Black powder intended for personal use in quantities not exceeding 20 pounds (9 kg) is permitted to be stored in Group R-3 occupancies where kept in original containers and stored in a wooden box or cabinet having walls of at least 1 inch (25 mm) nominal thickness.

Section 5601.5.2.3 is added to the International Fire Code, to read as follows:

5601.5.2.3. Small arms primers. No more than 10,000 small arms primers shall be stored in Group R-3 occupancies.

Section 5601.5.3 is added to the International Fire Code, to read as follows:

5601.5.3. Display and storage in Group M occupancies. The display and storage of small arms ammunition in Group M occupancies shall comply with Sections 5601.5.3.1 through 5601.5.3.2.3.

Section 5601.5.3.1 is added to the International Fire Code, to read as follows:

5601.5.3.1. Display. The display of small arms ammunition in Group M occupancies shall comply with Sections 5601.5.3.1.1 through 5601.5.3.1.3.

Section 5601.5.3.1.1 is added to the International Fire Code, to read as follows:

5601.5.3.1.1. Smokeless propellant. No more than 20 pounds (9 kg) of smokeless propellants, each in containers of 1 pound (0.454 kg) or less capacity, shall be displayed in Group M occupancies.

Section 5601.5.3.1.2 is added to the International Fire Code, to read as follows:

5601.5.3.1.2. Black powder. No more than 1 pound (0.454 kg) of black powder shall be displayed in Group M occupancies.

Section 5601.5.3.1.3 is added to the International Fire Code, to read as follows:

5601.5.3.1.3. Small arms primers. No more than 10,000 small arms primers shall be displayed in Group M occupancies.

Section 5601.5.3.2 is added to the International Fire Code, to read as follows:

5601.5.3.2. Storage. The storage of small arms ammunition in Group M occupancies shall comply with Sections 5601.5.3.2.1 through 5601.5.3.2.3.

Section 5601.5.3.2.1 is added to the International Fire Code, to read as follows:

5601.5.3.2.1. Storage of smokeless propellant. Commercial stocks of smokeless propellants not on display shall not exceed 100 pounds (45 kg). Quantities exceeding 20 pounds (9 kg), but not exceeding 100 pounds (45 kg), shall be stored in portable wooden boxes having walls of at least 1 inch (25 mm) nominal thickness.

Section 5601.5.3.2.2 is added to the International Fire Code, to read as follows:

5601.5.3.2.2. Black powder. Commercial stocks of black powder not on display shall not exceed 50 pounds (23 kg) and shall be stored in Type 2 or 4 indoor or outdoor magazines. When black powder and smokeless propellants are stored together in the same magazine, the total quantity shall not exceed that permitted for black powder.

Section 5601.5.3.2.3 is added to the International Fire Code, to read as follows:

5601.5.3.2.3. Small arms primers. Commercial stocks of small arms primers not on display shall not exceed 750,000. Storage shall be arranged such that not more than 100,000 small arms primers are stored in any one pile and piles are at least 15 feet (4,572 mm) apart.

SEC. 14.36 TO 14.39. Reserved.

ARTICLE III. ENFORCEMENT.

SEC. 14.40. Appeals.

Whenever the fire chief or his/her designee shall disapprove an application or refuse to grant a license or permit applied for, or when it is claimed that the provisions of the code do not apply, or that the true intent and meaning of the code has been misconstrued or wrongfully interpreted, the applicant may appeal the decision to the city council within thirty (30) days from the date of the decision.

SEC. 14.45. Establishment and duties of the fire prevention bureau.

This chapter shall be enforced by the fire prevention bureau in the fire department of the city, which is hereby established and which shall be operated under the supervision of the chief of the fire department.

SEC. 14.50. Penalties.

a. Any person who shall violate any of the provisions of the code hereby adopted or fail to comply therewith or who shall violate or fail to comply with any order made thereunder or who shall build in violation of any detailed statement of specifications or plans submitted and approved thereunder or any certificate or permit issued thereunder, and from which no appeal has been taken or who shall fail to comply with such an order as affirmed or modified by the city council or by a court of competent jurisdiction, within the time fixed herein, shall severally for each and every

such violation and noncompliance respectively be guilty of a misdemeanor, punishable as set forth in the city charter. The imposition of one penalty for any violation shall not excuse the violation or permit it to continue; and all such persons shall be required to correct or remedy such violations or defects within a reasonable time; and when not otherwise specified, each day that prohibited conditions are maintained shall constitute a separate offense.

b. The application of the above penalty shall not be held to prevent the enforced removal of prohibited conditions.

c. Nothing contained in this section shall be construed to prevent the city from taking whatever appropriate civil action it deems necessary to enforce any of the provisions of this code or of this chapter.

SEC. 14.51. Arrests and issuance of citations.

a. The fire chief, fire marshal, deputy fire marshals, and other designated fire department personnel of the city may make arrests for violations of this code under the authority set forth by California Penal Code Sec. 830.37, 836.5 and 853.6. The fire chief, fire marshal and deputy fire marshals, and other designated fire department personnel who have the discretionary duty to enforce a statute or ordinance, may, as provided by law, arrest a person without a warrant whenever any such officer has reasonable cause to believe the person to be arrested has committed a misdemeanor in the officer's presence which he or she has the discretionary duty to enforce, and may issue a notice to appear and release such persons on his or her written promise to appear in court.

b. **Hazardous materials enforcement.** Those employees of the city, including, but not limited to, the fire marshal and hazardous materials specialists, who have the duty of enforcing this code, city and state laws pertaining to hazardous and toxic materials, are hereby authorized, in accordance with and pursuant to California Penal Code Sec. 830.37, 836.5 and 853.6, to arrest persons for violations of such ordinances or statutes and to issue Notice to Appear citations as provided by law.

SEC. 14.52. Enforcement remedies nonexclusive.

The remedies provided for in this ordinance are not exclusive. Pursuant to Chapter 1, Sec. 1.7, 1.18, 1.28 and 1.29 of the Mountain View City Code, the city, in its prosecutorial discretion, may enforce violation(s) of the provisions of this Chapter 14 as a criminal, civil and/or administrative action."

Section 5. The provisions of this ordinance shall be effective thirty (30) days from and after the date of its adoption, but no sooner than January 1, 2014.

Section 6. If any section, subsection, sentence, clause, or phrase of this ordinance is for any reason held to be unconstitutional, such decision shall not affect the validity of the other remaining portions of this ordinance. The City Council hereby declares that it would have passed this ordinance and each section, subsection, sentence, clause, or phrase thereof, irrespective of the fact that any one or more sections, subsections, sentences, clauses, or phrases be declared unconstitutional.

Section 7. Pursuant to Section 522 of the Mountain View City Charter, it is ordered that copies of the foregoing proposed ordinance be posted at least two (2) days prior to its adoption in three (3) prominent places in the City and that a single publication be made to the official newspaper of the City of a notice setting forth the title of the ordinance, the date of its introduction, and a list of the places where copies of the proposed ordinance are posted.

Section 8. This ordinance is not subject to the California Environmental Quality Act (CEQA) pursuant to Sections 15060(c)(2) of the CEQA Guidelines (Title 14, Chapter 3 of the California Code of Regulations) (the activity will not result in a direct or reasonably foreseeable indirect physical change in the environment) and 15060(c)(3) of the CEQA Guidelines (because it has no potential for resulting in physical change to the environment, directly or indirectly).

JW/2/ORD
197-10-08-13o-E

ORDINANCE NO.

AN ORDINANCE AMENDING CHAPTER 24, ARTICLES I AND II,
OF THE MOUNTAIN VIEW CITY CODE, RELATING TO
HAZARDOUS MATERIALS

THE CITY COUNCIL OF THE CITY OF MOUNTAIN VIEW DOES HEREBY
ORDAIN:

Section 1. Article I of Chapter 24 of the Mountain View City Code is hereby amended to read as follows:

“ARTICLE I. HAZARDOUS MATERIALS PERMIT CODE.

DIVISION I. GENERAL PROVISIONS.

SEC. 24.1.0. Purpose.

The purpose of this chapter is the protection of health, safety or welfare of persons, resources or property through the regulation of hazardous materials and other regulated materials.

SEC. 24.1.1. General obligation – Safety and care.

a. No person, firm or corporation shall cause, suffer or permit the storage, handling or dispensing of hazardous materials or other regulated materials:

1. In a manner which violates a provision of this chapter or any other local, federal or state statute, code, rule or regulation relating to hazardous materials or other regulated materials; or

2. In a manner which causes, or poses a significant risk of causing, an unauthorized discharge of hazardous materials or other regulated materials or threatens the health, safety, or welfare of persons, resources or property.

SEC. 24.1.2. Specific obligation.

a. Any person, firm or corporation which stores, handles or dispenses any hazardous or other material regulated by Sec. 24.2.0 which is not excluded by Sec. 24.2.1 shall obtain and keep current a Hazardous Materials Permit.

b. All such hazardous or other regulated materials shall be stored, handled and dispensed in conformity with Division III of this chapter.

c. The storage, handling and dispensing of such hazardous or other regulated materials shall be in conformance with the approved Hazardous Materials Business Plan.

d. The fire department shall be the agency within the City of Mountain View having authority to enforce the provisions of this ordinance and related state and federal laws and regulations referenced in this chapter.

SEC. 24.1.3. Definitions.

Unless otherwise expressly stated, whenever used in this chapter, the following terms shall have the meanings set forth below:

a. "Abandoned," when referring to a storage facility, means out of service and not safeguarded in compliance with this chapter.

b. "Acutely hazardous materials" means any chemical designated as an extremely hazardous substance which is listed in Appendix A of Part 355 of Subchapter J of Chapter I of Title 40 of the Code of Federal Regulations (as referenced in California Health and Safety Code Division 20, Chapter 6.95, Article 2, Sec. 25532).

c. "Business" means an employer, self-employed individual, trust, firm, joint stock company, corporation, partnership or association. For purposes of this chapter, "business" includes a business organized for profit and a nonprofit business.

d. "California Electronic Reporting System (CERS)" is a web-based reporting system created by CalEPA for regulated facilities to electronically file required hazardous materials business plan (HMBP) information in accordance with CCR, Title 27.

e. "Chemical name" means the scientific designation of a substance in accordance with the nomenclature system developed by the International Union of Pure and Applied Chemistry (IUPAC) or the system developed by the Chemical Abstract Service (CAS).

f. "City" means the City of Mountain View.

g. "Combustible liquid" is a liquid having a closed-cup flashpoint at or above one hundred (100) degrees Fahrenheit. (Note: This is the California Fire Code definition; D.O.T. defines "combustible liquid" differently.)

h. "Common name" means any designation or identification such as a code name, code number, trade name or brand name used to identify a substance other than by its chemical name.

i. "Compressed gas cylinder" means a cylinder containing: (a) a gas or mixture of gases at an absolute pressure exceeding forty (40) pounds per square inch at seventy (70) degrees Fahrenheit; or (b) a gas or mixture of gases at an absolute pressure exceeding one hundred four (104) pounds per square inch at one hundred thirty (130) degrees Fahrenheit regardless of the pressure at seventy (70) degrees Fahrenheit; or (c) a liquid having a vapor pressure exceeding forty (40) pounds per square inch at one hundred (100) degrees Fahrenheit.

j. "Corrosive gas" means a gas as defined in Article II of this chapter.

k. "Corrosive liquid" means a liquid that has a pH equal to or greater than 12.5 or less than or equal to 2.0 or as defined in 173 of 49 CFR.

l. "Corrosive solid" means a solid that has a pH equal to or greater than 12.5 or less than or equal to 2.0 when hydrated with water and as defined in 173 of 49 CFR.

m. "Cryogen" is a fluid that has a normal boiling point lower than one minus hundred thirty (-130) degrees Fahrenheit (-90 degrees Celsius) at 14.7 psi atmosphere (psia).

n. "Dangerous when wet liquid" means a liquid as defined in 173 of 49 CFR.

o. "Dangerous when wet solid" means a solid as defined in 173 of 49 CFR.

p. "Dispense" means to pour or transfer a material from a container, tank or similar vessel whereby vapors, dusts, fumes, mists or gases could be liberated to the atmosphere.

q. "D.O.T." is an abbreviation for Department of Transportation and refers to this federal agency.

r. Electronic reporting means all regulated facilities must use an approved web-based reporting system to electronically file required hazardous materials business plan (HMBP) information. This includes, but is not limited to, CCR Title 27 Data Dictionary elements, facility data regarding hazardous materials regulatory activities, chemical inventories, underground and aboveground storage tanks, hazardous waste generation, and additional locally required information as necessary.

s. "Explosive" means: (a) chemicals that cause a sudden, almost instantaneous release of pressure, gas and heat when subjected to sudden shock, pressure or high temperatures; or (b) materials or chemicals, other than blasting agents, that are commonly used or intended to be used for the purpose of producing an explosive effect.

t. "Facility" means a building or buildings, appurtenant structures and surrounding land area used by a single business entity at a single location or site.

u. "Flammable gas" is a gas at sixty-eight (68) degrees Fahrenheit or less at 14.7 psi atmosphere of pressure which is ignitable when in a mixture of thirteen (13) percent or less by volume with air or which has a flammable range with air of at least twelve (12) percent regardless of the lower limit.

v. "Flammable liquid" is a liquid having a closed-cup flash point below one hundred (100) degrees Fahrenheit and having a vapor pressure not exceeding forty (40) psia at one hundred (100) degrees Fahrenheit.

w. "Flammable solid" means any of the following three (3) types of materials:

1. Desensitized explosives that:

(a) When dry are explosives of Class 1 other than those of compatibility Group A which are wetted with sufficient water, alcohol or plasticizer to suppress explosive properties; and

(b) Are specifically authorized by name either in Table 172.101 of 49 CFR or have been assigned a shipping name and hazard class by the associate administrator for hazardous materials safety;

2. **Self-reactive materials.** These are materials that are liable to undergo, at normal or elevated temperatures, a strongly exothermal decomposition caused by excessively high transport temperatures or by contamination; and

3. **Readily combustible solids.** These are materials that:

(a) Are solids which may cause a fire through friction such as matches;

(b) Show a burning rate faster than 2.2 mm per second when tested in accordance with 173 of 49 CFR; or

(c) Any metal powders that can be ignited and react over the whole length of a sample when tested in accordance with 173 of 49 CFR.

x. "Handle" means to use, generate, process, produce, package, treat, store, emit, discharge or dispose of a hazardous material in any fashion.

y. "Handler" means any person, firm or corporation which handles a hazardous material.

z. "Hazard class" means dangerous when wet liquids, dangerous when wet solids, flammable liquids, combustible liquids, flammable solids, oxidizer liquids, oxidizer solids, oxidizer gases, organic peroxide liquids, organic peroxide solids, corrosive liquids, corrosive solids, corrosive gases, flammable gases, nonflammable gases, poisonous material gases, poisonous material liquids, poisonous material solids, infectious substances, radioactive materials, cryogenics, miscellaneous hazardous material liquids, miscellaneous hazardous material solids, spontaneously combustible liquids, spontaneously combustible solids.

aa. "Hazardous material" means any material which is subject to regulation pursuant to Division II of this chapter. A mixture shall be deemed to be a hazardous material if it either is: (a) a waste and contains any material regulated pursuant to Article II of this chapter; (b) a nonwaste (other than toxic, highly toxic, moderately toxic or poisonous solids, liquids or gases) and contains one (1) percent by weight or more of any material regulated pursuant to Division II of this chapter; or (c) is a nonwaste and contains any amount of material regulated as a toxic, highly toxic, moderately toxic or poisonous solid, liquid or gas.

The definition of mixtures shall not apply to hazardous substances stored in underground storage tanks, and any amount of a hazardous substance in an underground storage tank shall be regulated as a hazardous material.

bb. "Hazardous materials business plan (HMBP)" means an electronically filed plan containing the information required pursuant to Sec. 25500 et seq. of the California Health and Safety Code, Title 27 of the California Code of Regulations and additional locally required information as necessary.

cc. "Infectious substance" means a viable microorganism, or its toxin, which causes or may cause disease in humans or animals and includes those agents listed in 42 CFR 72.3 of the regulations of the Department of Health and Human Services or any other agent that causes or may cause severe, disabling or fatal disease. The terms "infectious substance" and "etiologic agent" are synonymous for the purposes of this chapter.

dd. "Miscellaneous hazardous material liquids" means any liquid which a handler or the city has a reasonable basis to believe it would be injurious to the health

and safety of persons or property or be harmful to the environment if released into the workplace or environment and is not otherwise classified under any other hazard classes described in this chapter.

ee. "Miscellaneous hazardous material solids" means any solid which a handler or the city has a reasonable basis to believe it would be injurious to the health and safety of persons or property or be harmful to the environment if released into the workplace or environment and is not otherwise classified under any other hazard classes described in this chapter.

ff. "MSDS" is an abbreviation for "material safety data sheet" and refers to written or printed material concerning a hazardous material which is prepared in accordance with the provisions of 29 CFR 1910.1200.

gg. "Nonflammable gas" is any inert material or inert mixture that, when enclosed in a container, has an absolute pressure exceeding forty (40) psi at seventy (70) degrees Fahrenheit or, regardless of the pressure at seventy (70) degrees Fahrenheit, having an absolute pressure exceeding one hundred forty (140) psi at one hundred thirty (130) degrees Fahrenheit.

hh. "Normal temperature and pressure" means a temperature of sixty-eight (68) degrees Fahrenheit and pressure of one (1) atmosphere (14.7 psia).

ii. "Officer" means the employee assigned by the city to administer this chapter or any designee of such employee.

jj. "Organic peroxide liquid" means any organic liquid containing oxygen in the bivalent (-O-O-) structure and which may be considered a derivative of hydrogen peroxide where one (1) or more of the hydrogen atoms have been replaced by organic radicals.

kk. "Organic peroxide solid" means any organic solid containing oxygen in the bivalent (-O-O-) structure and which may be considered a derivative of hydrogen peroxide where one (1) or more of the hydrogen atoms have been replaced by organic radicals.

ll. "Oxidizer gas" means a gas that can support and accelerate combustion of other materials more than air does.

mm. "Oxidizer liquid" means a material that readily yields oxygen or other oxidizing gas, or that readily reacts to promote or initiate combustion of combustible materials.

nn. "Oxidizer solid" means a material that readily yields oxygen or other oxidizing gas, or that readily reacts to promote or initiate combustion of combustible materials.

oo. "Permit" means any hazardous materials permit issued pursuant to this chapter as well as any additional approvals thereto.

pp. "Permit quantity limit" means the maximum amount of hazardous material that can be stored or handled in a storage facility. Separate permit quantity limits will be set for each storage facility for which a permit is obtained in accordance with the requirements of this chapter.

qq. "Permittee" means any person, firm or corporation to whom a permit is issued pursuant to this chapter and any authorized representative, agent or designee of such person, firm or corporation.

rr. "Pipes" means pipeline systems which are used in connection with the storage or handling of hazardous materials exclusively within the confines of a facility and which are not intended to transport hazardous materials in interstate or intrastate commerce or to transfer hazardous materials in bulk to or from a marine vessel.

ss. "Poisonous material gas" means a material which is a gas at twenty (20) degrees Celsius or less and a pressure of 101.3 kPa (14.7 psi) (a material which has a boiling point of twenty (20) degrees Celsius (sixty-eight (68) degrees Fahrenheit) or less at 101.3 kPa (14.7 psi)) and which:

1. Is known to be so toxic to humans as to pose a hazard to health during transportation, or

2. In the absence of adequate data on human toxicity is presumed to be toxic to humans because when tested on laboratory animals it has an LC₅₀ value of not more than five thousand (5,000) ml/m³.

tt. "Poisonous material liquid" means a liquid which is known to be so toxic to humans as to pose a hazard to health during transportation or which in the absence of adequate data on human toxicity:

1. Is presumed to be toxic to humans because it falls within any one (1) of the following categories when tested on laboratory animals:

- (a) **Oral toxicity.** A liquid with an LD₅₀ for acute oral toxicity of not more than five hundred (500) mg/kg.

(b) **Dermal toxicity.** A material with an LD₅₀ for acute dermal toxicity of not more than one thousand (1,000) mg/kg.

(c) **Inhalation toxicity.** (A) a dust or mist with an LC₅₀ for acute toxicity on inhalation of not more than ten (10) mg/L; or (B) a material with a saturated vapor concentration in air at twenty (20) degrees Celsius greater than or equal to one-fifth (1/5) of the LC₅₀ for acute toxicity on inhalation of vapors and with an LC₅₀ for acute toxicity on inhalation of vapors of not more than five thousand (5,000) ml/m³.

2. Is an irritating material, with properties similar to tear gas, which causes extreme irritation, especially in confined spaces.

uu. "Poisonous material solid" means a solid which is known to be so toxic to humans as to pose a hazard to health during transportation or which in the absence of adequate data on human toxicity:

1. Is presumed to be toxic to humans because it falls within any one (1) of the following categories when tested on laboratory animals:

(a) **Oral toxicity.** A liquid with an LD₅₀ for acute oral toxicity of not more than five hundred (500) mg/kg.

(b) **Dermal toxicity.** A material with an LD₅₀ for acute dermal toxicity of not more than one thousand (1,000) mg/kg.

(c) **Inhalation toxicity.** (A) a dust or mist with an LC₅₀ for acute toxicity on inhalation of not more than twenty (20) mg/L; or (B) a material with a saturated vapor concentration in air at twenty (20) degrees Celsius greater than or equal to one-fifth (1/5) of the LC₅₀ for acute toxicity on inhalation of vapors and with an LC₅₀ for acute toxicity on inhalation of vapors of not more than five thousand (5,000) ml/m³.

2. Is an irritating material, with properties similar to tear gas, which causes extreme irritation, especially in confined spaces.

vv. "Portal" means a web-based database for regulated facilities to electronically report required hazardous materials business plan (HMBP) and additional locally required information.

ww. "Primary containment" means the first level of containment (i.e., the inside portion of that container which comes into immediate contact on its inner surface with the hazardous material being contained).

xx. "Product-tight" means impervious to the hazardous material which is contained, or is to be contained, so as to prevent the seepage of the hazardous material from the primary containment. To be product-tight, the containment shall be made of or created by a material that is not subject to physical or chemical deterioration by the hazardous material or naturally occurring contaminants being contained.

yy. "Radioactive" means any material or combination of materials that has a specific activity greater than 0.002 microcuries per gram.

zz. "Release" means any spilling, leaking, pumping, pouring, emitting, emptying, discharging, injecting, escaping, leaching, dumping or dispensing outside of the primary containment.

aaa. "Retail sales occupancy" means the occupancy or use of a building or structure or any portion thereof for displaying, selling or buying of goods, wares or merchandise.

bbb. "Secondary containment" means the level of containment external to and separate from the primary containment and which is capable of safely and securely containing the material, without discharge, for a period of time reasonably necessary to ensure detection and remedy of the primary containment failure.

ccc. "SIC code" means the identification number assigned by the Standard Industrial Classification Code to specific types of businesses.

ddd. "Single-walled" means construction with walls made of one (1) thickness of material. Laminated, coated or clad materials shall be considered as single-walled.

eee. "Spill control" means rooms, buildings or areas used for the storage of hazardous material liquids with provisions to prevent the flow of liquids to adjoining areas.

fff. "Spontaneously combustible liquid" means:

1. **A pyrophoric liquid.** A pyrophoric liquid is a liquid that, even in small quantities and without an external ignition source, can ignite within five (5) minutes after coming in contact with air when tested according to 173 of 49 CFR.

2. **A self-heating liquid.** A self-heating liquid is a liquid that, when in contact with air and without an energy supply, is liable to self-heat. A liquid of this type exhibits spontaneous ignition or the temperature of the sample exceeds two hundred (200) degrees Celsius during the twenty-four (24) hour test period when tested in accordance with 173 of 49 CFR.

ggg. "Spontaneously combustible solid" means:

1. **A pyrophoric solid.** A pyrophoric solid is a solid that, even in small quantities and without an external ignition source, can ignite within five (5) minutes after coming in contact with air when tested according to 173 of 49 CFR.

2. **A self-heating solid.** A self-heating solid is a solid that, when in contact with air and without an energy supply, is liable to self-heat. A solid of this type exhibits spontaneous ignition or the temperature of the sample exceeds two hundred (200) degrees Celsius during the twenty-four (24) hour test period when tested in accordance with 173 of 49 CFR.

hhh. "Stationary tank" means any packaging designed primarily for stationary installation not intended for loading, unloading or attachment to a transport vehicle as part of its normal operation in the process of use.

iii. "Storage facility" is a facility that stores, handles or uses one (1) or a combination of tanks, sumps, reservoirs, wet floors, waste treatment facilities, pipes, vaults or other portable or fixed containers, used, or designed to be used, for the storage of hazardous materials or other regulated materials at a facility.

jjj. "STP" is an abbreviation for standard temperature and pressure and means zero (0) degrees Celsius, or thirty-two (32) degrees Fahrenheit, at one (1) atmosphere of pressure (14.7 psia).

kkk. "Sump" means a pit or well in which liquids collect.

lll. "Temporary" means not to exceed one (1) year.

mmm. "Threatened release" means a condition creating a substantial probability of harm when the probability and potential extent of harm make it reasonably necessary to take immediate action to prevent, reduce or mitigate damages to persons, property or the environment.

nnn. "Trade secret" means trade secrets as defined in subdivision (d) of Sec. 6254.7 of the Government Code and Sec. 1060 of the Evidence Code.

ooo. "Unauthorized discharge" means any release or emission of any hazardous material or other regulated material which does not conform to the provisions of this chapter, unless such release is in accordance with the release regulations of the Bay Area Air Quality Management District and California Air Resources Board, with a National Pollutant Discharge Elimination System Permit, with waste discharge

requirements established by the Regional Water Quality Control Board pursuant to the Porter-Cologne Water Quality Act, or with local sewer pretreatment requirements for publicly owned treatment works.

SEC. 24.1.4. Professional assistance for city determinations.

Whenever the approval or satisfaction of the city may be required in this chapter for a design, monitoring, testing, evaluation, or technical submittal by an applicant or permittee, the city may, in its discretion, require such applicant or permittee, at such applicant's or permittee's sole cost and expense, to retain a suitably qualified independent engineer, or chemist, or other appropriate professional consultant, acceptable to the city, for the purpose of evaluating and rendering a professional opinion respecting the adequacy of such submittal, design, monitoring, testing or evaluation to achieve the purposes of this chapter. The city shall be entitled to rely on such evaluation and/or opinion of such engineer, chemist or professional consultant in making the relevant determinations provided for in this chapter.

DIVISION II. MATERIALS REGULATED.

SEC. 24.2.0. Materials regulated.

The materials regulated by this chapter shall consist of any materials that, because of their quantity, concentration or physical or chemical characteristics, pose a significant present or potential physical or health hazard to human health and safety, property or the environment if released into the workplace or the environment. These shall include, but not be limited to:

- a. Any material regulated under Sec. 25501 or 25532 of Chapter 6.95 of the California Health and Safety Code.
- b. Any material regulated under Sec. 25281 of Chapter 6.7 of the California Health and Safety Code.
- c. Any material regulated by the California Fire Code.
- d. Any material regulated under Division 20, Chapter 6.5, of the California Health and Safety Code.
- e. Any material regulated under Chapter 6.67, Sec. 25270.5(c), of the California Health and Safety Code.

f. Any material which a handler or the city has a reasonable basis for believing would be injurious to the health, safety and welfare of persons or property or harmful to the environment if released into the workplace or the environment.

SEC. 24.2.1. Exclusions.

This chapter excludes the following materials from hazardous materials permit fees. These materials may be required to be reported or included in a HMBP when the fire chief or his/her designee so determines and where such action would be appropriate and consistent with achieving the general obligations of protecting public health, safety and welfare. In addition, the following materials shall comply with all applicable requirements in Division III (Storage, Handling and Dispensing Standards) of this chapter.

a. **Retail products.** Hazardous materials meeting all of the following requirements: (1) contained solely in consumer products with a container capacity not exceeding five (5) gallons or fifty (50) pounds; (2) packaged for distribution to, and use by, the general public; (3) whose contents are not dispensed from their original containers at the storage facility; and (4) located in an area defined as a retail sales occupancy per Article I, Division I of this chapter.

b. **Medicinal products.** Oxygen and nitrous oxide, ordinarily maintained by a physician, dentist, podiatrist, veterinarian or pharmacist at his or her office or place of business, stored at each office or place of business in quantities of not more than one thousand (1,000) cubic feet of each material at any one time.

c. **Food and beverage products.** Noncryogenic carbon dioxide compressed gas used in the direct dispensing of food or beverages at restaurants, delicatessens, pubs or other public eating or drinking establishments.

d. **Stationary Storage Battery Systems.** Batteries used for facility standby power, emergency power or uninterrupted power supplies in which the liquid electrolyte in the cells is immobilized (i.e., AGM-absorptive glass mat, gel cell) and contain less than fifty-five (55) gallons (aggregate) quantity.

e. **Minimum quantities.*** Hazardous materials whose aggregate quantity in a hazard class does not exceed the limits specified below:

Maximum Quantity	Hazard Class
10 gallons	Miscellaneous hazardous material liquid
10 gallons	Combustible liquid
10 gallons	Corrosive liquid
10 gallons	Flammable liquid

Maximum Quantity	Hazard Class
10 gallons	Oxidizer liquid
50 pounds	Miscellaneous hazardous material solid
50 pounds	Corrosive solid
50 pounds	Flammable solid
50 pounds	Oxidizer solid
200 cubic feet	Nonflammable gas
200 cubic feet	Flammable gas

*Minimum quantity exclusions do not apply to hazardous substances stored in underground storage tanks.

f. **Exemption.** The city shall exempt any material from the requirements of this chapter where it has been demonstrated to the satisfaction of the city that the material in the quantity and/or solution stored does not present a significant actual or potential hazard to the public health, safety or welfare.

SEC. 24.2.2. Underground storage tanks.

This chapter hereby adopts by reference: Chapter 16 of Division 3 of Title 23 of the California Code of Regulations “Underground Storage Tank Regulations,” Sec. 25280-25299.7 of Chapter 6.7 of Division 20 of the California Health and Safety Code “Underground Storage of Hazardous Substances,” applicable federal law and all other laws, regulations and guidelines adopted thereto regulating the storage of hazardous substances in underground storage tanks.

The city may adopt and enforce any regulation, requirement or standard of performance that is more stringent than a regulation, requirement or standard of performance in effect under Chapter 16 of Division 3 of Title 23 of the California Code of Regulations, Chapter 6.7 of Division 20 of the Health and Safety Code or applicable federal law, if the regulation, requirement or standard of performance is consistent with these laws and with the general obligation of protecting health, safety and welfare of persons, resources or property.

In no case shall any regulation, requirement or standard of performance for hazardous substances stored in underground storage tanks be less restrictive than the state and federal laws and regulations cited above. In cases where requirements in this chapter conflict with the state and federal requirements for hazardous substances stored in underground storage tanks cited above, the more restrictive shall apply.

This chapter shall not be construed to preclude or deny the right of the city to regulate underground storage tanks which are not subject to state or federal laws or regulations.

SEC. 24.2.3. Aboveground storage tanks.

This chapter hereby adopts by reference California Health and Safety Code Division 20, Chapter 6.67, Sec. 25270.5(c), applicable federal law, and all other laws, regulations and guidelines adopted thereto regulating aboveground storage tanks.

The city may adopt and enforce any regulation, requirement or standard of performance that is more stringent than a regulation, requirement or standard of performance in effect under the state and federal laws and regulations cited in this section if the regulation, requirement or standard of performance is consistent with these laws and with the general obligation of protecting health, safety and welfare of persons, resources or property.

In no case shall any regulation, requirement or standard of performance for aboveground storage tanks be less restrictive than the state and federal laws and regulations cited above. In cases where requirements in this chapter conflict with the state or federal requirements for aboveground storage tanks cited above, the more restrictive shall apply.

This chapter shall not be construed to preclude or deny the right of the city to regulate aboveground storage tanks which are not subject to state or federal laws or regulations.

SEC. 24.2.4. Hazardous waste treatment.

This chapter hereby adopts by reference Division 4.5, Title 22 of the California Code of Regulations (Department of Toxic Substances Control), California Health and Safety Code Division 20, Chapter 6.5, applicable federal law, and all other laws, regulations and guidelines adopted thereto regulating hazardous waste treatment.

The city may adopt and enforce any regulation, requirement or standard of performance that is more stringent than a regulation, requirement or standard of performance in effect under the state and federal laws and regulations cited in this section if the regulation, requirement or standard of performance is consistent with these laws and with the general obligation of protecting health, safety and welfare of persons, resources or property.

In no case shall any regulation, requirement or standard of performance for hazardous waste treatment be less restrictive than the state and federal laws and

regulations cited above. In cases where requirements in this chapter conflict with the state or federal requirements for hazardous waste treatment cited above, the more restrictive shall apply.

DIVISION III. STORAGE, HANDLING AND DISPENSING STANDARDS.

SEC. 24.3.0. Storage, handling and dispensing of hazardous or other regulated materials.

Storage, handling and dispensing of hazardous or other regulated materials shall be in conformance with this division. In the absence of direct regulation by this division, other appropriate regulations, standards, laws, ordinances or other nationally recognized and accepted methods of good practice may be required when storage, handling or dispensing practices do not meet the purpose and general obligation of this chapter to protect the public health, safety and welfare and the environment. In the event of conflicting authorities or conflicts with other codes, the more restrictive shall apply.

a. **Compressed gas cylinder storage.** All compressed gas cylinders in storage shall be adequately secured by approved noncombustible straps, chain, wire, etc., to prevent falling or being knocked over. All compressed gas cylinders in storage shall have their valve assemblies protected by a D.O.T.-approved bonnet.

Compressed gas containers, cylinders and tanks shall not be placed near elevators, unprotected platform ledges or other areas where falling would result in compressed gas containers, cylinders or tanks being allowed to drop distances exceeding one-half (1/2) the height of the container, cylinder or tank.

b. **Compressed gas cylinder use.** All compressed gas cylinders in service shall be adequately secured to prevent falling or being knocked over except for cylinders in the process of examination, servicing or filling. Securement may include chaining cylinders to stationary bracing, chaining cylinders onto secured transport carts or other means acceptable to the city.

c. **Container compatibility.** Containers, piping and equipment used for storing or handling hazardous or other regulated materials shall be compatible with the hazardous or other regulated materials they store or handle. In general, flammable and combustible materials are compatible with metal whereas corrosive materials are compatible with plastic (polyethylene or polypropylene).

d. Design, construction and installation of hazardous materials storage facilities.

1. All storage facility installation, construction, repair or modification, closure and removal shall be completed under permit to the satisfaction of the city. The city shall have the discretion to exempt an applicant from any specific requirement other than those for underground storage tanks or to impose reasonable additional or different requirements based on other appropriate regulations, standards, laws, ordinances or other nationally recognized and accepted methods of good practice in order to better secure the purpose and general obligation of this chapter for protection of public and environmental health, safety and welfare.

2. Containers, cylinders and tanks shall be designed and constructed in accordance with nationally recognized standards or comply with the standard of duty as defined in Chapter 80 of the 2012 International Fire Code, as amended.

3. Equipment, machinery and processes utilized for storage, use or dispensing of hazardous or other regulated materials shall be approved, listed or designed and constructed in accordance with approved standards for the intended use or comply with the standard of duty as defined in Chapter 80 of the 2012 International Fire Code, as amended. Such equipment, machinery and processes shall be maintained in an operable condition.

4. Piping, tubing, valves and fittings conveying hazardous or other regulated materials shall be installed in accordance with approved standards and meet the following requirements:

(a) They shall be designed and fabricated from materials of adequate strength and durability to withstand the pressure, structural and seismic stress, and exposure to which they are subject.

(b) Backflow prevention or check valves shall be provided when the backflow of hazardous materials could create a hazardous condition or cause the unauthorized discharge of hazardous or other regulated materials.

(c) Piping and tubing utilized for the transmission of liquids having a health hazard ranking of 3 or 4 in accordance with the National Fire Protection Association (NFPA) Standard 704 shall have welded or brazed connections throughout unless the piping or tubing is provided with a receptor for containment if the material is a liquid.

(d) Piping and tubing utilized for the transmission of liquids having a health hazard ranking of 3 or 4 in accordance with NFPA 704 in pressurized piping

above fifteen (15) psig shall be provided with excess flow control. When the piping originates from within a hazardous material storage room or area, the excess flow control shall be located within the storage room or area. Where the piping or tubing originates from a bulk source, the excess flow control shall be located as close to the bulk source as practical.

(e) Piping and tubing utilized for the transmission of liquids having a health hazard ranking of 3 or 4 in accordance with NFPA 704 shall be provided with readily accessible manual or automatic remotely activated fail-safe emergency shutoff valves at the following locations:

- i. The point of use.
- ii. The tank, cylinder or bulk source.

e. **Dispensing and mixing.** Dispensing and mixing of hazardous or other regulated materials must not be done in such a manner as to substantially increase the risk of fire or unauthorized discharge.

Dispensing and mixing of flammable or combustible liquids shall meet the following conditions:

1. Positive displacement pumps shall be provided with pressure relief discharging back to the tank, pump suction or other suitable location or shall be provided with interlocks to prevent overpressure.

2. When gases are introduced to provide for liquid transfer by pressure, only inert gases shall be used and controls, including pressure-relief devices, shall be provided to limit the pressure so that it cannot exceed the maximum working pressure of tanks, containers and piping systems. When devices operating through pressure with a tank or container are used, the tank or container shall be a pressure vessel approved for the intended use. Air or oxygen shall not be used for pressurization.

3. Liquids with closed-cup flash points below one hundred forty (140) degrees Fahrenheit in containers greater than five (5) gallon capacity shall be transferred by one (1) of the following methods:

- (a) From safety cans.
- (b) Through an approved closed piping system.

(c) From containers or tanks by an approved pump taking suction through an opening in the top of the container or tank.

(d) From containers or tanks by gravity through an approved self- or automatic-closing valve when the container or tank and dispensing operations are provided with spill control and secondary containment. Liquids with a flash point below seventy-three (73) degrees Fahrenheit and boiling point below one hundred (100) degrees Fahrenheit shall not be dispensed by gravity.

4. Liquids with a closed-cup flash point below seventy-three (73) degrees Fahrenheit and boiling point below one hundred (100) degrees Fahrenheit in containers greater than five (5) gallon capacity shall not be dispensed into containers unless the nozzle and containers are electrically interconnected. Acceptable methods of electrical interconnection include:

(a) Metallic floor plates on which containers stand while filling when such floor plates are electrically interconnected to the fill stem.

(b) Where the fill stem is bonded to the container during filling by means of a bond wire.

f. **Drainage system.** Drainage required to prevent accumulation of liquid within secondary containment shall be controlled by a drainage system approved by the city. The drainage system shall control the discharge flow in a manner that prevents hazardous or other regulated materials from being discharged to the environment, sanitary sewer or storm drain system in violation of local, state or federal discharge requirements.

g. **Empty containers.** Empty containers and tanks previously used for the storage of hazardous or other regulated materials shall be free from residual material and vapor as defined by D.O.T., Resource Conservation and Recovery Act (R.C.R.A.) or other regulating authority or maintained as specified for the storage of hazardous material. Tanks and containers, when empty, shall have the covers or plugs immediately replaced in openings.

h. **Flammable, oxidizing and pyrophoric gases.**

1. Low-melting-point materials, such as aluminum, copper and some brass alloys, or materials which soften on fire exposure, such as nonmetallic materials, or nonductile materials, such as cast iron, shall not be used for piping, valves or fittings conveying flammable, pyrophoric or oxidizing gases unless they are in accordance with one (1) of the following:

(a) Suitably protected against fire exposure by fire-resistive construction, gas cabinets, automatic fire sprinklers or other approved methods.

(b) Located so that any release resulting from failure will not unduly expose persons, buildings or structures.

(c) Located where leakage can readily be controlled by operation of an accessible, remotely located valve or valves.

2. Compressed gas systems conveying flammable, oxidizing or pyrophoric gases shall be provided with emergency shutoff systems that can be activated from each point of use and at each source. A readily accessible shutoff valve is acceptable for shutoff at the source.

3. Containers of liquefied flammable gases and flammable gases in solution shall be in the upright position or positioned such that the pressure-relief valve is in direct contact with the vapor phase of the container.

i. **General housekeeping.** Areas where hazardous or other regulated materials are stored (including empty containers previously storing hazardous materials) shall be neat and orderly and not obstruct exits or travel pathways.

j. **Grounding and bonding.** When liquids with a closed-cup flash point less than one hundred forty (140) degrees Fahrenheit are dispensed and where accumulation of static electricity or flammable vapors could occur, adequate grounding and bonding shall be provided. Grounding rods shall: (1) be composed of one-half (1/2) inch thick copper; (2) extend at least eight (8) feet into the ground; and (3) terminate in the ground. The container being dispensed from shall be bonded to the grounding rod or other grounded container via four (4) WG wires.

k. **High-temperature and low liquid-level control.** Process tanks and equipment which involve temperature control of the hazardous or other regulated material shall be provided with a high-temperature and low liquid-level shutoff or other acceptable limit controls for maintaining the temperature and product level within a safe range. These controls shall be maintained according to the manufacturer's specifications and shall be inspected by the owner/operator at a minimum of once per month as approved by the fire chief or his/her designee.

l. **Maintenance.** Defective containers, cylinders and tanks shall be removed from service, repaired or disposed of in an approved manner. Equipment, machinery and processes found to be defective shall be replaced, repaired or removed from service.

Aboveground stationary tanks not used for a period of ninety (90) days shall be properly safeguarded or removed in a manner approved by the fire chief or his/her

designee. Such tanks shall have the fill line, gauge opening and pump connection secured against tampering. Vent lines shall be properly maintained. Tanks which are to be placed back into service shall be tested in a manner approved by the fire chief or his/her designee.

m. Monitoring (leak detection).

1. All storage facilities containing hazardous or other regulated materials which are liquids or solids at normal temperature and pressure shall be designed and constructed with leak detection systems capable of detecting escape of the hazardous or other regulated materials from the primary containment. No facility shall be placed into operation without an approved leak detection system.

2. Monitoring shall include visual inspection of the primary containment wherever practical; however, if the visual inspection is not practical, an alternative method of monitoring each storage facility on a monthly or more frequent basis may be approved by the city. The city will consider: (a) the magnitude and severity of the potential effects of discharges; (b) the reliability of the monitoring method or device based on past use history; (c) the quality of the installation of the monitoring device and associated hardware and software; (d) the ability of the permittee to properly perform or use the monitoring method or device; (e) the ability of the permittee to maintain the monitoring device in proper working order; (f) the quantity and quality of the manufacturer's testing and performance specifications; and (g) the quality and quantity of third-party testing of the monitoring method or device when determining the required monitoring method or device and monitoring frequency for a storage facility. Proposed monitoring methods and devices shall be approved by the city prior to installation and use by the permittee or applicant.

3. Method(s) of monitoring may include, but are not limited to, pressure testing, vacuum testing, hydrostatic testing, liquid sensors, pressure sensors, flow sensors and vapor analysis within well(s). Well installation shall be approved by the city and the Santa Clara Valley Water District.

4. Whenever monitoring devices are provided, they shall be connected to attention-getting visual and audible alarms. The alarms shall be located in areas normally staffed with personnel trained in emergency response procedures. Whenever monitoring devices or methods are provided, they shall be fully functional at all times. Facility owners/operators shall be able to provide back-up monitoring devices or methods approved by the city to be used in the event of failure of the primary monitoring system.

5. Whenever monitoring devices are provided they shall be tested at one of the following frequencies: (a) not less than annually; (b) in accordance with the

approved manufacturer's requirements; or (c) in accordance with approved recognized industry standards.

6. Monitoring devices that have not been installed in the city or do not have a proven track record of use as determined by the fire chief or his/her designee may be approved by the city for up to six (6) months on a trial basis. Should the monitoring device not meet the owner/operator's minimum monitoring requirements, either due to faulty equipment, faulty installation, the inability of the device to meet the manufacturer's claims or specifications or other administrative or engineering problems, the owner/operator shall be required to remove the temporary monitoring device from service and install an approved monitoring device or method within fifteen (15) working days.

n. **Overfill protection (limit-level control) and overspill protection.** Containers used for the accumulation of hazardous or other regulated material liquids shall be equipped with a limit-level (overfill) control which will prevent overfilling of the containers, except for containers monitored by a system which will limit net content by weight. A limit-level control may include visual observation when the level of liquid in the container being filled is within sight of the operator and the filling device is within his/her immediate control. These controls shall be maintained according to the manufacturer's specifications and shall be inspected by the owner/operator at least monthly as approved by the fire chief or his/her designee.

o. **Protection from vehicles.** Guard posts or other approved means shall be provided to protect storage tanks and connected piping, valves and fittings; dispensing areas; and use areas subject to vehicular damage. When guard posts are required, the posts shall meet the following criteria:

1. Constructed of steel not less than four (4) inches in diameter and concrete-filled.
2. Spaced not more than four (4) feet on center.
3. Set not less than three (3) feet deep in a concrete footing of not less than a fifteen (15) inch diameter.
4. Set with the top of the post not less than three (3) feet above ground.
5. Located not less than five (5) feet from the tank.

The area surrounding an exterior storage area or aboveground tank shall be kept clear of combustible materials for a minimum distance of thirty (30) feet.

p. **Safety storage cabinets.** When safety storage cabinets are used to store hazardous or other regulated materials, they shall comply with the following:

1. Constructed of metal.
2. Interior surfaces shall be lined, coated or constructed of material that is nonreactive and compatible with the hazardous or other regulated materials stored.
3. Steel thickness of not less than 0.044 inch (18 gauge).
4. Cabinet and doors shall be double-walled with one and one-half (1.5) inches air space between the walls.
5. Joints shall be riveted or welded and shall be tight-fitting.
6. Doors shall be well-fitted and self-closing. Safety storage cabinets for toxics and highly toxics shall also be equipped with a self-latching device.
7. Cabinet bottom shall be liquid-tight to a minimum of two (2) inches.
8. Shall be labeled as per the requirements of Sec. 24.3.9 of this chapter.

q. **Secondary containment.** Secondary levels of containment shall be required for all new storage facilities (constructed or installed after January 1, 1984) intended for the storage of hazardous materials which are liquids or solids at normal temperature and pressure unless exempted by the city. Secondary levels of containment may be required for existing storage facilities (those in business prior to January 1, 1984) if it is determined by the fire chief or his/her designee that the primary containment is not providing suitable storage. "Suitable storage" shall be determined by and based on a number of factors, including the age of the containment, condition and integrity of the containment, amount of spillage on or around the containment, proximity of the containment to storm drains, sewers or other environmentally sensitive receptors, general housekeeping practices in maintaining the containment, etc.

1. All primary containment shall be product-tight.
2. Secondary containment:
 - (a) All secondary containment shall be constructed of materials of sufficient thickness, density and composition so as not to be structurally weakened as a result of contact with the discharged hazardous materials and so as to be capable of containing hazardous materials discharged from a primary container for a period of

time equal to or longer than the maximum anticipated time sufficient to allow detection and recovery of the discharged hazardous or other regulated material.

(b) In the case of an installation with one (1) primary container, the secondary containment shall be large enough to contain at least one hundred ten (110) percent of the volume of the primary container.

(c) In the case of a storage facility with multiple primary containers, the secondary container shall be large enough to contain one hundred fifty (150) percent of the volume of the largest primary container placed in it or ten (10) percent of the aggregate internal volume of all primary containers in the storage facility, whichever is greater.

(d) Secondary containment shall not provide for the accumulation or storage of liquids (hazardous material liquids, precipitation, condensate, etc.).

(e) If the storage facility is equipped with an automatic fire extinguishing system, then the secondary containment shall be able to additionally accommodate the fire extinguishing system flow for a period of twenty (20) minutes.

3. Laminated, coated or clad materials shall be considered single-walled and shall not be construed to fulfill the requirements of both primary and secondary containment.

r. **Separation of materials.** Materials that in combination may cause a fire or explosion or the production of a flammable, toxic or poisonous gas or the deterioration of a primary or secondary container shall be separated in both the primary and secondary containment so as to avoid potential intermixing. Separation shall be accomplished by:

1. Segregating incompatible materials storage by a distance of not less than twenty (20) feet and an independent secondary containment system. This twenty (20) foot distance is not required if the secondary containment systems for the incompatible materials can be shown to completely isolate all possible spillage (including container falling if containers are stacked on top of one another) so that intermixing cannot occur.

2. Isolating incompatible materials storage by a noncombustible partition extending not less than eighteen (18) inches above and to the sides of the stored material.

3. Storing liquids and solid materials in hazardous materials storage cabinets.

4. Storing compressed gases in gas cabinets or exhausted enclosures.

Materials which are incompatible shall not be stored within the same cabinet or exhausted enclosure.

s. **Shelf storage.** Shelves used for storing hazardous or other regulated material shall be of substantial construction and adequately braced and anchored to an immovable object. The face of each shelf shall be provided with a nonflexible lip or guard to prevent individual containers from falling off except when contained inside an approved hazardous materials safety storage cabinet.

t. **Shock-sensitive materials.** Materials which are shock-sensitive shall be padded, suspended or otherwise protected against accidental dislodgement and dislodgement during seismic activity. For seismic requirements, see Mountain View City Code (MVCC), Chapter 8, and the California Building Code as amended.

u. **Spill control for hazardous material liquids.** Rooms, buildings or areas used for storage of hazardous material liquids shall be provided with spill control to prevent the flow of liquids to adjoining areas. Floors in indoor locations and similar surfaces in outdoor locations shall be constructed to contain a spill from the largest single vessel by one (1) of the following methods:

1. Liquid-tight sloped or recessed floors in indoor locations or similar areas in outdoor locations.
2. Liquid-tight floors in indoor locations or similar areas provided with liquid-tight raised or recessed sills or dikes.
3. Sumps and collection systems.
4. Other approved engineered systems.

Except for surfacing, the floors, sills, dikes, sumps and collection systems shall be constructed of noncombustible material and the liquid-tight seal shall be compatible with the material stored. When liquid-tight sills or dikes are provided, they are not required at perimeter openings having an open-grate trench across the opening that connects to an approved collection system.

v. **Temperature control.** Hazardous or other regulated materials which must be stored at temperatures other than ambient temperature to prevent a hazardous reaction shall be stored in approved areas or containers which provide a means to maintain the temperature within a safe range. Redundant temperature control which will operate upon failure of the primary temperature control system shall be provided. Alternate

means to prevent a hazardous materials reaction may be provided. These controls shall be maintained according to manufacturer's specifications and shall be inspected by the owner/operator at least monthly as approved by the fire chief or his/her designee.

w. Transportation of hazardous or other regulated materials inside facilities.

1. Hazardous or other regulated material liquids in containers exceeding a five (5) gallon capacity in an exit corridor or exit enclosure shall be transported on a cart or truck. Containers of hazardous or other regulated materials having a hazard ranking of 3 or 4 in accordance with NFPA 704 transported within exit corridors or exit enclosures shall be on a cart or truck. The following exceptions apply:

(a) Two (2) hazardous materials liquid containers which are hand-carried in acceptable safety carriers.

(b) Single drums not exceeding fifty-five (55) gallons which are transported by suitable drum trucks.

(c) Containers and cylinders of compressed gases which are transported by approved hand trucks and containers and cylinders not exceeding twenty-five (25) pounds which are hand-carried.

(d) Solid hazardous or other regulated materials not exceeding one hundred (100) pounds which are transported by approved hand trucks and a single container not exceeding fifty (50) pounds which is hand-carried.

2. When carts or trucks are required, they shall meet the following requirements:

(a) They shall be designed to provide a stable base for the commodities to be transported and shall have a means of restraining containers to prevent accidental dislodgement.

(b) They shall be provided with a device which will enable the operator to safely control movement by providing stops or speed-reduction devices.

(c) They shall be constructed of material compatible with the material transported and be of substantial construction.

(d) They shall be capable of containing the largest single container transported.

(e) They shall not obstruct or be left unattended within a part of an exit.

(f) They shall not be used to transport incompatible materials together.

x. **Travel path clearance.** When hazardous or other regulated materials are moved into or out of a storage facility, they shall remain in the travel path only for the time reasonably necessary to transport the material and such movement shall be in a manner which will not result in an unauthorized discharge.

y. **Ventilation.** Indoor storage areas and storage buildings shall be provided with mechanical exhaust ventilation or natural ventilation where natural ventilation can be shown to be acceptable for the materials as stored. Signs indicating that the ventilation provided is not acceptable include corrosion of fixtures, high vapor levels, etc. If the ventilation is not acceptable, the fire chief or his/her designee may request professional assistance as described in Sec. 24.1.4 to help in determining the size, amount and location of additional ventilation required.

1. Exhaust ventilation shall be arranged to consider the density of the potential fumes or vapors released. For fumes or vapors that are heavier than air, exhaust shall be taken from a point within twelve (12) inches of the floor.

2. The location of both the exhaust and inlet air openings shall be arranged to provide air movement across all portions of the floor or room to prevent the accumulation of vapors.

3. Exhaust ventilation shall not be recirculated within the room or building if the materials stored are capable of emitting hazardous vapors.

z. **Alternative means and methods.** The fire chief or his/her designee is authorized to approve alternate materials, methods or engineering controls provided the fire chief or his/her designee finds that the proposed materials, methods or engineering controls satisfactorily comply with the intent of this section and the materials, methods or engineering control are at least equivalent to that prescribed in this section in quality, strength, effectiveness, resistance, durability and safety.

Requests for approval to use an alternate facility, materials, methods or engineering controls shall be made in writing to the fire chief or his/her designee and shall be accompanied by a full statement of the conditions. Sufficient evidence or proof shall be submitted to substantiate any claim that may be made regarding its performance. The fire chief or his/her designee may require tests and the submission of

a test report from an approved testing organization to substantiate the equivalency of the proposed alternate facility, materials, methods or engineering controls.

Approval of a request for use of an alternate facility or engineering control shall be limited to the particular case covered by request and shall not be construed as establishing any precedent for any future request.

SEC. 24.3.1. Abandoned storage facilities.

- a. No storage facility shall be abandoned.
- b. Storage facilities which are temporarily out of service, and are intended to be returned to use, must continue to be monitored and inspected.
- c. Any storage facility which is not being monitored and inspected in accordance with this chapter must be closed or removed in a manner approved by the city in accordance with Sec. 24.7.2.
- d. Any person, firm or corporation having an interest, including a leasehold interest, in real property and having reason to believe that an abandoned storage facility is located upon such property shall make a diligent effort to locate such storage facility and take necessary actions to comply with this section.
- e. Whenever an abandoned storage facility is located, a plan for the closing or removing or the upgrading and permitting of such storage facility shall be filed within ninety (90) days of its discovery. A closure plan shall conform to the standards specified in Sec. 24.7.2.

SEC. 24.3.2. Maintenance, repair or replacement.

- a. Permittee will carry out maintenance, ordinary upkeep, and minor repairs in a careful and safe manner. No permit or other approval will be required for such maintenance and upkeep.
- b. Any substantial modification or repair of a storage facility other than minor repairs or emergency repairs shall be in accordance with plans to be submitted to the city and approved in accordance with Sec. 24.3.0.d. prior to the initiation of such work.
- c. Permittee may make emergency repairs to a storage facility in advance of seeking an additional permit approval whenever an immediate repair is required to prevent or contain an unauthorized discharge or to protect the integrity of the containment. However, within five (5) working days after such emergency repairs have

been started, permittee shall seek approval by submitting drawings or other information adequate to describe to the city the repairs.

d. Replacement of any storage facility for hazardous materials or other regulated materials must be in accordance with this chapter, including secondary containment requirements for new facilities in Sec. 24.3.0.q. of this chapter.

SEC. 24.3.3. Secured facilities.

Access to the storage facilities shall be secured by means of fences and/or locks. The access to the storage facilities shall be kept securely locked when unattended. Secured buildings or perimeter site security may be accepted as an alternative to locking individual storage facilities.

SEC. 24.3.4. Spill prevention and cleanup equipment.

Spill prevention and cleanup equipment shall be provided which is reasonable and appropriate for potential emergencies presented by the stored hazardous or other regulated materials. Such equipment shall be regularly tested and adequately maintained. Training in the use of such equipment shall be in accordance with Sec. 24.4.3.

SEC. 24.3.5. Posting of emergency evacuation procedures.

When simplified emergency evacuation procedures are required under Sec. 24.4.3 of this chapter, they shall be posted conspicuously in locations where hazardous or other regulated materials are stored and include a map of the facility showing evacuation routes and telephone numbers to obtain help or summon emergency responders.

SEC. 24.3.6. Materials safety data sheets.

Materials safety data sheets (MSDS) for all hazardous or other regulated materials regulated by this chapter shall be kept up to date and be readily available on the premises for review by facility personnel or city inspectors. MSDSs shall be provided to city inspectors on request.

SEC. 24.3.7. Smoking in storage facilities.

Smoking shall not be permitted in any room where hazardous or other regulated materials are stored or handled, nor within twenty-five (25) feet of outdoor storage areas. The use of open flames or high-temperature devices in a manner which creates a hazardous condition shall not be permitted.

SEC. 24.3.8. Placarding.

NFPA 704M diamond placards shall be placed at entrances to locations where hazardous materials are stored or handled, as per the requirements of the fire chief or his/her designee. Placard numbering shall reflect the material posing the highest degree of hazard in the storage facility in a reasonable quantity. In addition, all aboveground storage tanks located outside of buildings shall be placarded with the NFPA 704M diamond placard for the specific material they contain.

Placards shall meet the following criteria:

1. Of durable construction such that they are not defaced or faded during normal operations;
2. Minimum size of ten (10) inches by ten (10) inches with four (4) inch letters for aboveground storage tanks and external doors (doors entering the facility from the outside); and
3. Numbers are contrasting to background.

SEC. 24.3.9. Labeling.

a. **General.** Markings described below shall meet the following general requirements:

1. Markings shall be made of durable materials and shall be replaced as needed due to normal aging and fading.
2. Markings shall be in English. Markings in other languages shall be provided where appropriate.
3. Unless otherwise specified, lettering shall be large enough to be read from a distance of twenty (20) feet.
4. Lettering shall contrast highly with the background.
5. Markings shall not be located where they might be obstructed (e.g., by open doors, equipment, etc.). Drums with side markings or labels shall be positioned with the markings/labels facing outward.

b. Chemical storage areas, drum and container storage areas, rooms, sheds and cylinder rack storage areas shall be marked as described below:

1. With signs showing the hazard class(es) of the chemical(s) stored.
2. Empty container storage areas shall be clearly identified as such.

c. Compressed gases and liquefied gases shall be marked as described below:

1. Gas cylinders shall have marked on the cylinder body or on an attached label the chemical name and hazard class of each gas contained within and, in the case of mixtures, the percentage or parts per million concentration of the hazardous constituents. This information shall be visible from the front side of the cylinder. If the D.O.T. label is not readily visible, a label indicating the D.O.T. hazard class of the gas shall be placed above the cylinder.

2. Gas cabinets shall be marked with the same information as required on cylinders.

3. Excess flow control valves shall be marked to indicate the maximum design flow rate based on air under standard conditions.

d. Piping and tubing containing hazardous material liquids and gases shall be marked as described below:

1. All piping and tubing shall be marked at intervals no greater than twenty (20) feet with the name of the material contained and the direction of flow. Piping and tubing shall be marked at each point where changes in direction occur and where wall, ceiling or floor penetrations occur. Where piping and tubing is shorter than twenty (20) feet in length, such markings shall appear at least once along the piping and tubing run. Where supplementary color identification of piping is used, it shall be in accordance with the hazardous materials and colors indicated in nationally recognized standards as referenced in the California Fire Code;

2. Piping and tubing containing water, compressed air, gas exhaust or other nonhazardous materials may be required to be marked as described in Sec. 24.3.9.d.1, above, if this tubing or piping is contained in the same location or room as tubing or piping containing hazardous or other regulated materials or if so directed by the fire chief or his/her designee.

3. Emergency control valves and shutoff valves shall be marked to indicate their function.

e. Safety cans shall be marked with the chemical name and hazard class of the liquid contained within.

f. Open tanks, vats and baths shall be marked as described below:

1. Open tanks, vats and baths shall be identified with a marking on the tank or on a wall directly behind the vessel. The marking shall show the chemical name, hazard class and percentage concentration of the single highest hazardous material, including constituents of mixtures or solutions contained within the vessel.

2. Rinse-dragout tanks shall be marked "Rinse Water" or equivalent.

g. Aboveground storage tanks shall be marked as described below:

1. With a marking on the tank which shows the chemical name.

2. Aboveground storage tanks containing liquid cryogenics shall also be marked per the following examples:

	If liquid oxygen is stored	If liquid hydrogen is stored
Tank marking:	LIQUEFIED OXYGEN	LIQUEFIED HYDROGEN FLAMMABLE GAS
Storage site marking:	OXYGEN NO SMOKING NO OPEN FLAMES WITHIN TEN FEET (10')	LIQUEFIED HYDROGEN FLAMMABLE GAS NO SMOKING NO OPEN FLAMES WITHIN FIFTY FEET (50')

3. Aboveground storage tanks containing water, process cooling water, rinse water, deionized water, etc., shall be marked with the name of the material contained.

h. Safety storage cabinets shall be marked as described below:

1. With the hazard class(es) of the materials contained.

2. Safety storage cabinets used for the storage of flammable liquid shall display a conspicuous label in red letters on a contrasting background which reads "FLAMMABLE – KEEP FIRE AWAY."

3. Cabinets used for hazardous materials other than flammable liquids shall display a conspicuous label in red letters on a contrasting background which reads "HAZARDOUS – KEEP FIRE AWAY."

DIVISION IV. HAZARDOUS MATERIALS BUSINESS PLAN.

SEC. 24.4.0. Hazardous materials business plan.

a. Each applicant for a permit pursuant to this chapter shall electronically file a plan, for the city's approval, to be known as a hazardous materials business plan (HMBP), which shall demonstrate the safe storage and handling of hazardous or other regulated materials and emergency response capabilities of the applicant. The HMBP shall be electronically reported in accordance with Division I of this chapter. Approval of the HMBP shall mean the facility has provided adequate information for the purposes of evaluating the permit approval. Such approval shall not be understood to mean the city has made an independent determination of the adequacy of that which is described in the HMBP or that the applicant has complied with other codes or ordinances.

b. Within thirty (30) days of any of the events listed below, any business subject to this chapter shall submit an amendment to the HMBP:

1. Any changes in the information required on the Business Owner/Operator portion of the HMBP;

2. Any change in the information required on the facility storage map portion of the HMBP;

3. Any change of one hundred (100) percent or more in the quantity or any change in the quantity range of a previously disclosed hazardous or other regulated material, or the handling of a previously undisclosed hazardous or other regulated material required on the hazardous materials inventory statement portion of the HMBP;

4. Any change in the information required on the emergency response plan (contingency plan) portion of the HMBP.

c. If the city determines the handler's HMBP is deficient in any way, the city shall notify the handler of these defects. The handler shall submit a corrected HMBP within thirty (30) days of this notice. If a handler fails after reasonable notice to amend their electronically submitted HMBP to accurately disclose the required information, the city may take appropriate action to enforce this chapter, including the imposition of civil and criminal penalties specified in this chapter.

SEC. 24.4.1. Public record access and trade secrets.

The HMBP is a public record except for facility storage maps, or as otherwise specified. The information contained therein is subject to trade secret protection pursuant to Health and Safety Code Sec. 25511. The city may refuse access to this record when such disclosure could jeopardize ongoing civil or criminal investigation or litigation.

Persons requesting access to any portion of the HMBP will be required to complete an application for release of information. The application will require:

1. The person's name, address and telephone number;
2. The name and address of the person, business, or governmental agency such person represents;
3. The purpose for which the access is requested; and
4. The identity of the specific files to be examined or request to be copied, including street address and company name (Health and Safety Code Sec. 25506 requires all HMBPs to be indexed by street address and company name).

The fire chief or his/her designee will have ten (10) days prior to permitting the review or providing copies to: verify the applicant's identity; determine whether any of the materials requested are exempt from disclosure; and, if necessary, inform the business whose HMBP has been requested.

SEC. 24.4.2. Hazardous materials business plan (HMBP).

The hazardous materials business plan (HMBP) must be submitted electronically and updated annually at a minimum. The HMBP shall include the data fields required in Title 27 of the California Code of Regulations as well as all locally required fields.

a. **Facility storage map.** The facility storage map shall be of a legible scale. The information is provided for purposes of ensuring the suitable and secure storage of hazardous or other regulated materials and for the protection and safety of emergency response personnel of the city. The city shall take reasonable precautions to ensure the confidentiality of the information provided on the facility storage map and shall not disclose this information to the public unless ordered to do so by a court of competent jurisdiction.

1. The facility storage map shall depict the entire hazardous materials storage facility, including all interior and exterior spaces/rooms.

2. The facility storage map shall identify (numerically or alphabetically) the location of each hazardous materials storage location. This location shall correlate with the hazardous materials inventory statement.

3. The facility storage map shall indicate the locations of emergency equipment related to each storage facility, building orientation, locations of emergency utilities (gas, water, electric), storm drain locations, sanitary sewer locations, lockbox (Knox box) locations, locations of MSDSs, and adjacent and cross streets, and the general purpose/use of the other areas within each facility.

4. Applicant or permittee may be required to provide such other information on the facility storage map as the fire chief or his/her designee deems necessary and consistent with the general obligation of this chapter for protection of the health, safety or welfare of persons, resources or property.

b. Variation in information.

1. Additional information may be required in the HMBP where such information is reasonably necessary to meet the intent of this chapter.

2. Requirements for information in the HMBP may be waived where such information is not reasonably necessary to meet the intent of this chapter.

SEC. 24.4.3. Supplemental requirements for emergency response plans (contingency plan).

a. In addition to the HMBP requirements set forth in this chapter, any person, firm or corporation which stores, uses or handles hazardous or other regulated material in excess of the exempt amounts specified in Sec. 24.2.1, shall establish and implement a plan for emergency response (contingency plan) for a release or threatened release of a hazardous or other regulated material pursuant to this section. The emergency response plan (contingency plan) shall be submitted electronically with the HMBP.

b. Unless the facility is otherwise exempt as set forth in this chapter, the following information shall be provided:

1. Emergency response plans and procedures in the event of a reportable release or threatened release of a hazardous or other regulated material which includes, but shall not be limited to, the following:

(a) Immediate notification to the city, the city fire department and the State Office of Emergency Services;

(b) Procedures for the mitigation of a release or threatened release to minimize any potential harm or damage to persons, property or the environment;

(c) Evacuation plans and procedures for the business site, including immediate audible notice and warning to all persons on the site.

c. Training shall be provided for all new employees, in addition to annual training, including refresher courses for all employees, in safety procedures to be utilized in the event of a release or threatened release of a hazardous or other regulated material. Such training shall include, but not be limited to, familiarity with the plans and procedures specified above. These training programs shall take into consideration the technical and managerial responsibilities of each employee.

Responsible persons shall be designated and trained to be liaison personnel for the fire department. These persons shall aid the fire department in preplanning emergency responses and identification of the locations where hazardous or other regulated materials are located, shall have access to material safety data sheets and shall be knowledgeable in the site emergency response plan and procedures.

d. Any business required to file a pipeline operations contingency plan in accordance with the California Pipeline Safety Act of 1981 (Chapter 5.5 (commencing with Sec. 51010) of Part 3 of Division 1 of Title 5 of the Government Code) and the regulations of the Department of Transportation, found in Part 195 of Title 49 of the Code of Federal Regulations, may file a copy of those plans with the city in lieu of the emergency response plan specified in subdivision (a), above.

e. Any business operating a farm exempted by Paragraph (5) of subdivision (b) of Sec. 25503.5 of the Health and Safety Code from filing the information specified in subdivisions (a) and (b) shall, notwithstanding this exemption, provide the training programs specified in subdivision (c).

f. Emergency response plans and procedures shall be available for public inspection during regular working hours, as described under Sec. 24.4.1, except for those portions of such plans, including any maps of the facility as described in this chapter, specifying the precise location where hazardous or other regulated materials are stored and handled on-site.

DIVISION V. RESPONSIBILITY.

SEC. 24.5.0. Reporting unauthorized discharge.

a. **Liquids and solids at normal temperature and pressure.** As soon as any person in charge of a storage facility or responsible for emergency response for a facility has knowledge of any confirmed or unconfirmed unauthorized discharge of a hazardous or other regulated material which is liquid or solid at normal temperature and pressure, such person shall take all necessary steps to ensure the discovery, containment and cleanup of such discharge and shall notify the city of the occurrence as required by this subsection.

1. Confirmed unauthorized discharge.

(a) **Recordable unauthorized discharge.** Any recordable unauthorized discharge shall be contained and safely disposed of in an appropriate manner and such occurrence and the response thereto shall be recorded in the person's, firm's or corporation's monitoring records. A recordable unauthorized discharge is any unauthorized discharge of a hazardous or other regulated material which meets all of the following criteria:

i. The discharge is from a primary containment to a secondary containment or to a rigid aboveground surface covering capable of containing the discharge until cleanup of the hazardous or other regulated material is completed; and

ii. The discharge is able to be adequately cleaned up before it escapes from such secondary containment or such aboveground surface, but if the cleanup requires more than eight (8) hours, it becomes a reportable discharge in accordance with Sec. 24.5.0.a.1(b) below; and

iii. There is no increase in the hazard of fire or explosion, nor is there any production of a flammable or poisonous gas, nor is there any deterioration of such secondary containment or such rigid, aboveground surface.

iv. An otherwise recordable unauthorized discharge does not need to be recorded if the discharge is not the result of the deterioration or failure of the primary container, the quantity discharged is less than one (1) ounce by weight and the discharge can be cleaned up within fifteen (15) minutes.

(b) **Reportable unauthorized discharge.** Any unauthorized discharge which is determined not to be recordable under subsection 24.5.0.a.1(a) above, must immediately be reported to city's fire department via the 9-1-1 emergency number. The reporting party shall indicate the ability of the responsible party to contain and dispose

of the hazardous or other regulated material, the estimated time it will take to complete containment and disposal, and the degree of hazard created. The city may verify that the hazardous or other regulated material is being adequately contained and appropriately disposed. At any time the city determines the party performing the containment or disposal: (a) is not adequately containing or disposing of such hazardous or other regulated materials; (b) is not adequately trained to do so; (c) does not have adequate resources or supplies to do so; or (d) does not have a practical or safe containment or disposal plan, the city shall have the power and authority to undertake and direct an emergency response in order to protect the public health, safety and/or welfare and the environment. Costs associated with such emergency response shall be borne by the owner, operator or other person responsible for the unauthorized discharge.

Within fifteen (15) calendar days of a reportable discharge, the responsible party shall submit a written report to the city, including:

- i. A description of the incident, including actions taken by facility personnel during and immediately following the reportable discharge;
- ii. A determination of the cause or causes of the reportable discharge;
- iii. Administrative and engineering controls which the responsible party proposes to implement to reduce the likelihood of a reportable discharge recurring;
- iv. The target date for completing implementation of such controls; and
- v. The signature of a corporate officer of the responsible facility.

2. **Unconfirmed unauthorized discharge.**

(a) **Indication of loss of inventory.** Whenever a material balance, inventory record, or monitoring detection system employed as a monitoring technique under the HMBP indicates a loss of hazardous or other regulated material, and no unauthorized discharge has been confirmed by other means, the responsible party shall immediately record such discrepancy in his/her monitoring records, immediately notify the fire department's environmental safety division of the discrepancy, and determine, within five (5) business days, whether or not there has been an unauthorized discharge. If, before the end of such period, it is determined there has been no unauthorized discharge, an entry explaining the occurrence shall be made in the responsible party's monitoring records. Where the responsible party has not been able,

within such period, to determine there has been no unauthorized discharge, an unauthorized discharge is deemed confirmed and the responsible party shall proceed in accordance with subsection 24.5.0.a.1(b) above.

(b) **Test results.** Whenever any test results suggest a possible unauthorized discharge, and no unauthorized discharge has been confirmed by other means, the responsible party shall immediately notify the environmental safety division of the possible discharge and shall perform two (2) retests, at least twenty-four (24) hours apart, within five (5) business days. If both retest results establish there has been no unauthorized discharge, the results of all three (3) tests shall be recorded in the responsible party's monitoring records. If it has not been established within such period that there has been no unauthorized discharge, an unauthorized discharge is deemed confirmed and the responsible party shall proceed in accordance with subsection 24.5.0.a.1(b) above.

(c) **Fire.** Whenever a fire occurs in a facility which has or should have a hazardous materials permit, regardless of whether or not any hazardous or other regulated materials were involved, the responsible party shall immediately notify the fire department via the 9-1-1 emergency number. Within fifteen (15) working days of the fire, the responsible party shall submit a written report to the city, including:

- i. A description of the incident, including the actions taken during and immediately following the fire by facility personnel;
- ii. A determination of the cause or causes of the fire;
- iii. Administrative and engineering controls which the responsible party proposes to implement to reduce the likelihood of a fire recurring;
- iv. The target date for completing implementation of such controls; and
- v. The signature of a corporate officer of the responsible facility.

If both a fire and hazardous materials release has occurred, only one (1) report need be submitted.

b. **Gases at normal temperature and pressure.** Any person in charge of a storage facility or responsible for emergency response for a storage facility, who has knowledge of any unauthorized discharge of a hazardous material which is a nonflammable gas at normal temperature and pressure, must immediately report such discharge to the city fire department via the 9-1-1 emergency number if such discharge presents a threat of imminent danger to public health, safety and/or the environment.

All other gas releases shall be reported immediately to the city fire department via the 9-1-1 emergency number.

SEC. 24.5.1. Cleanup responsibility.

Any person, firm or corporation responsible for releasing hazardous or other regulated material shall institute and complete all actions necessary to remedy the direct or potential effects of any unauthorized discharge. The city shall undertake actions to remedy the effects of such unauthorized discharge only if it determines it is reasonably necessary under the circumstances for the city to do so. The responsible party shall reimburse the city for all costs incurred by the city in remedying the effects of such unauthorized discharge, including the costs of fighting fires, to the extent allowed by law. This responsibility is not conditioned upon evidence of willfulness or negligence of the party storing or handling the hazardous or other regulated material(s) in causing or allowing such discharge or unsafe condition. Any responsible party who undertakes action to remedy the effects of unauthorized discharge(s) shall not be barred by this chapter from seeking to recover appropriate costs and expenditures from other responsible parties except as provided by Sec. 24.5.2.

SEC. 24.5.2. Indemnification.

The responsible party shall indemnify, hold harmless and defend the city against any claim, cause of action, disability, loss, liability, damage, cost or expense, howsoever arising, which occurs by reason of an unauthorized discharge or unsafe condition in connection with the responsible party's operations, except as arises from the city's sole active negligence.

DIVISION VI. INSPECTIONS AND RECORDS.

SEC. 24.6.0. Inspections by the city.

The city may conduct inspections, at its discretion, for the purpose of ascertaining compliance with this chapter and causing to be corrected any conditions which would constitute any violation of this chapter or of any other statute, code, rule or regulation affecting the storage or handling of hazardous or other regulated materials.

Permittees are not required to disclose the identity of hazardous or other regulated materials protected as trade secrets pursuant to Sec. 24.4.1 to anyone other than city officials, except in the case of an emergency response or an unauthorized discharge related to the storage facility in which the trade secret material is contained.

a. **Right of entry.** Whenever necessary for the purpose of investigating or enforcing the provisions of this chapter, or whenever any enforcement officer has

reasonable cause to believe that there exists in any structure or upon any premises, any condition which constitutes a violation of this chapter, said officers may enter such structure or premises at all reasonable times to inspect the same, or to perform any duty imposed upon any of said respective officers by law; provided that if such structure or premises be occupied, the officer shall first present proper credentials and request entry and, further provided, that if such structure or premises is unoccupied, the officer shall first make a reasonable attempt to contact a responsible person from such firm or corporation and request entry, except in emergency circumstances. If such entry is refused, the officer seeking entry shall have recourse to every remedy provided by law to secure entry.

b. **Inspections by city – Discretionary.** All inspections specified herein shall be at the discretion of the city and nothing in this chapter shall be construed as requiring the city to conduct any such inspection nor shall any actual inspection made imply a duty to conduct any other inspection. Furthermore, nothing in this chapter shall be construed to hold the city or any officer, employee or representative of the city responsible for any damage to persons or property by reason of making an inadequate or negligent inspection or by reason of any failure to make an inspection or reinspection.

SEC. 24.6.1. Inspections by permittee.

The permittee shall conduct regular inspections of its own facilities to assure compliance with this chapter and shall maintain logs or file reports in accordance with this chapter. The inspector conducting such inspections shall be qualified to conduct such inspections.

SEC. 24.6.2. Special inspections.

In addition to the inspections specified above, the city may require the periodic employment of special inspectors to conduct an audit or assessment of permittee's facility to make a hazardous or other regulated material safety evaluation and to determine compliance with the provisions of this chapter.

a. The special inspector shall be a qualified person or firm who shall demonstrate expertise to the satisfaction of the city.

b. The special inspection report shall include an evaluation of the facilities and recommendations consistent with the provisions of this chapter where appropriate. A copy of the report shall be filed with the city at the same time that it is submitted to permittee.

c. Permittee shall, within thirty (30) days of said report, file with the city a plan to implement all recommendations, or shall demonstrate to the satisfaction of the city why such recommendations shall not be implemented.

SEC. 24.6.3. Substituted inspections.

An inspection by an employee of any other public agency may be deemed by the city as a substitute for any requirement above.

SEC. 24.6.4. Maintenance of records.

All records required by this chapter shall be maintained by the permittee for a period of not less than three (3) years. Said records shall be made available to the city during normal working hours and upon reasonable notice, or copies of these records shall be sent to the city, if the city so requests.

DIVISION VII. APPLICATIONS AND PERMITS.

SEC. 24.7.0. Permit.

a. It shall be unlawful for any person, firm or corporation to store, use or handle any hazardous or other regulated materials in excess of the exempt amounts specified in Sec. 24.2.1 without first obtaining a permit for the storage and handling of the hazardous or other regulated materials. Furthermore, it shall be unlawful for any person, firm or corporation to store or handle hazardous or other regulated materials in quantities in excess of the quantities specified in the permit, or to violate any other requirement set forth in this chapter or in the permit.

b. The permit for hazardous or other regulated material storage, use and handling may include the following: (1) name and address of the permitted facility; (2) mailing address; (3) issue, revision and expiration dates of the permit; (4) type of permit (full-term, temporary or provisional); (5) maximum quantities and hazard classes of hazardous or other regulated materials allowed on site at any one time; and (6) compliance directives specifying maintenance and/or upgrade requirements and dates for complying with these requirements. The permit may impose any additional terms or conditions upon the applicant which the fire chief or his/her designee deems reasonable and necessary to carry out the purposes of this chapter.

c. A full-term permit may be issued to the applicant if:

1. The applicant has complied with all reporting requirements of this chapter;

2. The applicant has furnished all requested information, including a complete permit application as described in this chapter;

3. The fire chief or his/her designee determines there are adequate devices, equipment, chemicals, administrative controls, engineering controls and other facilities to safely store and handle the hazardous or other regulated materials;

4. The person(s) responsible for emergency spill response and control are adequately trained and capable of consistently meeting permit requirements; and

5. The applicant has paid all hazardous materials program fees.

d. Permits shall be valid for a term of no more than one year (365 days).

e. If the officer to whom the application has been made finds the proposal does not completely conform to the provisions of this chapter or meet the conditions of Sec. 24.7.0.c. above, the officer may approve a provisional permit, subject to conditions to be imposed by the officer. The applicant must be informed in writing of the reasons why a full-term permit was not issued.

f. A permit for temporary storage may be issued where storage does not exceed thirty (30) days and occurs no more frequently than every six (6) months. The storage, use, handling and dispensing standards of Division III, the HMBP reporting requirements of Division IV and the inspection and records requirements of Division VI may be modified as appropriate under these circumstances for the storage of hazardous or other regulated materials on a nonregular basis.

g. If the officer to whom the permit application has been made has cause to deny the issuance of a full-term permit and determines it would not be feasible or in the public interest to approve a temporary or provisional permit, the officer shall deny issuance of a permit. A permit shall be denied if the applicant fails to demonstrate adequate conformity to the provisions of this chapter, or if issuance of a permit would threaten the health, safety or welfare of the community, persons, resources or property. The decision to deny the permit shall be given to the applicant in writing setting forth the findings upon which the decision is based.

h. No permit shall become effective until the permit has been signed by the fire chief or his/her designee.

i. A change of ownership (including a transfer of the majority of shares in a corporate facility) of the hazardous materials storage facility requires the submittal of an amended permit application. The permit may be transferred to new owners of the same business only if the new owners accept responsibility for all obligations under this

chapter and all permit conditions at the time of the transfer of the business and document such transfer in writing within thirty (30) days of transfer of ownership of the business. Such transfer shall be subject to the approval of the city.

j. Any permittee desiring to store, handle or dispense hazardous or other regulated materials which are not in conformance with the hazardous materials permit shall apply for and obtain an amended permit prior to any such storage, handling or dispensing.

k. The continued use of, and permit approval for, existing storage facilities is subject to review and modification or termination by the city whenever: (1) there has been any unauthorized discharge or significant reduction in the integrity of primary or secondary containment; (2) the permit is renewed; (3) significant changes in hazardous materials processes occur; (4) there is a change of one hundred (100) percent or more in the quantity or any change in the quantity range of a previously disclosed hazardous or other regulated material, or the handling of a previously undisclosed hazardous or other regulated material; or (5) the city is required to implement programs or policies required by state or federal agencies.

l. The fire chief or his/her designee shall reinstate any suspended hazardous materials permit upon proof of the following:

1. Satisfactory ability to comply with all storage and handling requirements; and

2. The payment of costs, fines or penalties which may be assessed. The fire chief or his/her designee may require the permit holder to develop and implement a compliance schedule for any proposed modification of permit terms and conditions.

m. A permit may be issued for a term of up to five (5) years, excepting provisional permits which may be issued for any period of time up to six (6) months and temporary permits which may be issued for no longer than thirty (30) days.

n. Notwithstanding Sec. 24.2.1 and in addition to those materials regulated pursuant to Sec. 24.2.0, a permit shall be required for the storage in an underground storage tank as defined by California Health and Safety Code Sec. 25281(y) of any material defined as a hazardous substance by California Health and Safety Code Sec. 25316.

SEC. 24.7.1. Application for permit.

a. Applicants for a permit to store, use, handle or dispense hazardous or other regulated materials shall electronically file a HMBP and obtain approval by the city for

each facility storing, using, handling or dispensing the hazardous or other regulated materials in excess of the exempt amounts specified in Sec. 24.2.1

b. The HMBP shall serve as the basis of the hazardous materials permit application. Construction plans, specifications, calculations and other additional information may also be required as part of the application in order for the fire chief or his/her designee to determine the storage and handling of the hazardous or other regulated materials will be conducted in a manner which meets the purposes of this chapter.

c. Every application for the renewal of a permit or extension of a provisional permit shall be made at least thirty (30) days prior to the expiration date of such permit. If a timely application for renewal has been submitted, the permit shall remain in effect until the city has made its determination.

d. The officer to whom an application for a new or renewed permit is made may make such investigation of the applicant and the proposed facility or activity as such officer deems necessary to carry out the purposes of this chapter.

SEC. 24.7.2. Closure approvals.

a. Persons, firms or corporations storing, using, handling or dispensing hazardous or other regulated materials in amounts exceeding the exempt amounts specified in Sec. 24.2.1 shall apply for approval to close such storage facility not less than thirty (30) days prior to the termination of the storage of hazardous or other regulated materials at the storage facility. This thirty (30) day period may be reduced or waived by the city if there are special circumstances justifying such waiver. The property owner of the property upon which the storage facility exists shall be responsible for the closure in the event of the facility being abandoned or when the facility operator has not complied with Sec. 24.7.0 and 24.3.1 of this chapter. Such closure plan shall be acceptable to the city. The closure plan shall adequately describe procedures for terminating the storage of hazardous or other regulated materials in each storage facility in a manner that:

1. Minimizes the need for further maintenance;
2. Verifies that any threat to public health or safety or to the environment from residual hazardous or other regulated materials in or from the storage facility is adequately minimized or eliminated. The basis for this verification may include, but is not limited to, visual inspections, records review, the analytical results of soil or groundwater samples, wipe samples, etc.; and

3. Demonstrates that hazardous or other regulated materials that are stored in the storage facility will be removed, disposed of, neutralized or reused in an appropriate manner, and in compliance with all applicable laws, ordinances, regulations and guidelines.

b. Upon completion of the closure plan, proof of proper removal and transport of all hazardous materials, tanks, sumps, reservoirs, containers and equipment which stored, handled or dispensed hazardous or other regulated materials shall be submitted. This may include, but is not limited to, hazardous waste manifests and bills of lading.

c. Upon completion of the closure plan, the fire chief or his/her designee may require the facility operator or property owner of facilities which stored, handled or dispensed poisonous or acutely hazardous materials to include one (1) of the following statements in the closure documentation, signed by an independent industrial hygienist:

1. "This facility has been adequately closed using currently acceptable practices and is in compliance with local, state and federal guidelines. In my professional opinion, remaining contamination (if any) poses an insignificant health risk based on the quantity, toxicity and location of the contamination, as well as the proposed use and potential activities of persons on the site"; or

2. "In my professional opinion, contamination has been found which may pose a significant health risk, based on the quantity, toxicity and location of the contamination, as well as the proposed use of the site and potential activities of persons on the site. Further remedial action is warranted to reduce this risk to acceptable levels and to comply with local, state and federal guidelines, regulations and laws."

SEC. 24.7.3. Fees.

The city shall establish fees sufficient to recover its costs in administering this chapter and related state and federal laws and regulations referenced in this chapter, including the cost of providing hazardous materials services and implementing the hazardous materials ordinance. These fees shall include, but not be limited to, the cost of review of HMBPs, inspections, plan checks, facility closures and other program implementation and administrative costs. The fee schedule shall be adopted by resolution of the city council. No application shall be accepted unless and until the fees have been paid.

The city may collect fees charged by the County of Santa Clara or the State of California for program implementation and administration pursuant to Certified

Unified Program Agency legislation (Title 27, Division 1, Subdivision 4, Chapter 1 of the California Code of Regulations).

DIVISION VIII. REMEDIAL ACTION.

SEC. 24.8.0. Notice of violation.

Unless the fire chief or his/her designee finds that an immediate suspension under Sec. 24.8.2 is necessary to protect the environment, public health, safety or welfare from imminent danger, the officer shall issue a notice of violation for:

Failure to comply with the provisions of this chapter, any permit conditions, any compliance directives or any provisions of the HMBP within the time specified in the inspection notice, permit or compliance directive; fraud, willful misrepresentation, or any willful inaccurate or false statement in applying for a new, amended or renewed permit; or fraud, willful misrepresentation, or any willful inaccurate or false statement in any report required by this chapter.

The notice of violation shall specify: (a) dates when initial and follow-up inspections were conducted; (b) provisions of this chapter, permit conditions, compliance directives, or provisions of the HMBP found to be in violation; (c) inaccurate or false statements made in permit applications or reports; (d) any applicable fines or other charges due for payment; and (e) deadline dates for compliance and payment of fines or other charges. Such notice shall be sent by certified mail to permittee. If the violation is not abated, corrected or rectified and all fines or other charges paid within the time specified, a notice of hearing shall be given.

SEC. 24.8.1. Suspension prior to hearing.

Whenever the fire chief or his/her designee finds that suspension of a permit prior to a hearing for remedial action is necessary to protect the environment, public health or safety from imminent danger, the fire chief or his/her designee may immediately suspend any permit or take any immediate action necessary to curtail the imminent danger pending the hearing for remedial action. The fire chief or his/her designee shall immediately notify the permittee of such suspension by having a written notice of the suspension personally served on the permittee, the permittee's designated agent for service of process, or a competent person apparently in charge of such a business, who is at least eighteen (18) years of age. In the event the permittee is not personally served with the suspension notice, a copy of such notice shall be mailed to the business address listed on the HMBP. Permittee shall have the opportunity for a preliminary hearing with regard to such prehearing suspension within three (3) working days of receiving written notice of such suspension.

SEC. 24.8.2. Notice of hearing.

A notice of hearing shall be given to the permittee, applicant or responsible party by the fire chief or his/her designee in writing, setting forth the time and place of the hearing, the ground or grounds upon which the hearing is based, the pertinent code section or sections, and a brief statement of the factual matters in support thereof. The notice shall be given at least fifteen (15) calendar days prior to the hearing date.

SEC. 24.8.3. Remedial action.

If the fire chief or his/her designee, after the hearing, finds cause exists for remedial action, the fire chief or his/her designee shall impose one or more of the following:

- a. A warning;
- b. An order to correct the particular violation and pay fines or other charges specified in the notice issued pursuant to Sec. 24.9.0;
- c. A revocation of the permit for the facility or for a storage facility and approval of a provisional permit;
- d. Suspension of the permit for the facility or for a storage facility for a specified period not to exceed six (6) months;
- e. Modification or addition of conditions of the permit;
- f. Revocation of the permit with no reapplication permitted for a specified period not to exceed five (5) years; and/or
- g. Such other criminal or civil actions as permitted by law.

Upon suspension or revocation of a hazardous materials permit, hazardous or other regulated materials shall be removed from the affected facility within thirty (30) days. Procedures for such removal shall require prior city approval.

SEC. 24.8.4. Transmittal of decision.

Within ten (10) days of the hearing, the fire chief or his/her designee shall render a written opinion, stating the findings upon which the decision is based and the action taken, if any. The decision of the fire chief or his/her designee may be appealed to the city council as specified in Sec. 24.9.2.

SEC. 24.8.5. Authority after suspension, revocation or expiration.

The suspension, revocation or expiration of a permit issued under this chapter shall not prevent any proceedings to investigate such permit, any remedial action against such permittee or any proceeding against such permittee.

SEC. 24.8.6. Return of permit.

In the event a permit issued under the provisions of this chapter is suspended or revoked, the permittee shall forward it to the issuing officer not later than the end of the third business day after notification of such suspension or revocation.

DIVISION IX. HEARING AND APPEAL PROCEDURE.

SEC. 24.9.0. Hearing rules.

In any hearing under this chapter, all parties involved shall have the right to offer testimonial, documentary and tangible evidence bearing on the issues, to be represented by counsel, and to question any witnesses. Any hearing under this chapter may be continued by the person conducting the hearing for a reasonable time for the convenience of a party or a witness.

SEC. 24.9.1. Hearing notices.

All notices required by this chapter shall be sent by certified mail, postage prepaid, to the applicant or permittee at the address given for purposes of notice on the application or permit or delivered to the permittee personally.

SEC. 24.9.2. Appeal rules.

Within fifteen (15) calendar days from the date of deposit of the decision of the fire chief or his/her designee in the mail, an applicant or permittee may appeal the decision, in writing, to the city council. The city council shall hear the appeal within sixty (60) days of the request for an appeal hearing, or as soon thereafter as possible.

DIVISION X. ENFORCEMENT.

SEC. 24.10.0. Infractions and misdemeanors.

Any person, firm or corporation, whether as an individual, officer, principal agent, employee or otherwise, violating or causing the violation of any of the provisions of: this chapter, a notice of violation, a compliance directive or a hazardous materials

permit may be prosecuted for an infraction or misdemeanor, in addition to any civil penalties as set forth in Sec. 24.10.2.

Each day any violation of this chapter continues shall be regarded as a new and separate offense. The remedies provided in this chapter shall be cumulative and exclusive.

SEC. 24.10.1. Authorization for fire marshal, hazardous materials specialists and certain other designated employees to arrest violators.

Those employees of the city, including, but not limited to, the fire marshal, hazardous materials specialists and certain other employees designated by the city manager or the fire chief, who have the duty of enforcing the Mountain View City Code and state laws pertaining to hazardous and toxic materials, are hereby authorized, in accordance with and pursuant to California Penal Code Sec. 836.5, 836.37 and 853.6, to arrest persons for violations of such ordinances or statutes and issue notice to appear citations as provided by law.

SEC. 24.10.2. Civil penalties.

Any person, firm or corporation who intentionally or negligently violates any provision of this chapter, or fails to comply with any order issued thereunder, shall be liable for a civil penalty not to exceed five hundred dollars (\$500) per day for each violation which shall be assessed and recovered in a civil action brought in the name of the people by the city attorney or the district attorney. An unauthorized discharge which is recordable and recorded in compliance with Sec. 24.5.0 shall not be a violation of this chapter for purposes of this section. In determining the penalty, the court may consider all relevant circumstances, including, but not limited to, the following:

- a. The extent of harm or potential harm caused by the violation;
- b. The nature and persistence of the violation;
- c. The length of time over which the violation occurred;
- d. The frequency of past violations;
- e. The permittee's record of maintenance;
- f. Corrective action, if any, taken by the permittee;
- g. The degree of noncompliance with this chapter; and

h. The extent of negligence or willful misconduct of the person, firm or corporation violating this chapter.

In any civil action brought pursuant hereto, in which the city prevails, the court may determine and impose reasonable expenses, including attorney's fees, incurred by the city in the investigation and prosecution of the action.

SEC. 24.10.3. Civil action for retaliation.

A civil action may be instituted against any employer by any employee who has been discharged, demoted, suspended, disciplined or in any other manner discriminated against in terms or conditions of employment, or threatened with any such retaliation, because such employee has, in good faith, made any oral or written report or complaint related to the enforcement of this chapter to any company official, public official or union official, or has testified in any proceeding in any way related thereto. In addition to any actual damages which may be awarded, damages shall include costs and attorney's fees. The court may award punitive damages in a proper case.

SEC. 24.10.4. Remedies not exclusive.

Remedies under this section are in addition to and do not supersede or limit any and all other remedies, civil or criminal.

DIVISION XI. MISCELLANEOUS.

SEC. 24.11.0. Disclaimer of liability.

The degree of protection required by this chapter is considered reasonable for regulatory purposes. The standards set forth herein are minimal standards and this chapter does not imply that compliance will ensure there will be no unauthorized discharge of hazardous or other regulated material. This chapter shall not create liability on the part of the city, any officer or employee thereof for any damages that result from reliance on this chapter or any administrative decision lawfully made thereunder. All persons handling, storing, using, processing and disposing of hazardous or other regulated materials within the city should be and are advised to determine, to their own satisfaction, the level of protection, in addition to that required by this chapter, necessary or desirable to ensure there is no unauthorized discharge of hazardous or other regulated materials.

SEC. 24.11.1. Guidelines.

Guidelines implementing this chapter and adopted by the city council shall be maintained in the office of the environmental safety division of the fire department. Such guidelines, in the areas addressed therein, shall serve as an interpretation of this chapter.

SEC. 24.11.2. Conflict with other laws.

Notwithstanding any other provision of this chapter:

a. A storage facility regulated by any state or federal agency will be exempted from any conflicting provision of this chapter.

b. Whenever any provision of this chapter conflicts with the fire code as adopted by the city, the stricter shall prevail.

SEC. 24.11.3. Severability.

If any section, subsection, sentence, clause or phrase of this chapter is for any reason held to be invalid or unconstitutional by a decision of any court of competent jurisdiction, such decision shall not affect the validity of the remaining portions of the chapter. The city council hereby declares that it would have passed this chapter and each and every section, subsection, sentence, clause or phrase not declared invalid or unconstitutional without regard to whether any portion of the chapter would be subsequently declared invalid or unconstitutional."

Section 2. Article II of Chapter 24 of the Mountain View City Code is hereby amended to read as follows:

"ARTICLE II. TOXIC GASES.

DIVISION I. PURPOSE AND DEFINITION.

SEC. 24.100. Scope.

a. This article applies to all new and existing facilities where regulated materials subject to this article are present.

b. In the event of conflicting or overlapping regulatory provisions within Chapter 14, "Fire Prevention," of the Mountain View City Code and/or Chapter 8, "Buildings," of the Mountain View City Code, and this article, the most stringent requirement shall be applied.

c. In the event of conflicting or overlapping regulatory provisions with a federal law or state law or regulation, unless the application of this article is expressly preempted by an act of Congress or enactment of the Legislature, the more stringent requirement shall apply.

d. This article shall not apply to the registration and application of pesticides since this is preempted by an Act of Congress. Handling and storage of pesticide cylinders, however, shall comply with all requirements of this article.

SEC. 24.101. Definitions generally.

Unless the context otherwise requires, the words and phrases in this article shall have the meanings set forth in this Division I and shall govern the construction of this article. For words and phrases not defined in this article, the definitions set forth in Chapters 8, 14 and 24 of the Mountain View City Code shall apply.

SEC. 24.101.1. Highly toxic materials.

A material that has a median lethal concentration (LC₅₀) in air of two hundred (200) parts per million or less by volume of gas or vapor, or two (2) milligrams per liter or less of mist, fume or dust, when administered by continuous inhalation for an hour, or less if death occurs within one (1) hour, to albino rats weighing between two hundred (200) and three hundred (300) grams each.

SEC. 24.101.2. Toxic materials.

A material that has a median lethal concentration (LC₅₀) in air of more than two hundred (200) parts per million but not more than two thousand (2,000) parts per million by volume of gas or vapor, or more than two (2) milligrams per liter but not more than thirty (30) milligrams per liter of mist, fume or dust, when administered by continuous inhalation for an hour, or less if death occurs within one (1) hour, to albino rats weighing between two hundred (200) and three hundred (300) grams each.

SEC. 24.101.3. Moderately toxic materials.

A material that has a median lethal concentration (LC₅₀) in air of more than two thousand (2,000) parts per million but not more than five thousand (5,000) parts per million by volume of gas or vapor, or more than thirty (30) milligrams per liter but not more than fifty (50) milligrams per liter of mist, fume or dust, when administered by continuous inhalation for an hour, or less if death occurs within one (1) hour, to albino rats weighing between two hundred (200) and three hundred (300) grams each.

SEC. 24.102. Controls.

“Controls” are means to regulate materials to prevent unauthorized discharges.

SEC. 24.103. Control area.

Spaces within a building where quantities of hazardous materials not exceeding the maximum allowable quantities per control area are stored, dispensed, used or handled. Control areas shall comply with the California Fire Code.

SEC. 24.104. Deleted by Ord. No. 6.99, 4/27/99.

SEC. 24.105. Excess flow control.

“Excess flow control” means a fail-safe system designed to shut off flow due to a rupture in pressurized piping systems.

SEC. 24.105.1. Exterior storage.

“Exterior storage” means a storage area enclosed by no more than two (2) contiguous walls.

SEC. 24.106. Facility.

“Facility” means any building, structure, installation, equipment, pipe, container, site, area, appurtenant structure or surrounding land area where regulated materials are stored, used, dispensed, handled, placed or otherwise have come to be located.

SEC. 24.107. Fire code.

“Fire code” means Chapter 14, “Fire Prevention,” of the Mountain View City Code.

SEC. 24.108. Deleted by Ord. No. 6.99, 4/27/99.

SEC. 24.109. IDLH (immediately dangerous to life and health).

“IDLH (immediately dangerous to life and health)” means a concentration of airborne contaminants, normally expressed in parts per million (ppm) or milligrams per cubic meter, which represents the maximum level from which one could escape within thirty (30) minutes without any escape-impairing systems or irreversible health effects. This level is established by the National Institute of Occupational Safety and Health (NIOSH). If adequate data do not exist for precise establishment of IDLH data, an

independent certified industrial hygienist, industrial toxicologist or appropriate regulatory agency shall make such determination.

SEC. 24.110. Inert construction materials.

“Inert construction materials” means materials which, under reasonably foreseeable conditions, will not degrade or react upon contact with the regulated material to be contained.

SEC. 24.111. Deleted by Ord. No. 6.99, 4/27/99.

SEC. 24.112. Lethal concentration (LC₅₀).

“Lethal concentration” (LC₅₀) means the median lethal concentration level, at which fifty (50) percent of appropriate test animals die when exposed by inhalation for a scientifically appropriate specified time period. For the purposes of this chapter, LC₅₀ values for a particular regulated material shall be those established by the Department of Transportation (D.O.T.). If D.O.T. has not established an LC₅₀ value for a particular regulated material, the LC₅₀ value established by the Compressed Gas Association (CGA) shall be used. If neither D.O.T. nor CGA has established an LC₅₀ value for a particular regulated material, the fire chief or his/her designee may use LC₅₀ values from other available scientific sources.

SEC. 24.113. Lethal concentration low (LCLo).

“Lethal concentration low” (LCLo) means the lowest concentration of a chemical at which some test animals died following inhalation exposure.

SEC. 24.114. Lethal dose median (LD₅₀).

“Lethal dose median” (LD₅₀) means the dose at which fifty (50) percent of test animals die following exposure. The lethal dose is given in milligrams per kilogram of body weight of the test animals.

SEC. 24.115. Lethal dose low (LDLo).

“Lethal dose low” (LDLo) means the lowest dose of a chemical at which some test animals died following exposure.

SEC. 24.116. Deleted by Ord. No. 6.99, 4/27/99.

SEC. 24.117. Maximum threshold quantity (Max. T.Q.).

“Maximum threshold quantity” (Max. T.Q.) means the maximum quantity of a toxic or moderately toxic regulated material which may be stored in a single vessel before a stricter category of regulation is required by this article. Max. T.Q. is determined by the following equation:

$$\text{Max. T.Q. (pounds)} = \text{LC}_{50} \text{ (ppm)} \times 2$$

For the purpose of calculating the Max. T.Q., storage tank, cylinder and piping systems which can be isolated in a manner approved by the fire chief or his/her designee may be designated as a separate storage vessel.

SEC. 24.118. Minimum threshold quantity (Min. T.Q.).

“Minimum threshold quantity” (Min. T.Q.) means the aggregate quantity of a single regulated material in a control area which, due to the minimal aggregate quantities present, need only comply with specific control requirements established in Division VIII and Division II of this article and not with the specific requirements for highly toxic, toxic or moderately toxic regulated materials. Min. T.Q. for mixtures shall be based on the aggregate weight of the regulated components.

For all regulated materials: Min. T.Q. = 2 pounds or less.

Minimum threshold quantity controls are set forth in Division VIII of this article.

SEC. 24.119. Permissible exposure limit (PEL).

“Permissible exposure limit” (PEL) means the maximum permitted eight (8) hour time-weighted average concentration of an airborne contaminant. The maximum permitted time-weighted average exposures are set forth in 29 CFR 1910.1000, as it may be amended from time to time.

SEC. 24.120. Person.

“Person” means an individual, trust, firm, joint stock company, corporation, partnership, association or other business activity, city, county, district, the state, any department or agency thereof, or the United States, to the extent authorized by law.

SEC. 24.121. Portable tank.

“Portable tank” means any packaging over sixty (60) U.S. gallons capacity and designed primarily to be loaded into or on or temporarily attached to a transport

vehicle or ship, and equipped with skids, mounting or accessories to facilitate handling of the tank by mechanical means. It does not include any cylinder having more than one thousand (1,000) pounds water capacity, cargo tank, tank car tank or trailers carrying cylinders of over one thousand (1,000) pounds water capacity.

SEC. 24.122. Reduced flow valve.

“Reduced flow valve” means a valve equipped with a restricted flow orifice and inserted into a compressed gas cylinder, portable tank or stationary tank that is designed to reduce the maximum flow from the valve under full-flow conditions. The maximum flow rate from the valve is determined with the valve allowed to flow to atmosphere with no other piping or fittings attached.

SEC. 24.123. Regulated materials.

“Regulated materials” are all materials, regardless of form (i.e., liquid, solid or gas) which meet the criteria established by Sec. 24.205, below.

SEC. 24.124. Responsible persons.

“Responsible persons” means permittees under this article, owners, managers and persons responsible for the day-to-day operation of any facility subject to this article.

SEC. 24.125. Stationary tank.

“Stationary tank” means any packaging designed primarily for stationary installations not intended for loading, unloading, transport or attachment to a transport vehicle as part of its normal operation in the process of use. It does not include cylinders having less than one thousand (1,000) pounds water capacity.

SEC. 24.126. Deleted by Ord. No. 6.99, 4/27/99.

SEC. 24.127. Unauthorized discharge.

“Unauthorized discharge” means releasing, spilling, leaking, pumping, pouring, emitting, emptying, injecting, escaping, leaching, dumping or disposing of a regulated material into the environment, including any sewer, storm drain, ditch, drainage canal, lake, river or tidal waterway, surface water, groundwater, land surface, sidewalk, street or highway, subsurface strata or ambient air except:

a. A “federally permitted release” as that term is defined in Sec. 101 of the Comprehensive Environmental Response, Compensation and Liability Act, 42 USC Sec. 9602(10), or pursuant to a permit of the Bay Area Air Quality Management District, or

waste discharge requirements of the San Francisco Bay Regional Water Quality Control Board or local wastewater pretreatment requirements for publicly owned treatment works; or

b. The normal application of materials used in weed abatement, erosion control, soil amendment or similar application when used in accordance with manufacturer's instructions or nationally recognized standards.

DIVISION II. SPECIAL PROVISIONS.

SEC. 24.200. General provisions.

This article governs the storage, dispensing, use and handling of regulated materials. To the extent the application of this article to the registration and use of pesticides is preempted by an express provision of an act of Congress or a statute adopted by the State Legislature, this article does not apply.

The provisions of Division II apply to all regulated materials, including highly toxic, toxic, moderately toxic and minimum threshold quantities of regulated materials.

SEC. 24.205. Regulated materials.

a. "Regulated materials," including, but not limited to, gases, are those materials which meet the following criteria:

1. The materials fall under the definition of highly toxic, toxic or moderately toxic materials.

2. The materials meet either of the following criteria:

(a) They are shipped in compressed gas cylinders and the material is or becomes or acts as a gas upon release at normal temperature and pressure (sixty-eight (68) degrees Fahrenheit and seven hundred sixty (760) mm Hg).

(b) The material is used or handled as a gas whether or not the material meets the definition of a compressed gas in Chapter 14, "Fire Prevention," of the Mountain View City Code or 49 CFR Sec. 173.11.

b. Materials which meet the foregoing criteria are subject to the provisions of this article unless exempted by the fire chief or his/her designee based upon scientific evidence provided by a toxicologist or other professional acceptable to the city.

SEC. 24.210. General obligation.

a. No person shall cause, suffer or permit the storage, handling, use or dispensing of materials regulated by this article:

1. In a manner which is contrary to a provision of this article or any other federal, state or local statute, code, ordinance, rule, regulation or standard of performance relating to materials subject to this article; or

2. In a manner which causes an unauthorized discharge or which imposes a significant risk of such unauthorized discharge.

b. A person responsible for a facility shall, as soon as he or she has knowledge of an unauthorized discharge from or at such facility, immediately notify the fire chief or designee of such discharge.

SEC. 24.215. Permits for system upgrades.

a. No person shall upgrade, repair, modify, close or remove a facility without first complying with the process and procedures as set forth in Division VIII, "Applications and Permits," of this chapter.

b. The extent of system upgrades shall be determined by the following conditions:

1. If a building permit is required for a piping modification, then upgrading of the entire system for that gas shall be required.

2. If a building permit is not required for piping modification, such as for connecting an existing piping system to a new piece of equipment, then upgrading of the entire system shall not be required.

SEC. 24.220. Closure.

a. It shall be unlawful for any person to abandon, remove or close a facility or other area regulated by this article until a closure plan has been submitted to and approved by the fire chief or his/her designee.

b. A closure plan and a closure plan review fee as set by the schedule of fees as adopted by the city council shall be submitted by a responsible person to the fire chief or his/her designee at least thirty (30) days prior to facility closure. The property owner of the property upon which the regulated materials are stored shall be responsible for the closure in the event the regulated materials are abandoned or when

the permittee has not complied with all provisions of this section. The closure plan shall demonstrate to the satisfaction of the fire chief or his/her designee that regulated materials which are or have been stored, dispensed, handled or used at the facility will be transported, disposed of or reused in a manner consistent with public health and safety. The fire chief or his/her designee may waive all or part of the thirty (30) day period upon a finding of good cause.

SEC. 24.225. Seismic protection.

Persons responsible for a facility with one (1) or more stationary tanks and piping systems used for regulated materials shall cause such tanks and piping systems to be seismically braced in accordance with the provisions of Chapter 8, "Buildings," of the Mountain View City Code.

SEC. 24.230. Security.

Responsible persons shall cause facilities where materials subject to this article are stored, handled, dispensed or used to be secured against unauthorized entry.

SEC. 24.235. Breathing apparatus.

a. In order to provide for immediate initial on-scene response in the event of an unauthorized discharge and to provide on-scene assistance to firefighters and other emergency response personnel, persons responsible for any facility where highly toxic or corrosive regulated materials are present shall provide a minimum of two (2) self-contained breathing apparatus. When self-contained breathing apparatus would be inadequate protection due to the nature of the gases present, other appropriate protective equipment shall be provided for on-site emergency response personnel.

b. The self-contained breathing apparatus or other protective equipment shall be suitable for use with the material present and shall be readily available to on-site emergency response personnel in a location that provides safety for those expected to don the apparatus.

c. A "location that provides safety" is one which is not likely to be immediately affected by the release of a regulated material.

SEC. 24.240. Incompatible materials.

Responsible persons shall cause regulated materials to be separated from other incompatible hazardous materials in accordance with Article I, Division III of this chapter.

Construction materials shall be compatible with the toxic gases they serve. Compatibility of construction materials shall be based on nationally recognized standards such as the National Association of Corrosion Engineers (NACE).

SEC. 24.245. Leak testing.

Responsible persons shall cause containers of regulated materials to be tested for leaks immediately upon delivery and again immediately prior to departure of such containers from facilities. Testing methods shall be approved by the fire chief or his/her designee in accordance with appropriate nationally recognized industry standards and practices, if any. Appropriate remedial action shall be immediately undertaken when leaks are detected.

SEC. 24.250. Protective plugs and caps.

Responsible persons shall cause the protective plugs and caps of containers of regulated materials to be in place at all times unless and until the material is properly placed into use.

SEC. 24.255. Emergency response plan.

a. If the preparation of an emergency response plan for the facility is not required by any other law, a responsible person shall prepare, or cause to be prepared, and filed with the fire chief or his/her designee, a written emergency response plan.

b. If the preparation of an emergency response plan is required by any other law, a responsible person shall file a copy of the plan with the fire chief or his/her designee.

SEC. 24.260. Emergency response coordinator.

a. If not required to do so by another law, a person responsible for a facility subject to this article shall designate, or cause to be designated, an on-site emergency response coordinator, whom shall be adequately trained, and whom shall serve as liaison to the fire department.

b. The emergency response coordinator shall ascertain all on-site locations where regulated materials are stored, handled and used, shall become familiar with the emergency response plan and the chemical nature of such regulated material, shall act as facility liaison to the fire department and shall be prepared to respond in an emergency.

SEC. 24.265. Annual maintenance.

- a. Responsible persons shall cause all safety control systems at a facility to be tested at a minimum of annually and maintained in good working condition.
- b. Maintenance and testing shall be performed by persons qualified to perform the maintenance and tests.
- c. Maintenance records and test certifications shall be available to the fire chief or his/her designee upon inspection or request.

SEC. 24.270. Reduced flow valve and devices – Highly toxic materials.

All containers of materials other than lecture bottles classified as highly toxic regulated materials and having a vapor pressure exceeding twenty-nine (29) psia shall be equipped with a reduced-flow valve when commercially available. If a reduced-flow valve is not available, the container shall be used with a reduced flow device. All reduced-flow devices shall be part of the valve assembly and visible to the eye when possible; otherwise, they shall be installed as close as possible to the cylinder source.

SEC. 24.275. Fire extinguishing systems.

- a. Except as provided in subsection (c) of this section, responsible persons shall cause all interior and exterior use areas and all indoor storage areas and storage buildings to be protected from fire by automatic sprinkler systems.
- b. The design of the sprinkler system shall be not less than that required under the current edition of NFPA 13 for ordinary hazard Group II with a minimum design area of three thousand (3,000) square feet. Where the materials or storage arrangement require a higher level of sprinkler system protection in accordance with nationally recognized standards, the higher level of sprinkler system protection shall be provided.
- c. If the chemical properties of the regulated materials are such that the materials will be incompatible with the use of a sprinkler system, the fire chief or his/her designee may require alternative forms of fire protection.

DIVISION III. CLASSIFICATION OF MATERIALS.

SEC. 24.300. General.

Regulated materials shall be classified as highly toxic, toxic, moderately toxic or Min. T.Q. materials as defined in Division I.

SEC. 24.305. Exempt amounts.

a. Except as provided in subsection (b) of this section, any single regulated material which would otherwise be regulated is exempt from regulation under this article if all of the following are met:

1. The aggregate quantity of any single regulated material in a control area or exterior storage does not exceed the Min. T.Q.

2. The quantity of the material in a single vessel does not exceed the amounts specified as follows:

i. One (1) pound.

ii. A concentration below the permissible exposure limit (PEL).

3. The aggregate quantity of all regulated materials in a control area or exterior storage does not exceed the exempt amounts specified in Chapter 50 of the currently adopted edition of the International Fire Code.

b. Notwithstanding the exemption in subsection (a) of this section, no amount of highly toxic regulated materials is exempt from the provisions for flow-limiting devices and fire extinguishing systems described in Division II of this article.

SEC. 24.310. Calculations for determining the class of mixtures.

a. The LC₅₀ value for mixtures containing regulated materials shall be calculated using the following formula:

$$\text{LC}_{50} \text{ of Gas Mixture (ppm)} = \frac{1}{\text{(molar fraction of toxic component) / (ppm LC}_{50} \text{ of toxic component)}}$$

b. If more than one toxic component is present, the LC₅₀ value shall be calculated using the following formula:

$$\text{LC}_{50} \text{ of Gas Mixture (ppm)} = \frac{1}{\frac{n}{\sum_{i=1}^n [(f_i) / \text{LC}_{50i}]}}$$

where f_i is the mole fraction of the i^{th} toxic component of the gas mixture and LC_{50i} is the LC_{50} of the i^{th} toxic component of the gas mixture.

SEC. 24.315. Deleted by Ord. No. 6.99, 4/27/99.

SEC. 24.320. Deleted by Ord. No. 6.99, 4/27/99.

SEC. 24.325. Deleted by Ord. No. 6.99, 4/27/99.

SEC. 24.330. Renumbered by Ord. No. 6.99, 4/27/99.

DIVISION IV. HAZARD CLASSIFICATION AND CONTROL TABLE.

SEC. 24.400. General.

a. The requirements for controls for the use or indoor storage of regulated materials shall be cumulative as the hazard class of regulated material increases in accordance with the following table:

HAZARD CLASSIFICATIONS AND CONTROLS

Hazard Classification	Hazard Controls
Highly Toxic	Includes Division II, highly toxic, toxic, moderately toxic minimum threshold quantity and exempt amount controls
Toxic	Includes Division II, toxic, moderately toxic minimum threshold quantity and exempt amount controls
Moderately Toxic	Includes Division II, moderately toxic minimum threshold quantity and exempt amount controls
Minimum Threshold Quantity	Includes Division II minimum threshold quantity and exempt amount controls
Exempt Amounts	Other applicable statutes, codes and ordinances

b. All control equipment for materials regulated by this article shall meet appropriate nationally recognized standards, if any, and shall be approved by the fire chief or his/her designee.

c. Halogenated, noncarbon-based gases may hydrolyze to their base mineral acid upon contact with moisture. Therefore, the monitoring and compatibility requirements of this article shall apply to their decomposition products.

DIVISION V. HIGHLY TOXIC CONTROLS.

SEC. 24.500. Highly toxic controls.

Persons responsible for any facility where highly toxic materials are present shall comply with all of the requirements of Divisions II, V, VI, VII and VIII of this article.

SEC. 24.505. Piping.

a. Piping for highly toxic materials shall be designed and fabricated from materials compatible with the material to be contained. Piping shall be of strength and durability sufficient to withstand the pressure, structural and seismic stress and exposure to which it may be subjected, as required by the California Building Code, adopted in Chapter 8 of the Mountain View City Code.

b. Secondary containment shall be provided for piping for highly toxic materials. The secondary containment shall be capable of directing a sudden release into an approved discharge treatment system and shall be monitored continually with a continuous gas monitoring system approved by the fire chief or his/her designee. Secondary containment includes, but is not limited to, double-walled piping. Secondary containment for piping under subatmospheric conditions may not be required if the piping is equipped with an alarm and cylinder fail-safe to close valve activated by a loss of vacuum.

SEC. 24.510. Automatic shutoff.

An automatic shutoff valve which is of "fail-safe to close" design shall be provided. Each of the following shall activate automatic shutoff:

- a. Gas detection at PEL in occupiable areas; at 1/2 IDLH (or 0.05 LC₅₀ if no established IDLH) in unoccupiable areas;
- b. Manual activation of emergency shutoff valves, from remote locations;
- c. Failure of emergency power;
- d. Failure of primary containment;

- e. Activation of manual fire alarm; and
- f. Failure of required exhaust flow ventilation rate.

SEC. 24.515. Emergency control station.

Signals from emergency equipment shall be transmitted to an emergency control station which is continually staffed by trained personnel. Continual staffing shall not be required during periods when regulated materials have been purged from all process piping and equipment and are no longer being used or dispensed.

DIVISION VI. TOXIC CONTROLS.

SEC. 24.600. Toxic controls.

Responsible persons shall cause materials which are classified as toxic materials to be provided with the controls specified in Divisions II, VI, VII and VIII of this article.

SEC. 24.605. Connections.

a. Piping and tubing for toxic materials shall be installed in accordance with appropriate nationally recognized standards, if any, shall be approved by the fire chief or his/her designee and shall have welded connections compatible with the regulated material throughout unless an exhausted enclosure is provided.

b. Material which is not compatible with ferrous piping may be installed in nonferrous piping approved by the fire chief or his/her designee.

c. Where connections other than welding connections meet appropriate nationally recognized industry standards, if any, a person responsible for a facility may seek an exception from the fire chief or his/her designee. A request for exception and a fee as set by the schedule of fees as adopted by the city council shall be filed with the fire chief or his/her designee for approval. The request shall document the standards and reason for the exception.

SEC. 24.610. Local gas shutoff.

a. Manual activation controls for local gas shutoff shall be provided at locations near the point of use and near the source, as approved by the fire chief or his/her designee.

b. The fire chief or his/her designee may require additional controls at other places, including but not limited to the entry to the building, the area in the building where regulated materials are stored or used and emergency control stations.

c. Manually activated shutoff valves shall be of fail-safe to close design.

SEC. 24.615. Emergency power.

Emergency power shall be provided for:

- a. Exhaust ventilation, including the power supply for treatment systems;
- b. Gas detection systems;
- c. Emergency alarm systems;
- d. Temperature control systems which comply with the California Fire Code.

SEC. 24.620. Excess flow control.

a. Portable tanks and cylinders containing toxic material shall be provided with excess flow control.

b. Excess flow control shall be permanently marked to indicate the maximum design flow rate.

SEC. 24.625. Gas detection.

A continuous gas detection system shall be provided to detect the presence of a gas at or below the permissible exposure limit in occupiable areas and at or below 1/2 IDLH (or 0.05 LC₅₀ if no established IDLH) in unoccupiable areas. The detection system shall initiate a local alarm and transmit a signal to a continually staffed remote location (to provide an immediate response to an alarm). The alarm shall be both visual and audible and shall be designed to provide warning both inside and outside of the interior storage, use or handling area. The audible alarm shall be distinct from all other on-site alarms.

SEC. 24.630. Exhaust ventilation monitoring.

A continuous monitoring system shall be provided to assure that the required exhaust ventilation rate is maintained. The monitoring system shall initiate a local alarm. The alarm shall be both visual and audible and shall be designed to provide warning both inside and outside of the interior storage, use or handling area.

SEC. 24.635. Seismic shutoff valves.

A seismically activated shutoff valve which is of "fail-safe to close" design shall be provided for automatic shutoff of regulated materials.

SEC. 24.640. Toxic corrosives.

Inert construction materials shall be used for the primary containment of toxic regulated materials which are corrosive. Alternatively, secondary containment shall be provided for toxic materials which are corrosive.

SEC. 24.645. Emergency alarms.

When materials regulated by this article are transported through exit corridors or exit enclosures, there shall be an emergency telephone system, a local manual alarm station or a signaling device approved by the fire chief or his/her designee at not more than one hundred fifty (150) foot intervals and at each exit doorway throughout the transport route. The signals shall be relayed to an approved central, proprietary or remote station service or a constantly attended on-site location and shall also initiate a local audible alarm.

DIVISION VII. MODERATELY TOXIC CONTROLS.

SEC 24.700. Moderately toxic controls.

Persons responsible for a facility shall cause materials which are classified as moderately toxic materials to be provided with the controls specified in Divisions II, VII and VIII of this article.

SEC. 24.705. Piping, valves and fittings.

a. Piping, valves, fittings and related components shall be designed and fabricated from materials compatible with the material to be contained. They shall have strength and durability sufficient to withstand the pressure, structural, seismic and any other stress and exposure to which they may be subjected.

b. Expansion chambers shall be provided between valves whenever appropriate in accordance with nationally recognized standards, and shall be approved by the fire chief or his/her designee. Chambers shall be sized to provide protection for piping, valves and instrumentation and to accommodate the expansion of regulated materials.

SEC. 24.710. Signage.

a. Stationary aboveground tanks shall be placarded with hazard identification signs as specified in NFPA 704 for the specific material contained.

b. Signs prohibiting smoking shall be posted in indoor storage, use and handling areas and within twenty-five (25) feet of outdoor storage, use and handling areas, except within buildings designated as "No Smoking" buildings.

c. Signs shall not be obscured or removed.

d. Signs shall be in English and other languages as may be appropriate, as determined by the fire chief or his/her designee.

e. Signs shall be durable.

f. The size, color and lettering shall be in conformance with nationally recognized standards determined by the fire chief or his/her designee to be applicable to the regulated material.

SEC. 24.715. Inert gas purge system.

Gas systems for regulated materials shall be provided with individually dedicated inert gas purge systems (e.g., nitrogen, helium, argon and neon). A dedicated inert gas purge system may be used to purge more than one gas, provided the gases are compatible. Purge gas systems shall be located in an approved gas cabinet unless the system operates by vacuum demand.

DIVISION VIII. MINIMUM THRESHOLD QUALITY CONTROLS.

SEC. 24.800. Minimum threshold quantity controls.

Responsible persons shall cause materials which do not exceed the minimum threshold quantity as defined in Sec. 24.118 to be provided with controls specified in Divisions II and VIII of this article.

SEC. 24.805. Exhaust ventilation.

a. Storage of cylinders shall be within ventilated gas cabinets, exhausted enclosures or within a ventilated separate gas storage room as defined in the California Fire Code.

b. Storage of portable and stationary tanks shall be within a separate ventilated room without other occupancy or use.

c. If gas cabinets are provided, the room or area in which they are located shall have independent exhaust ventilation when properly exhausted cabinets are not utilized.

d. Exhaust systems for gas cabinets, exhausted enclosures and separate gas storage rooms shall be designed to handle the accidental release of gas. Such exhaust systems shall be capable of diluting, absorbing, neutralizing, burning or otherwise processing the entire contents of the single tank or cylinder of gas which presents the highest potential hazard.

e. Systems utilized for such processing shall be designed as a treatment system, as described in Sec. 24.815, below. If a total containment system is utilized, the system shall be designed to handle the maximum anticipated pressure of release to the system when the system reaches equilibrium.

SEC. 24.810. Gas cabinets.

When gas cabinets are provided, they shall be:

a. Operated at negative pressure in relation to their surrounding area;

b. Provided with self-closing limited access ports or fire-rated windows to give access to equipment controls. The average velocity of ventilation at the face of access ports or windows shall be not less than two hundred (200) feet per minute (FPM) with a minimum of one hundred fifty (150) FPM at any point of the access port or window;

c. Connected to a treatment system;

d. Provided with self-closing doors;

e. Constructed of steel with a thickness of not less than twelve (12) gauge; and

f. Internally protected by approved automatic fire sprinklers.

SEC. 24.815. Treatment systems.

a. Treatment systems shall be utilized to process all exhaust ventilation to be discharged from gas cabinets, exhausted enclosures or separate storage rooms. Treatment systems shall be designed to reduce the maximum allowable discharge

concentration of the gas to one-half (1/2) IDLH (or 0.05 LC₅₀ if no established IDLH) at the point of discharge to the atmosphere as specified below.

b. When more than one gas may be emitted to the treatment system, the treatment system shall be designed to handle the worst-case release based on the release rate, the quantity and the IDLH (or 0.1 LC₅₀ if no established IDLH) for all the gases stored or used.

c. In the event a revised IDLH is published, the city shall establish a new timetable for existing facilities to upgrade their treatment systems to meet the revised IDLH value.

SEC. 24.820. Treatment systems sizing.

Treatment systems shall be sized to process the worst-case release of each gas based on the maximum flow rate of release from the cylinder or tank utilized which presents the highest potential hazard. The entire contents of tanks and cylinders shall be considered.

SEC. 24.825. Stationary tanks.

a. Stationary tanks shall be labeled with the maximum rate of release for the gas contained based on any valves or fittings that are inserted directly into the tank.

b. If multiple valves or fittings are provided, the maximum flow rate of release for the valve or fitting with the highest flow rate shall be indicated.

c. If liquefied gases are in contact with any valve or fitting, the liquid flow rate shall be utilized for purposes of computation of the maximum flow rate of release. All flow rates indicated on the label shall be converted to cubic feet per minute of gas at normal temperature and pressure.

SEC. 24.830. Portable tanks and cylinders.

a. For portable tanks and cylinders, the maximum flow rate of release shall be calculated based on the actual release data or calculations using actual valve manufacturer's specifications. When this data is not available, the maximum flow rate of release shall be calculated based on the total release from the cylinder or tank within the time specified in the table below:

Container	Nonliquefied (Minutes)	Liquefied (Minutes)
Cylinders	5	30
Portable Tanks	40	240

b. When portable tanks or cylinders are equipped with approved reduced flow orifices in the cylinder valve, the worst-case release may be determined by the maximum achievable flow through the orifice as determined by the valve manufacturer or the gas supplier. Reduced flow and excess flow valves shall be permanently marked to indicate the maximum design flow rate. Such markings shall indicate the flow rate for air under standard conditions. Lettering shall be one-quarter (1/4) inch high minimum, and be in contrast to the color in which it is printed upon.

c. When cylinders are manifolded together, the maximum release rate shall be the sum of the release rates for all of the manifolded cylinders.

SEC. 24.835. Piping and controls.

All primary piping for regulated materials shall pass a helium leak test of 1×10^{-9} cubic centimeters/second where practical, or other nationally recognized standard. Tests shall be conducted by a qualified third party not involved with the construction of the piping and control systems.

DIVISION IX. EXTERIOR STORAGE.

SEC. 24.900. General.

Persons responsible for a facility where there is exterior storage of any regulated material shall comply with the provisions of Divisions II, III and IX of this article and of the International Fire Code as amended and adopted in Chapter 14 of the Mountain View City Code.

SEC. 24.905. Distance limitation to exposures.

Exterior storage of regulated materials shall not be within seventy-five (75) feet of a building, structure, property line, street, alley, public way or exit to a public way unless the storage is shielded by a structure which has a minimum fire-resistive rating of two (2) hours and which interrupts the line of sight between the storage and the exposure. The shielding structure shall be at least five (5) feet from any exposure.

SEC. 24.910. Openings in buildings subject to exposure.

Notwithstanding Sec. 24.905, when an exterior storage area is located within seventy-five (75) feet of a building, openings into the building other than piping shall not be above the height of the top of the shielding structure referred to in Sec. 24.905 nor within fifty (50) feet horizontally from the exterior storage area, whether or not protected by a shielding structure.

SEC. 24.915. Air intakes.

No exterior storage area for regulated materials shall be within seventy-five (75) feet of any air intake.

SEC. 24.920. Canopies.

Portable tanks and cylinders stored outside of buildings shall be stored under a canopy constructed of noncombustible materials. Such exterior storage shall not be considered indoor storage. An automatic fire sprinkler system in accordance with Article II, Division II of this chapter, or alternative systems as determined by the fire chief or his/her designee for materials incompatible with water, shall be provided for canopies installed for the storage of regulated materials.

SEC. 24.925. Stationary tank controls.

Controls on stationary tanks shall be in accordance with the following:

a. Pressure relief devices shall be vented to a treatment system designed in accordance with the provisions of Sec. 24.815 of this article.

b. Where filling or dispensing connections are provided, they shall be provided with a means of local exhaust. Such exhaust shall be designed to capture fumes and vapors. The exhaust shall be directed to a treatment system designed in accordance with the provisions of Sec. 24.815 of this article.

c. Stationary tanks shall be provided with a means of excess flow control on all tank inlet or outlet connections. Inlet connections that are designed to preclude backflow and pressure relief devices are exempt from this requirement.

SEC. 24.930. Gas cabinets for leaking cylinders.

a. At least one (1) gas cabinet or exhausted enclosure shall be provided for the handling of leaking cylinders. The cabinet or enclosure shall be within or adjacent to the exterior storage area and connected to a treatment system as specified in Sec. 24.815 of this article.

b. A gas cabinet or exhausted enclosure need not be provided for leaking cylinders if all cylinders are stored within gas cabinets or exhausted enclosures and the exhaust is directed to a treatment system designed in accordance with the provisions of Sec. 24.815 of this article.

c. Encapsulating equipment or other equipment designed to contain high-pressure cylinders and their contents as approved by the fire chief or his/her designee shall be acceptable in meeting the intent of this section in lieu of gas cabinets or exhausted enclosures.

SEC. 24.935. Local exhaust for leaking portable tanks.

a. A means of local exhaust shall be provided to capture regulated material leaking from portable tanks. The local exhaust may consist of portable ducts or collection systems designed to be applied to the site of a leak in a valve or fitting on the tank. The local exhaust system shall be connected to a treatment system as specified in Sec. 24.815 of this article.

b. A local exhaust system shall be provided within or immediately adjacent to every storage area and within separate gas storage rooms used for portable tanks.

SEC. 24.940. Tank cars and piping.

a. The provisions of this article shall not apply to tank cars which meet all requirements of the U.S. Department of Transportation, while such tank cars are used for the transportation and unloading of regulated material, as such terms are used in the Hazardous Materials Transportation Act, 49 U.S.C. Sec. 1801, et seq. Unloading does not include the use of tank cars to store regulated materials.

b. The provisions of this article shall apply to piping and control systems, automatic shutoff valves, emergency control stations, gas detection systems, treatment systems and alarm systems used with piping which connects tank cars to facilities for the unloading and delivery of regulated material, and to tank cars used to store regulated materials.

DIVISION X. PERMIT PROCESS.

SEC. 24.960. General.

Responsible persons shall obtain and keep current a regulated materials permit. The process and procedures set forth in Division IV, "Hazardous Materials Business Plan," Division VII, "Applications and Permits," Division VIII, "Remedial Action," Division IX, "Hearing and Appeal Procedure," Division X, "Enforcement," and Division XI, "Miscellaneous," of Article I of Chapter 24 of the Mountain View City Code shall govern regulated materials."

Section 3. The provisions of this ordinance shall be effective thirty (30) days from and after the date of its adoption, but no sooner than January 1, 2014.

Section 4. If any section, subsection, sentence, clause, or phrase of this ordinance is for any reason held to be unconstitutional, such decision shall not affect the validity of the other remaining portions of this ordinance. The City Council hereby declares that it would have passed this ordinance and each section, subsection, sentence, clause, or phrase thereof, irrespective of the fact that any one or more sections, subsections, sentences, clauses, or phrases be declared unconstitutional.

Section 5. Pursuant to Section 522 of the Mountain View City Charter, it is ordered that copies of the foregoing proposed ordinance be posted at least two (2) days prior to its adoption in three (3) prominent places in the City and that a single publication be made to the official newspaper of the City of a notice setting forth the title of the ordinance, the date of its introduction, and a list of the places where copies of the proposed ordinance are posted.

Section 6. This ordinance is not subject to the California Environmental Quality Act (CEQA) pursuant to Sections 15060(c)(2) of the CEQA Guidelines (Title 14, Chapter 3 of the California Code of Regulations) (the activity will not result in a direct or reasonably foreseeable indirect physical change in the environment) and 15060(c)(3) of the CEQA Guidelines (because it has no potential for resulting in physical change to the environment, directly or indirectly).

JW/2/FIR
197-10-08-13o-E-1



DATE: October 22, 2013

CATEGORY: Consent

DEPT.: Police

TITLE: **Records Retention Schedule for Fire Department Records**

RECOMMENDATION

Adopt A RESOLUTION AMENDING THE RECORD RETENTION SCHEDULE FOR THE CITY OF MOUNTAIN VIEW FIRE DEPARTMENT RECORDS, to be read in title only, further reading waived (Attachment 1 to the Council report).

BACKGROUND

The Records Management Program was started in 1989 for Fire, Police, Public Works, Community Development, and Community Services to improve the protection of vital and permanent records and improve the overall efficiency of managing information. The management program was amended in December 1994, October 1996, and again in June 2001 in compliance with government regulations for the preservation of records as well as compliance with Council Policy A-9 regarding preservation and destruction of City records.

The purpose of the Records Management Program is to apply efficient and economical methods for the creation, utilization, maintenance, retention, preservation, and disposal of all Fire Department records.

ANALYSIS

The proposed schedule addresses the management of records specific to the Fire Department. The proposed schedules were written interactively with Fire Department staff, in conjunction with Gladwell Governmental Services, Inc., an expert in local government records.

The adoption and subsequent implementation of the records retention schedule is necessary to reduce current and future records storage costs, eliminate duplication of effort, increase efficiency, and take advantage of current technology and changes in law.

The proposed schedule provides clear, specific records descriptions and retention periods, and applies current law and technology to the management of Fire Department records. By identifying which division is responsible for maintaining the original record, and by establishing clear retention periods for different categories of records, the Fire Department will realize significant savings in labor and storage costs, free filing cabinet and office space, and realize operational efficiencies.

The Government Code requires that any record retention and/or destruction policy be adopted by City Council resolution. As required by law, this amended retention schedule has been reviewed and approved by the City Attorney's Office. The amended retention schedule for the City of Mountain View Fire Department is attached (Attachment 2).

FISCAL IMPACT

This approval has no additional fiscal impact on the City of Mountain View.

ALTERNATIVES

Retain City of Mountain View Fire Department records according to the current retention schedule.

PUBLIC NOTICING – Agenda posting.

Prepared by:

Jennifer Copeland
Police Records Supervisor

Approved by:

Bradley C. Wardle
Fire Chief

Daniel H. Rich
City Manager

JC/7/CAM
304-10-22-13CR-E

Attachments: 1. Resolution
2. Amended Retention Schedule

CITY OF MOUNTAIN VIEW
RESOLUTION NO.
SERIES 2013

A RESOLUTION AMENDING THE RECORD RETENTION SCHEDULE
FOR THE CITY OF MOUNTAIN VIEW FIRE DEPARTMENT RECORDS

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Mountain View that the Retentions Schedule for the City of Mountain View Fire Department records, as set forth in Resolution No. 16609, Series 2001, be amended as detailed in the attached staff report, dated October 22, 2013.

JC/7/RESO
304-10-22-13Res-E

RECORDS RETENTION SCHEDULE - FIRE

Office of Record	Records Series #	Records Description	Retention / Disposition				Destroy Paper after Imaged & QC'd	Comments / Reference
			Active (in office)	Inactive (Records Center)	Total Retention	Image: I=Import M=Mfr S=Scan		
(OFR)								
<i>If the record is not listed here, refer to the Retention for City-Wide Standards</i>								
<i>Retentions begin when the act is completed, and imply a full file folder (e.g. last document + 2 years), since destruction is normally performed by file folder.</i>								
<i>Litigation, claims, complaints, (retention resumes after settlement); pending public records act requests, audits and/or investigations suspend normal retention periods .</i>								
ADMINISTRATION								
Fire / Admin.	FR-001	Background File - UNSUCCESSFUL, NON-SELECTS, DISQUALIFIED	3 years		3 years	S / I	Yes: After QC & OD	Department preference; EEOC / FLSA / ADEA (Age) requires 1-3 years; State Law requires 2 - 3 years; 29 CFR 1602 et seq & 1627.3(a)(5) and (6), 2 CCR 7287.0(c)(2), GC §§12946, 34090
Fire / Admin.	FR-002	Fire Incident RMS Database (Firehouse)	Permanent		Permanent	S / I	Yes: After QC	Data is interrelated; GC §34090 et seq.
Fire / Admin.	FR-003	Hazardous Materials / Haz Mat Manifests (resulting from responses where the Department had to dispose of hazardous materials)	P		P	S / I	Yes: After QC & OD	Department preference; GC §34090 et seq.
Fire / Admin.	FR-004	Household Hazardous Waste	5 years		5 years	S / I	Yes: After QC	Department preference; GC §34090 et seq.
Fire / Admin.	FR-005	ISO Insurance Ratings	15 years		15 years	S / I	Yes: After QC	Department Preference (rated every 10 years); GC §34090
Fire / Admin.	FR-006	Monthly Statistical Report / Run Statistics	When No Longer Required		When No Longer Required	S / I	Yes: After QC & OD	Considered a preliminary draft / copy (the Fire database is the original); GC §34090 et seq.
Fire / Admin.	FR-012	Programs and Projects (e.g. Cadet, CPR Program, Fire Service Day, etc.)	When No Longer Required - Minimum 2 years		When No Longer Required - Minimum 2 years	S / I	Yes: After QC & OD	Department Preference; GC § 34090 et seq.
Fire / Admin.	FR-013	Requests for Fire Incident Reports and Fire Investigation Reports	5 years		5 years	S / I	Yes: After QC	Department preference; GC §34090 et seq.
Fire / Admin.	FR-014	Subpoenas (all Fire Dept.) / Discovery Requests / Personal Appearance / Duces Tecum	2 years		2 years	S / I	Yes: After QC & OD	GC §34090

RECORDS RETENTION SCHEDULE - FIRE

Office of Record	Records Series #	Records Description	Retention / Disposition				Destroy Paper after Imaged & QC'd	Comments / Reference
			Active (in office)	Inactive (Records Center)	Total Retention	Image: I=Import M=Mfr S=Scan		
(OFR)								
<i>If the record is not listed here, refer to the Retention for City-Wide Standards</i>								
<i>Retentions begin when the act is completed, and imply a full file folder (e.g. last document + 2 years), since destruction is normally performed by file folder.</i>								
<i>Litigation, claims, complaints, (retention resumes after settlement); pending public records act requests, audits and/or investigations suspend normal retention periods .</i>								
CUPA (Certified Unified Program Agencies)								
Fire / CUPA	FR-016	Documentation of Unauthorized Release of Hazardous Materials	5 years		5 years	S / I	Yes: After 1 year	OSHA and other requirements are 5 years; 8 CCR 5189; 29 CFR 1910, GC §34090
Fire / CUPA	FR-017	Hazardous Materials/Tiered Permitting (UPCF / permits / inspection reports / enforcement records / correspondence / financial assurance / construction documents)	5 years		5 years	S / I	Yes: After 1 year	CUPA Inspections are required for 5 years; 27 CCR 15185 & 15280; §GC §34090
Fire / CUPA	FR-018	Hazardous Materials Facility Closure Plans	P		P	S / I	Yes: After 1 year	Department preference; CUPA Inspections are required for 5 years; 27 CCR 15185 & 15280; §GC §34090
Fire / CUPA	FR-019	Underground Storage Tanks (UPCF / permits /inspection reports / enforcement records / correspondence / construction documents / closure plans / testing & monitoring certs / financial responsibility / designated operator	10 years	P	P	S / I	Yes: After 1 year	Department Preference (required for the life of the tank); 23 CCR 2712(b), H&S §25284.4(i); GC §34090 et. seq.

RECORDS RETENTION SCHEDULE - FIRE

Office of Record	Records Series #	Records Description	Retention / Disposition				Destroy Paper after Imaged & QC'd	Comments / Reference
			Active (in office)	Inactive (Records Center)	Total Retention	Image: I=Import M=Mfr S=Scan		
(OFR)								
<i>If the record is not listed here, refer to the Retention for City-Wide Standards</i>								
<i>Retentions begin when the act is completed, and imply a full file folder (e.g. last document + 2 years), since destruction is normally performed by file folder.</i>								
<i>Litigation, claims, complaints, (retention resumes after settlement); pending public records act requests, audits and/or investigations suspend normal retention periods .</i>								
EMERGENCY MEDICAL SERVICES								
Fire / EMS	FR-020	Billing - Paramedic Services - Collection (Transworld Systems)	5 years		5 years	S / I	Yes: After QC & OD	Meets municipal government auditing standards; GC §34090
Fire / EMS	FR-021	Billing - Paramedic Services - Payments / Bank Deposits / Check Images	5 years		5 years	S / I	Yes: After QC	Meets municipal government auditing standards; GC §34090
Fire / EMS	FR-022	Billing - Paramedic Services Billing Database (Tri Tech)	Permanent		Permanent	S / I	Yes: After QC	Department preference; GC §34090, CCP §340.5
Fire / EMS	FR-023	EMS Complaints / CQI (Continuous Quality Improvement) / Quality Assurance	3 years		3 years	S / I	Yes: After QC	13 CCR 1100.7, UFC §104.3.2, §104.3.4, GC §34090; CCP 340.5
Fire / EMS	FR-024	HIPAA Policies and Procedures (Health Insurance Portability and Accountability Act)	Superseded + 6 years		Superseded + 6 years	S / I	Yes: After QC & OD	45 CFR 164.530(j)
Fire / EMS	FR-025	Patient Care Reports (PCRs) / Medical Paramedic Release Forms: ALL (medical and non-medical.) Patient Signature Forms / Hospital Face Sheets / ALS to BLS Transfer of Care Forms / ECG / EKG / All other associated documentation	3 years	17 years	20 years	S / I	Yes: After QC & OD	Department Preference; 10 years is recommended by AHIMA for "healthcare providers"; Juvenile records are required until patient becomes 18 years old; law requires 7 years for clinics, health facilities, hospitals, adult day health care centers, and in-home skilled nursing services, and is actually based upon "if the licensee ceases operations"; Federal law requires 3 years, statewide guidelines propose 3 years; HIPAA provides privacy regulations for patient's health records; 13 CCR 1100.7, CCP §340.5, GC §34090

RECORDS RETENTION SCHEDULE - FIRE

Office of Record	Records Series #	Records Description	Retention / Disposition				Destroy Paper after Imaged & QC'd	Comments / Reference
			Active (in office)	Inactive (Records Center)	Total Retention	Image: I=Import M=Mfr S=Scan		
(OFR)								
<i>If the record is not listed here, refer to the Retention for City-Wide Standards</i>								
<i>Retentions begin when the act is completed, and imply a full file folder (e.g. last document + 2 years), since destruction is normally performed by file folder.</i>								
<i>Litigation, claims, complaints, (retention resumes after settlement); pending public records act requests, audits and/or investigations suspend normal retention periods .</i>								
FIRE MARSHAL / FIRE PREVENTION								
Fire / Fire Marshal & Fire Prevention	FR-026	Fire Code Permits: Annual / Provisional (State regulated occupancies / temporary use permits / special events, special uses)	5 years		5 years	S/I	Yes: After QC & OD	CFC §§ 104.6 – 104.6.4, GC §34090
Fire / Fire Marshal & Fire Prevention	FR-027	Fire Investigations - Arson & Capital Crimes Only	P		P	S / I	Yes: After QC & OD	Department preference (Capital Crimes have no statute of limitations); GC §34090 et seq.
Fire / Fire Marshal & Fire Prevention	FR-028	Fire Investigations - OTHER Than Arson & Capital Crimes Only	5 years		5 years	S / I	Yes: After QC & OD	Department preference; GC §34090 et seq.
Fire / Fire Marshal & Fire Prevention	FR-029	Fire Prevention Inspections (Routine) / Business Inspection Files / Citations / Notice of Violations / Enforcement Actions	Minimum 5 years		Minimum 5 years	S/I	Yes: After QC & OD	California Fire Code requires 5 years; CFC §§ 104.6 – 104.6.4, GC §34090
Fire / Fire Marshal & Fire Prevention	FR-030	Liquid Waste and Waste Water (Permits / monitoring records / sampling records/inspection reports / enforcement records / correspondence / construction documents / periodic report of continued compliance)	5 years		5 years	S / I	Yes: 5 years	Department preference; Monitoring records required for 3 years; 40 CFR §§122.21, 122.41
Fire / Fire Marshal & Fire Prevention	FR-031	Multi-Family Housing Inspections, Correspondence, Enforcement Actions, etc.	Minimum 10 years		Minimum 10 years	S/I	Yes: After QC & OD	Department preference; California Fire Code requires 5 years; CFC §§ 104.6 – 104.6.4, GC §34090
Fire / Fire Marshal & Fire Prevention	FR-032	Public Information / Education (when produced internally)	While Useful		While Useful	S / I	Yes: After QC & OD	Department Preference; GC §34090

RECORDS RETENTION SCHEDULE - FIRE

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			Active (in office)	Inactive (Records Center)	Total Retention	Image: I=Import M=Mfr S=Scan		
(OFR)								
<i>If the record is not listed here, refer to the Retention for City-Wide Standards</i>								
<i>Retentions begin when the act is completed, and imply a full file folder (e.g. last document + 2 years), since destruction is normally performed by file folder.</i>								
<i>Litigation, claims, complaints, (retention resumes after settlement); pending public records act requests, audits and/or investigations suspend normal retention periods .</i>								
Fire / Fire Marshal & Fire Prevention	FR-033	Stormwater (Permits / monitoring records / sampling records / inspection reports / enforcement records / correspondence / construction documents	5 years		5 years	S / I	Yes: 5 years	Department preference; NPDES records are required for 3 years; 40 CFR 122.41(j)(2); 40 CFR 141.33(b); 22 CCR 64453(b)(2) et seq.

RECORDS RETENTION SCHEDULE - FIRE

Office of Record	Records Series #	Records Description	Retention / Disposition				Destroy Paper after Imaged & QC'd	Comments / Reference
			Active (in office)	Inactive (Records Center)	Total Retention	Image: I=Import M=Mfr S=Scan		
(OFR)								
<i>If the record is not listed here, refer to the Retention for City-Wide Standards</i>								
<i>Retentions begin when the act is completed, and imply a full file folder (e.g. last document + 2 years), since destruction is normally performed by file folder.</i>								
<i>Litigation, claims, complaints, (retention resumes after settlement); pending public records act requests, audits and/or investigations suspend normal retention periods .</i>								
OPERATIONS / SUPPRESSION								
Fire / Operations	FR-036	Apparatus & Equipment Records & Testing	Disposal + 2 years		Disposal + 2 years			Department Preference; Statute of Limitations for Health Providers is 3 years; OSHA requires 1 year; State requires 2 years; Statewide guidelines propose 2 years; 8 Cal Code Reg. §3203(b)(1), CCP §340.5, GC §34090
Fire / Operations	FR-037	Daily Roster (Telestaff Database)	3 years		3 years			GC §34090 et seq.
Fire / Operations	FR-038	Hazardous Materials Responses	5 years		5 years			OSHA and other requirements are 5 years; 8 CCR 5189; 29 CFR 1910, GC §34090
Fire / Operations	FR-039	Pre-plan Sheets	When Superseded		When Superseded	S / I	Yes: After QC	Preliminary drafts; GC §34090 et seq.
Fire / Operations	FR-040	Station Log Books / Station Journals (Incidents - kept at Fire Stations)	P		P	S/I	No	Department preference; GC §34090
Lead Dept.	FR-041	Vehicle Safety Checks / Daily Vehicle Inspections / Daily Equipment Checks	2 years		2 years			GC §34090

RECORDS RETENTION SCHEDULE LEGEND

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OFR (Office of Record): The department that keeps the original or “record copy.” Usually it is the department that originates the record, unless the item is for a City Council meeting (then it is the City Clerk.)

Records Description: The record series (a group of like records).

Transitory Records not retained in the ordinary course of business: Preliminary drafts, notes, or interagency or intra-agency memoranda and records having only transitory value. Examples: Telephone messages, meeting room reservation schedules, logs, source records entered into a computer system that qualifies as a “trusted system”, etc.

Non-Record: Documents, studies, books and pamphlets produced by outside agencies, preliminary drafts not retained in the ordinary course of business.

Retention/Disposition:

- Active:** How long the file remains in the immediate office area (*guideline*)
- Inactive:** How long the file is in off-site storage, stored on Optical Disk or Microforms (*guideline*)
- Total Retention:** The total number of years the record will be retained

For file folders containing documents with different retention timeframes, use the document with the longest retention time.

P = Permanent

Media Options (*guideline*) – the form of the record:

- Mag = Computer Magnetic Media (hard drive, disks, tapes, etc.)
- Mfr = Microforms (aperture cards, microfilm, microfiche, or jackets)
- Ppr = Paper
- OD = Optical Disk, CD, DVD or other media which does not allow changes

Scan / Import (*guideline*):

- “S” indicates the record should be scanned into the document imaging system;
- “I” indicates the record should be electronically imported into the document imaging system;
- “M” indicates the record should be microfilmed

Destroy Paper after Imaged & QC'd (*guideline, if record is imaged*): QC'd=Quality Checked. “Yes” indicates the paper version may be destroyed if the document has been imaged (microfilmed, scanned or imported onto Optical Disk – CD-R, WORM or DVD-R), and both the images and indexing Quality Checked (“QC'd”).

Legend for legal citations (§: Section)

CC: Civil Code (CA)
CFC: California Fire Code
EVC: Evidence Code (CA)
FTB: Franchise Tax Board (CA)
HUD: Housing & Urban Develop. (US)
PC: Penal Code (CA)
UBC: Uniform Building Code
USC: United States Code (US)

B&P: Business & Professions Code (CA)
CCP: Code of Civil Procedure (CA)
CFR: Code of Federal Regulations (US)
FA: Food & Agriculture Code
GC: Government Code (CA)
LC: Labor Code (CA)
R&T: Revenue & Taxation Code (CA)
UFC: Uniform Fire Code
VC: Vehicle Code (CA)

CBC: California Building Code
CCR: California Code of Regulations (CA)
EC: Elections Code (CA)
FC: Family Code (CA)
H&S: Health & Safety Code (CA)
Ops. Atty. Gen.: Attorney General Opinions (CA)
UAC: Uniform Administrative Code
UPC: Uniform Plumbing Code
W&I: Welfare & Institutions Code (CA)



DATE: October 22, 2013

CATEGORY: Consent

DEPT.: Public Works

TITLE: **The View Teen Center, Rock Church Refurbishment, Project 12-36 – Approve Plans and Specifications/ Authorize Bids**

RECOMMENDATION

1. Approve plans and specifications for The View Teen Center, Rock Church Refurbishment, Project 12-36, and authorize staff to advertise the project for bids.
2. Authorize the City Manager to award the construction contract to the lowest responsible bidder if the low bid is within the project budget.

BACKGROUND

In December 2011, City Council approved preliminary plans for a new teen center in the 6,400 square foot former Rock Church building at 263 Escuela Avenue. On February 26, 2013, City Council approved “The View” as the name for the new teen center based upon the recommendation of the Youth Advisory Committee (YAC) and the Parks and Recreation Commission (PRC).

In April 2013, staff presented to City Council alternatives for the remodel of the existing building. Council recommended staff proceed with Option A, which includes the essential aspects of the teen center program outlined in the preliminary plans approved by YAC and PRC. Exhibits A and B show the conceptual image and layout of the new teen center. Improvements include architectural, structural, electrical, mechanical, and plumbing work, as well as installation of a new automatic fire sprinkler system. Council approved \$700,000 in additional funding, bringing the total project budget to \$2.6 million.

Exhibit A – Image of New Teen Center



ANALYSIS

The plans for The View Teen Center are complete and ready for bid. Upon approval of plans and specifications by City Council, staff will advertise the project for bids.

Plans for the teen center provide for a remodeled multipurpose room with a stage and a storage room, new Americans with Disabilities Act (ADA) compliant restrooms with more fixtures, a renovated kitchen, a game room, a lounge, a computer classroom, and staff offices. New finishes, lighting, and fire sprinklers are provided throughout the building. A majority of the building's roof will be replaced and the building will be insulated. In addition, asbestos and lead abatement are required as part of selective demolition. For the exterior of the site, there will be a new entrance at the front, a new enclosed patio behind the building, a turf area, and 13 parking spaces. An operable gate will be installed in the driveway to secure the site when the building is not in use.

Staff is working with the Visual Arts Committee and Youth Advisory Committee on the public art component of the project. A recommendation on public art will be made to Council in early 2014.

If the bidding and contract execution processes proceed according to the planned schedule, construction could begin by January 2014 and be substantially completed by summer 2014.

FISCAL IMPACT

The View Teen Center, Project 12-36, is funded with \$2,062,000 from the Park Land Fund, \$400,000 from the Construction/Conveyance Tax Fund, and \$138,000 from a Community Development Block Grant (CDBG), for a total funding of \$2,600,000.

The total project cost is estimated to be as follows:

Construction (Site and Building)	\$1,756,000
Construction Contingency (15.0%)	<u>264,000</u>
Subtotal Construction	\$2,020,000
Architectural/Engineering Design	136,000
City Project Management	85,000
Construction Management and Inspection	100,000
Furnishing, Fixtures, and Equipment	50,000
Miscellaneous Printing and Fees	32,000
City Administration @ 6.5%	160,000
1% Visual Art Allocation	<u>17,000</u>
Subtotal Soft Costs	\$ 580,000
TOTAL ESTIMATED PROJECT COST	<u>\$2,600,000</u>

If bids do not come in within budget, staff will return to Council with alternatives to reduce the project scope or appropriate additional funding.

ALTERNATIVES

Direct staff to make revisions to the project design prior to bidding.

PUBLIC NOTICING – Agenda posting.

Prepared by:

Frederick F. Fallah, AIA
Senior Project Manager

Approved by:

Michael A. Fuller
Public Works Director

Daniel H. Rich
City Manager

FFF/5/CAM
925-10-22-13CR-E

cc: Mr. Martin Hochroth – Artik Art & Architecture
394-A Umbarger Road
San Jose, CA 95111

APWD – Solomon, PCE – Au, PCE – Macaraeg, SPM – Fallah, PSM, YRM, RS –
Merriman, F/c



DATE: October 22, 2013

CATEGORY: Consent

DEPT.: Public Works

TITLE: **Permanente Creek Trail – Charleston Road and Amphitheatre Parkway Crossings Design, Project 14-38 – Authorize Engineering Services Contract**

RECOMMENDATION

Authorize the City Manager to execute an engineering services contract with Mark Thomas & Company of San Jose for a not-to-exceed amount of \$200,000 to provide design engineering services, prepare construction documents, and provide construction support for the Permanente Creek Trail – Charleston Road and Amphitheatre Parkway Crossings Design, Project 14-38.

BACKGROUND

The development of the Permanente Creek Trail has been under way for many years and segments of the trail have been completed over several phases starting from the north at Shoreline at Mountain View. The latest trail extension—the bridge over Highway 101 and a tunnel under Old Middlefield Way—were completed in summer 2012. The construction of an extension of the trail from Old Middlefield Way to Rock Street will begin in October 2013.

On September 20, 2011, Council approved a consultant contract for Permanente Creek Trail Feasibility Study, Project 09-26, to evaluate alternatives to improve accessibility of the trail at Amphitheatre Parkway and Charleston Road and to extend the trail from Rock Street to Middlefield Road.

On May 7, 2013, Council reviewed the Permanente Creek Trail Feasibility Study and approved an alternative for the Amphitheatre Parkway crossing that retains the existing vertical clearance and modifies the trail slope to comply with the Americans with Disabilities Act (ADA). Council approved an at-grade crossing of Charleston Road with a new traffic signal. An undercrossing at Charleston Road was considered, but due to cost and loss of trees, was not selected. The Rock Street to Middlefield Road trail segment improvements will be coordinated as part of Mountain View Whisman School District’s master planning efforts for Crittenden School.

ANALYSIS

The recommended engineering services contract would include preparation of the construction documents and engineering cost estimates for the Permanente Creek Trail at the Charleston Road and Amphitheatre Parkway crossings.

In August 2013, a Request for Proposals (RFP) for engineering services was issued to qualified engineering firms with trail design experience. A review panel of Public Works staff deemed Mark Thomas & Company of San Jose the best-qualified firm based on the merits of their proposal, experience, and demonstrated competence. Mark Thomas & Company has significant experience with trail projects, including past projects with the City of Mountain View. Mark Thomas & Company's proposed scope of services and fees for the project are provided as Attachment 1. The recommended fees are within the range typically charged for such services, and staff considers the fees to be fair and reasonable.

If the recommended contract is approved, design of the Amphitheatre Parkway crossing will begin in November 2013 and be complete in May 2014.

On September 20, 2013, the City received a concept from Google for pedestrian/bicycle and landscaping improvements along Permanente Creek from the existing Highway 101 pedestrian overcrossing to the north side of Charleston Road. The concept includes an undercrossing of the Permanente Creek Trail under Charleston Road. Google proposed an undercrossing at Charleston Road so trail users can avoid crossing Charleston Road at-grade and to address concerns expressed by employees about improving this crossing. The proposal has a significantly reduced impact on trees, but eliminates the Santa Clara Valley Water District (District) maintenance access at Charleston Road, which the District previously indicated must be retained. The District agreed to review the concept and is doing so now.

Staff recommends deferring design of the Charleston Road at-grade crossing and traffic signal until January 2014 to allow time for the District to complete its review of the concept. If the District supports a concept that significantly reduces tree impacts due to the loss of maintenance access, the City Council could reconsider an undercrossing at Charleston Road. Google has expressed a willingness to contribute to such a project.

If, after review of the proposal, a Charleston Road undercrossing is not viable or supported, design of the at-grade crossing would proceed under this contract.

FISCAL IMPACT

Permanente Creek Trail – Charleston Road and Amphitheatre Parkway Crossings Design, Project 14-38, is funded with \$605,000 from the Shoreline Community Fund. The not-to-exceed contract amount of \$200,000 includes \$178,777 for basic services, including reimbursable expenses, and a contingency in the amount of \$21,223.

The project budget is adequate to fund the recommended agreement and City project management and administrative costs associated with the project.

ALTERNATIVES

1. Do not approve the recommended contract and direct staff to issue a Request for Proposals to a larger number of engineering firms.
2. Do not defer design of the Charleston Road at-grade crossing.
3. Provide other direction.

PUBLIC NOTICING – Agenda posting.

Prepared by:

Shilpa Mehta, P.E.
Associate Civil Engineer

Approved by:

Michael A. Fuller
Public Works Director

Daniel H. Rich
City Manager

SM/9/CAM
922-10-22-13CR-E

Attachment: 1. Mark Thomas & Company's Scope of Services and Fee Proposal

cc: APWD – Solomon, PCE – Au, PCE – Macaraeg, ACE – Mehta, F/c

City of Mountain View

Project No. 14-38, Amphitheatre Parkway Crossing at Permanente Creek

EXHIBIT A - SCOPE OF SERVICES

This scope of services has been developed based on our understanding of the project goals. MTCO will render professional services for the design of the Permanente Creek Trail extension to the north, including the Amphitheatre Parkway crossing. Our Scope of Services consists of the following seven major tasks:

Task 1 – Project Management

Task 2 – Survey

Task 3 – Environmental

Task 4 – Geotechnical

Task 5 – Final Design

Task 6 – Construction Support

TASK 1 – PROJECT MANAGEMENT

Work performed under this task will generally involve monitoring the project budget and schedule, management and supervision of in-house staff and sub consultants; implementing the QA/QC program; and attending and participating in project meetings. The following activities will be performed:

1.1 Management and Administration

- a) Supervise, coordinate, and monitor the design for conformance to the City and SCVWD standards and policies.
- b) Establish a project contact list and submit to the City.
- c) Prepare and submit monthly progress reports and invoices. Notify City of trends and issues.
- d) Prepare correspondence and memos.
- e) Maintain project records throughout the project, including files, calculations, minutes, etc.

Deliverables

- Monthly progress reports and invoices
- CPM schedule and monthly schedule updates submitted with progress reports and invoices

1.2 Coordination Meetings / Agendas / Minutes

Holding focused and concise meetings will be critical to this project's overall success. Noticing and Agendas and Minutes for each meeting will be prepared and distributed by e-mail to an approved recipient list. The following meetings and coordination activities are included in the Scope of Services:

Design Coordination Meetings – These meetings will involve Mark Thomas team members to ensure that preliminary and final design documents are fully coordinated. Up to six (4) design coordination meetings will be budgeted.

Deliverables

- Preparation and distribution of Meeting Notices, Agendas, and Minutes.

1.3 Quality Assurance / Quality Control

MTCO's standard QA/QC procedures will be implemented and maintained under this task. These quality control procedures will be used in the development of the planning and engineering documents for the project.

TASK 2 – SURVEYING / RIGHT OF WAY

MTCO will perform the following activities under this task:

2.1 Topographic Field Surveys

MTCO will obtain additional field topographic data of conform areas for design purposes. The field collected topographic data will be reduced in the office and will be added to the aerial base map to be used for design. MTCO has obtained a sufficient aerial photo to cover both projects as part of the earlier Permanente Creek Trail work to the south designed by MTCO. Datums will be based on California State Coordinate System NAD 83 for horizontal control and NAVD 88 for vertical datum.

2.2 Location / Sampling

Bess Testlab will perform underground electronic utility locating along Amphitheatre Parkway within the project area and the existing undercrossing. The utilities designated will be marked on the pavement using a combination of pink marks and the industry designed color standard. Utilities in unpaved areas will be marked using stakes, flags, or other markers.

Vacuum excavation or potholing is not included.

Geocon will perform water sampling services for the project. The scope of work includes:

Prepare Health and Safety Plan. Prepare Workplan for Client approval.

Does not include permitting - Geocon will work under Encroachment and Access Permits issued to

Client.

Groundwater Sampling

Field Activities:

Advance two direct push borings (one at Amphitheater Parkway and one at Charleston Road) to groundwater.

Collect one grab-groundwater from each boring (two groundwater samples total) for the following analyses:

- VOCs (8260B)
- TPHg/d/mo (8015M)
- PCBs (8082)
- CAM 17 Metals (6010/7420)

Allowed one day (1 person plus direct push rig) to complete sampling. Prepare Draft Groundwater Sampling Letter Report for Client review.

Geocon will prepare a Final Groundwater Sampling Letter Report.

TASK 3 – ENVIRONMENTAL

David J. Powers & Associates will perform environmental services for this project.

3.1 CEQA Categorical Exemption: Amphitheatre Parkway

The project consists of the widening of the existing Permanente Creek Trail at the location where it crosses under the Amphitheatre Parkway bridge. The project will also modify the ramp approaches to the trail undercrossing in order to meet ADA requirements. For the purposes of this scope, and based on a preliminary site visit, it is assumed that this work will occur above the ordinary high water (OHW) mark of Permanente Creek and will not require the removal of wetland or riparian vegetation. At the start of work, DJP&A will meet at the site with the design team to delineate the limits of work to avoid OHW and/or sensitive habitat.

The project is anticipated to qualify for a CE under CEQA. DJP&A will prepare the CE on behalf of the City. This task will include the preparation of a biological memorandum by HT Harvey & Associates, a subconsultant to DJP&A, for the purpose of documenting the fact that the project will not be impacting wetlands or riparian habitat. The CE will be revised based on comments from City staff. It is assumed that the City will file the CE with the County Clerk-Recorder and pay the \$50 filing fee.

3.2 Regulatory Permit Coordination / Application

DJP&A will prepare and process the California Department of Fish & Wildlife (CDFW) Streambed Alteration Agreement application for the project on behalf of the City. The work will include a site visit with CDFW staff. It is assumed that the City will pay the CDFW application fee.

Neither a Section 404 Permit from the US Army Corps of Engineers nor a Section 401 Certification from the Regional Water Quality Control Board will be needed, based on the assumption that work below OHW will not occur. Therefore, this scope does not include the completion of those permit applications.

TASK 4 – GEOTECHNCAL

4.1 Geotech Investigation: Amphitheatre Parkway

The project includes a flood wall for the proposed trail project under Amphitheatre Parkway Bridge. There are no major slope cuts or other retaining walls for the project. The existing bridge will be left untouched.

The following activities shall be conducted by PARIKH:

Collect and review the available and relevant geological, geotechnical and seismological reports, maps and information developed for the Project area.

Encroachment permit will be applied from the SCVWD (F&G and other environmental permits are not included in this scope). Drilling permit will also be obtained from the SCVWD for the borings. The boring locations will be marked for USA clearance.

Drill two borings for the proposed flood walls. These include two to 44' depth along the flood wall/trail alignment. The 44' borings will be drilled using a truck mounted drill rig. We understand that the geotechnical data for the existing Amphitheatre Parkway Bridge is not available. We have assumed that there will be access available from the existing trail facility which will require unlocking and removing some bollards and opening fenced gate.

Conduct Laboratory tests on the selected samples for the flood wall design work. Characterize and develop the subsurface soil boring logs and engineering properties.

Engineering analyses, identify and characterize the active and potentially active seismic sources that may generate significant ground shaking and fault displacements at the Project area, including the nearby faults.

Discuss seismic considerations, evaluate the liquefaction potential and comment on the site soil conditions from this standpoint. Engineering analyses will include design for flood walls for the project.

Task 1.5 & 1.6 Prepare and submit Draft and Final Foundation Reports including design recommendations for the proposed flood walls and the U frame structure. Report should include design recommendations for foundation type and footing elevations lateral design capacities and pressures, and foundation recommendations that provide for design loading from lateral earth, water and seismic forces, structure loads and that provide for effects of settlement and liquefaction as needed. No seepage analyses will be required for the flood walls.

Task 1.7 Provide design review and consultation during the final design process. This is limited to the review comments and the report recommendations.

Deliverables: PARIKH shall provide five (5) hard copies and one (1) electronic copy of the Draft and Final Geotechnical Design Report that includes analysis and recommendations.

Assumptions:

There is no slope stability analyses required as there are no major slope cuts proposed

There is no bridge design or evaluation required

The flood wall will be based on standard USACE guidelines. No seepage analyses is required

There are no retaining walls such as tie-backs or soil nail walls proposed.

TASK 5 – FINAL DESIGN

The following work elements will be performed under this task:

Final PS&E Documents

The PS&E packages developed under this task shall be submitted at 65%, 95%, and 100% stages of completion. The intent of intermediate submittals is to maintain progressive reviews by the City and to incorporate comments prior to the investment of significant design effort in design details.

5.1 Amphitheatre Parkway Crossing - 65% PS&E Submittal: This submittal is defined as the 65% plans, technical specifications and engineers estimate completed, but unchecked, for the Amphitheatre Parkway Crossing. MTCO will review 35% drawings prepared for the Permanente Creek Trail Feasibility Study and incorporate pertinent information and AutoCAD files into this submittal. All elements of the plans shall be included in this stage.

Technical Specifications – Technical specifications will be prepared in accordance with City standards and special provisions.

Quantity Take-offs and Construction Cost Estimates - Quantity take-offs will be based on the Caltrans standard measurement and payment provisions, and as modified by

the City. Cost estimates will be based on the latest Caltrans Cost Data and the available construction cost and bid data from nearby cities with similar project scope and complexity.

Utility Coordination and Design - Consultant will submit 65% PS&E package to all utility agencies impacted by this project and will provide Utility Notification letters.

Deliverables

- Ten (10) sets of 65% plans, technical specifications and engineers estimate
- Utility Notification Letters

5.2 Amphitheatre Parkway - 95% PS&E Submittal: This submittal represents the complete checked plans, ready for first review for bidding purposes. This phase essentially develops plans and specifications to 100% completion, with quality control for City review.

Review 65% Comments and Update Plans, Specifications and Estimate –

Under this task, we will review comments from the 65% City review and incorporate the comments into the 95% PS&E submittal. Quality Control reviews will be performed before submittal to the City.

Deliverables

- Ten (10) sets of 95% PS&E

5.3 Final PS&E Submittal: This submittal represents complete checked plans and provides a camera set of originals for advertisement and bidding purposes.

Review and Address 95% Comments - This task incorporates comments from the 95% PS&E, and produces the 100% PS&E ready for advertisement and bidding. Roadway and structure plans, specifications and estimates, will be updated to incorporate comments from the 95% PS&E submittal.

Deliverables

- Ten (10) sets of 100% PS&E
- 1 set final plans on Mylar and CD with AutoCAD and PDF file
- Final Technical specifications in Word and engineer's estimate in Excel and PDF

TASK 6 – NOT USED

The following milestone schedules describe the timeline for the project:

	AMPHITHEATRE PKWY CROSSING	
PHASE	DURATION	COMPLETION DATES
Kick-off Meeting	1 day	November 4, 2013
Survey/Data Collection	2 weeks	November 18, 2013
Environmental	6 weeks	December 16, 2013
65% PS&E	6 weeks	December 30, 2013
City Review	2 weeks	January 13, 2013
95% PS&E	4 weeks	February 10, 2014
City Review	2 weeks	February 24, 2014
Final PS&E	2 weeks	March 7, 2014
Bid Period	3 weeks	April, 2014
Begin Construction	-	May, 2014

City of Mountain View

Project No. 14-38, At-grade Charleston Road crossing at Permanente Creek

EXHIBIT A - SCOPE OF SERVICES

This scope of services has been developed based on our understanding of the project goals. MTCO will render professional services for the design of the Permanente Creek Trail extension to the north, including Charleston Road at-grade crossing. Our Scope of Services consists of the following seven major tasks:

Task 1 – Project Management

Task 2 – Survey

Task 3 – Environmental

Task 4 – Geotechnical

Task 5 – Final Design

Task 6 – Construction Support

TASK 1 – PROJECT MANAGEMENT

Work performed under this task will generally involve monitoring the project budget and schedule, management and supervision of in-house staff and sub consultants; implementing the QA/QC program; and attending and participating in project meetings. The following activities will be performed:

1.1 Management and Administration

- a) Supervise, coordinate, and monitor the design for conformance to the City and SCVWD standards and policies.
- b) Establish a project contact list and submit to the City.
- c) Prepare and submit monthly progress reports and invoices. Notify City of trends and issues.
- d) Prepare correspondence and memos.
- e) Maintain project records throughout the project, including files, calculations, minutes, etc.

Deliverables

- Monthly progress reports and invoices
- CPM schedule and monthly schedule updates submitted with progress reports and invoices

1.2 Coordination Meetings / Agendas / Minutes

Holding focused and concise meetings will be critical to this project's overall success. Noticing and Agendas and Minutes for each meeting will be prepared and distributed by e-mail to an approved recipient list. The following meetings and coordination activities are included in the Scope of Services:

Design Coordination Meetings – These meetings will involve Mark Thomas team members to ensure that preliminary and final design documents are fully coordinated. Two (2) design coordination meeting will be budgeted.

Deliverables

- Preparation and distribution of Meeting Notices, Agendas, and Minutes.

1.3 Quality Assurance / Quality Control

MTCO's standard QA/QC procedures will be implemented and maintained under this task. These quality control procedures will be used in the development of the planning and engineering documents for the project.

TASK 2 – SURVEYING / RIGHT OF WAY

MTCO will perform the following activities under this task:

2.1 Topographic Field Surveys

MTCO will obtain additional field topographic data of conform areas for design purposes. The field collected topographic data will be reduced in the office and will be added to the aerial base map to be used for design. MTCO has obtained a sufficient aerial photo to cover both projects as part of the earlier Permanente Creek Trail work to the south designed by MTCO. Datums will be based on California State Coordinate System NAD 83 for horizontal control and NAVD 88 for vertical datum.

2.2 Location / Sampling

Bess Testlab will perform underground electronic utility locating along Charleston Road within the project area. The utilities designated will be marked on the pavement using a combination of pink marks and the industry designed color standard. Utilities in unpaved areas will be marked using stakes, flags, or other markers.

Vacuum excavation or potholing is not included.

TASK 3 – ENVIRONMENTAL

David J. Powers & Associates will perform environmental services for this project.

3.1 CEQA Categorical Exemption: Charleston Road

The project consists of the installation of a traffic signal at the location where the existing Permanente Creek Trail crosses Charleston Road.

The project is anticipated to qualify for a Categorical Exemption (CE) under CEQA. David J. Powers & Associates (DJP&A) will prepare the CE on behalf of the City. The CE will be revised based on comments from City staff. It is assumed that the City will file the CE with the County Clerk-Recorder and pay the \$50 filing fee.

TASK 4 – NOT USED

TASK 5 – FINAL DESIGN

The following work elements will be performed under this task:

Final PS&E Documents

The PS&E packages developed under this task shall be submitted at 65%, 95%, and 100% stages of completion. The intent of intermediate submittals is to maintain progressive reviews by the City and to incorporate comments prior to the investment of significant design effort in design details.

5.1 Charleston Road Crossing - 65% PS&E Submittal: This submittal is defined as the 65% plans, technical specifications and engineers estimate completed, but unchecked, for the Charleston Road Crossing. MTCO will review 35% drawings prepared for the Permanente Creek Trail Feasibility Study and incorporate pertinent information and AutoCAD files into this submittal. All elements of the plans shall be included in this stage.

Technical Specifications – Technical specifications will be prepared in accordance with City standards and special provisions.

Quantity Take-offs and Construction Cost Estimates - Quantity take-offs will be based on the Caltrans standard measurement and payment provisions, and as modified by the City. Cost estimates will be based on the latest Caltrans Cost Data and the available construction cost and bid data from nearby cities with similar project scope and complexity.

Utility Coordination and Design - Consultant will submit 65% PS&E package to all utility agencies impacted by this project and will provide Utility Notification letters. Two utilities of significant importance is the PG&E underground electric line and AT&T communication line on Charleston Road.

Deliverables

- Ten (10) sets of 65% plans, technical specifications and engineers estimate
- Utility Notification Letters

5.2 Charleston Road - 95% PS&E Submittal: This submittal represents the complete checked plans, ready for first review for bidding purposes. This phase essentially develops plans and specifications to 100% completion, with quality control for City review.

Review 65% Comments and Update Plans, Specifications and Estimate –

Under this task, we will review comments from the 65% City review and incorporate the comments into the 95% PS&E submittal. Quality Control reviews will be performed before submittal to the City.

Deliverables

- Ten (10) sets of 95% PS&E

5.3 Final PS&E Submittal: This submittal represents complete checked plans and provides a camera set of originals for advertisement and bidding purposes.

Review and Address 95% Comments - This task incorporates comments from the 95% PS&E, and produces the 100% PS&E ready for advertisement and bidding. Roadway and structure plans, specifications and estimates, will be updated to incorporate comments from the 95% PS&E submittal.

Deliverables

- Ten (10) sets of 100% PS&E
- 1 set final plans on Mylar and CD with AutoCAD and PDF file
- Final Technical specifications in Word and engineer's estimate in Excel and PDF

TASK 6 – CONSTRUCTION SUPPORT (CHARLESTON ROAD)

MTCO will perform Construction Support services as required for the Charleston Road Crossing project, but not to exceed budget allocated in Task 6 “Construction Support”.

Deliverables

- Attend Pre-Construction meeting
- Design clarifications and response to RFIs

The following milestone schedules describe the timeline for the project:

	CHARLESTON RD CROSSING	
PHASE	DURATION	COMPLETION DATES
Kick-off Meeting	1 day	January 6, 2014
Survey/Data Collection	2 weeks	January 20, 2014
Environmental	2 weeks	January 20, 2014
65% PS&E	3 weeks	February 10, 2014
City Review	2 weeks	February 24, 2014
95% PS&E	2 weeks	March 10, 2014
City Review	1 week	March 17, 2014
Final PS&E	1 week	March 24, 2014
Bid Period	3 weeks	April, 2014
Begin Construction	-	May, 2014

**Permanente Creek Trail Crossings at Amphitheatre Parkway and Charleston Road,
Project 14-38
Design Fee Proposal by Mark Thomas Company, Inc.**

Task	Task Description	Totals
	Amphitheatre Parkway Crossings	
1.0	Project Management	\$ 6,318
2.0	Survey	\$ 13,861
3.0	Environmental	\$ 23,775
4.0	Geotechnical Report	\$ 31,931
5.0	Final Design	\$ 77,768
	Subtotal for Amphitheatre Parkway Crossings	\$ 153,653
	Charleston Road Crossings	
1.0	Project Management	\$ 1,316
2.0	Survey	\$ 3,016
3.0	Environmental	\$ 1,250
4.0	Geotechnical Report - Not Used	\$ -
5.0	Final Design	\$ 16,090
6.0	Construction Support (Charleston Road)	\$ 3,452
	Subtotal For Charleston Road Crossings	\$ 25,124
	Total Project Cost	\$ 178,777



DATE: October 22, 2013

CATEGORY: Consent

DEPT.: Public Works

TITLE: **Amend Terms of Agreement for Sale of City-Owned Real Property in El Camino Alley (no Street Address), APN 189-01-024**

RECOMMENDATION

1. Direct staff to not exercise the City's right of early termination and allow the project planning process to proceed.
2. Amend the date for Greystar GP II, LLC (Greystar) to submit a formal planning application, and pay all applicable fees, from October 1, 2013 to November 15, 2013.
3. Amend the date for Greystar to obtain City Council approval of their proposed project from December 31, 2014 to March 31, 2015.

BACKGROUND

On April 16, 2013, the Council approved a gatekeeper request from Greystar for a proposed mixed-use development at the southwest corner of El Camino Real and Castro Street. The gatekeeper approval authorized the commitment of staff resources commencing in August 2013.

Informal project plans were submitted by Greystar to the City on August 1, 2013. The informal plans were reviewed at a September 11, 2013 Environmental Planning Commission (EPC) Study Session. The initial informal plans went through several iterations prior to being presented to the City Council at a September 24, 2013 Study Session for review and comment.

The project, as proposed, includes a 17,250 square foot City-owned property (APN 189-01-024) which Greystar will need to purchase from the City (Attachment 1). On May 14, 2013, the City Council authorized the City Manager to execute a Purchase and Sale Agreement with Greystar for the sale of the City-owned parcel, subject to certain terms and conditions. Those terms and conditions were:

- Greystar must pay the sum of \$1,950,000 for the 17,250 square foot City-owned property.
- Any close of escrow and transfer of title is conditioned on Greystar obtaining City Council approval of the proposed project by December 1, 2014. (This date was approved during Council deliberations on May 14, 2013.)
- Greystar must submit a formal planning application and pay all applicable fees by October 1, 2013.
- The City, acting by and through the City Council, reserves early termination rights and may terminate the Agreement following the first City Council Study Session following formal planning review.
- Failure by Greystar to meet any of the prescribed milestone dates may, at the sole discretion of the City, result in termination of the Agreement or an extension of the term. Any extension of the term will require the reappraisal of the then fair-market value of the property, with the price being no less than the current purchase price.
- Greystar must pay any outstanding obligations to Frankie, Johnny and Luigi Too! Restaurant (FJL) for the unamortized costs of the parking improvements it has made to the City-owned property.
- Greystar will pay all closing costs, including, but not limited to, title and escrow fees.
- If the City Council does not approve the proposed development project, the agreement is terminated.

ANALYSIS

At the September 24, 2013 Study Session, the City Council received an update regarding the Greystar project, including an overview of the comments made by the EPC during

its September 11, 2013 Study Session review of the project. The City Council was asked to provide additional feedback and direction regarding several project elements that will influence the formal planning application to be submitted by Greystar, including: location and orientation of the proposed plaza, building height and setback requirements, site design, and vehicular circulation into and around the project site.

To allow Greystar sufficient time to revise its plans based on the feedback received from the City Council during the September 24 Study Session, staff recommends extending the deadline for Greystar to submit its formal planning application and paying all applicable fees from October 1, 2013 to November 15, 2013.

Since Council approval of the terms and conditions of the proposed sale of the City-owned parcel in May, staff has refined the schedule of required actions leading to project approval, taking into consideration the need for at least one additional Council Study Session, the required California Environmental Quality Act (CEQA) analysis, and the Council meeting calendar. Staff believes a more likely and reasonable date for achieving project approval is March 31, 2015. This is a three-month extension from the December 31, 2014 date previously approved by Council in May.

Greystar has revised its plans to respond to concerns expressed by the Council, local businesses, and the neighborhood regarding the project and will continue to do so. Staff considers the new proposed dates for Greystar to submit its formal planning application and obtain project approval as more realistic time frames for achieving the required milestones and delivering a planned project that responds to community input. Staff also recommends that the City not exercise its right of early termination following the September 24 Study Session.

It is important to note that the sale of the City parcel is contingent upon Greystar obtaining City Council approval of their proposed project by a certain date. If Greystar fails to obtain City Council approval of their proposed project, title to the City parcel would remain with the City.

FISCAL IMPACT

Should the project be approved, the City would receive \$1.95 million for deposit into the Strategic Property Acquisition Reserve.

ALTERNATIVES

1. Council could direct staff to exercise the City's early termination rights.
2. Approve different dates for Greystar to submit a formal planning application and obtain project approval.

PUBLIC NOTICING – Agenda posting.

Prepared by:

Dennis P. Drennan
Real Property Program Administrator

Linda Forsberg
Transportation and Business Manager

DPD-LF/5/CAM
930-10-22-13CR-E

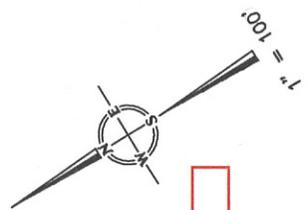
Attachment: 1. Map of Project Properties

Approved by:

Michael A. Fuller
Public Works Director

Daniel H. Rich
City Manager

Attachment 1



158
7

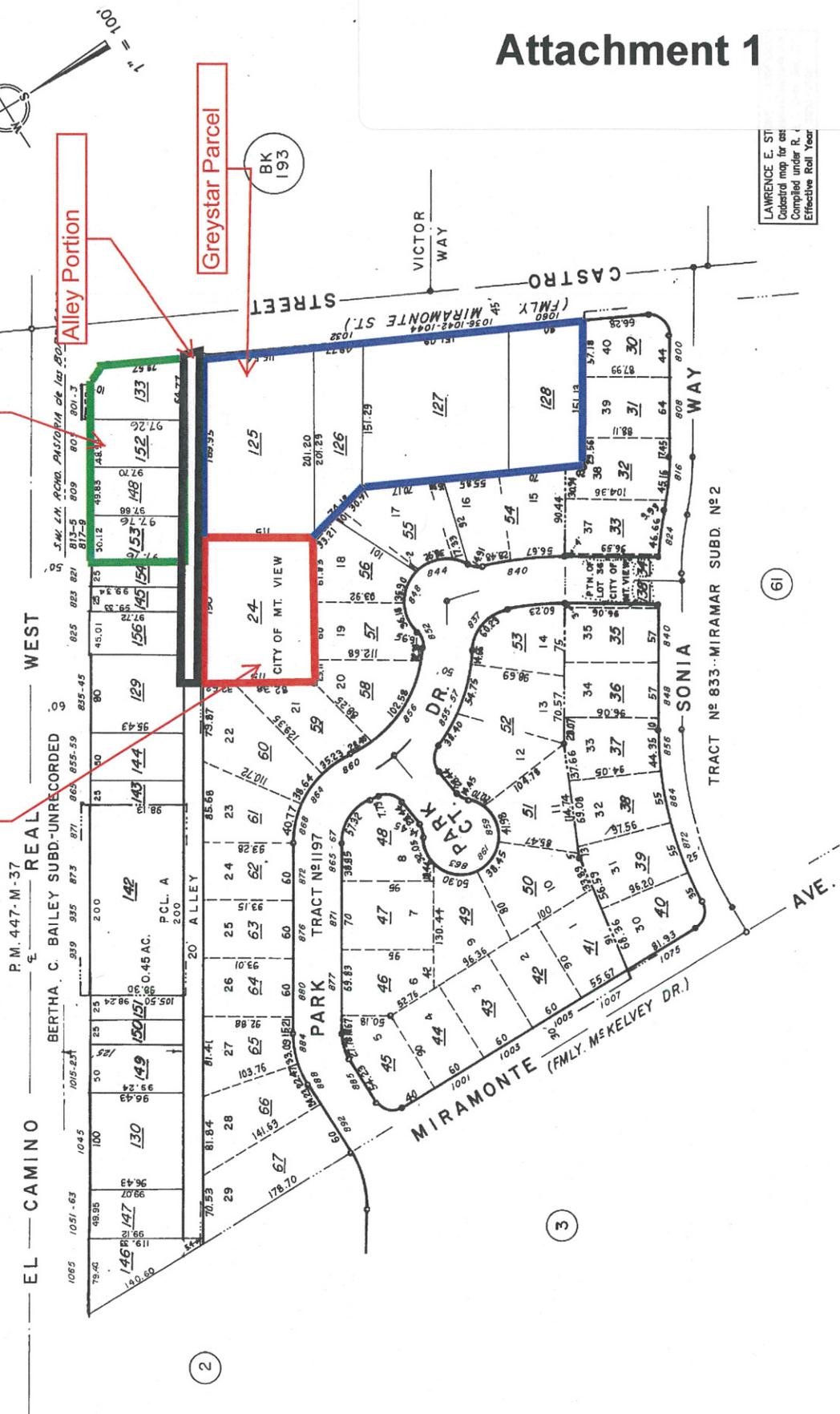
City Parking Lot

Greystar Parcel

Alley Portion

Greystar Parcel

BK 193



LAWRENCE E. ST
Cadastral map for ass
Compiled under R.
Effective Roll Year

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DATE: October 22, 2013

CATEGORY: Unfinished Business

DEPT.: City Manager's Office

TITLE: **Agreement with Community Gatepath for the Operation of the Mountain View Child-Care Center**

RECOMMENDATION

1. Authorize the City Manager or his designee to enter into an Agreement with Community Gatepath/Learning Links for the operation and management of the Mountain View Child-Care Center for a term of five years with an option for two additional five-year terms at the sole discretion of the City.
2. Authorize the City Manager to execute amendments to this agreement for terms having no monetary or fiscal impact.

BACKGROUND

On February 26, 2013, the City Council authorized the development and release of a Request for Proposals (RFP) for the continued operation of the Mountain View Child-Care Center located at 260 Escuela Avenue. This action was taken in response to the City's current contractor, Children's Creative Learning Center's (CCLC), request for a change in business terms due to financial losses CCLC has reportedly experienced over the last few years. The proposed change in terms included reduced operator payments to the City which would require a City subsidy to pay the remaining annual Packard Foundation Program-Related Investment (PRI) payments and reduced funding to low-income families. After review of the proposed change in terms, Council directed staff to proceed with the issuance of an RFP. The February 2013 Council report provides detailed background about the financing, development, and operation of the Center and the reasons why CCLC requested changes to the operating agreement ([Attachment 1 – Mountain View Child-Care Center Council Report](#)).

ANALYSIS

RFP Process

The City released the Mountain View Child-Care Center Operator RFP on April 10, 2013. It was distributed to more than 100 potential proposers and posted to the City's website. Additionally, a legal notice was posted in the *San Jose Post Record*. Six proposals were received by the deadline on May 13, 2013.

An interdepartmental project team, consisting of members from the City Manager's Office, the Finance and Administrative Services Department, the Public Works Department, and the Community Services Department, was assembled to conduct the evaluation process. The City also included an outside panel member from the City of San Jose's Early Care and Education Unit to assist in the interview evaluation.

The key terms of the current operating agreement served as the primary evaluation criteria for the proposals and reflect the Council's original vision for the Center. Those criteria were reaffirmed by Council at the June 11, 2013 Council meeting, along with Council providing additional input on high-level parameters for Center operation ([Attachment 2 – Child-Care Operator RFP Update](#)). After an extensive screening and interview process, financial analysis, site visits, and background checks, staff recommends the selection of Community Gatepath/Learning Links as the preferred vendor best able to meet Council's goals.

Community Gatepath's proposal is recommended because it more favorably meets Council's financial and operational goals of minimizing impacts to the General Fund and providing 30 percent low-income enrollment to City of Mountain View families. Community Gatepath has agreed to pay the full operator payment of \$201,084, which offsets the City's Packard Foundation PRI payment obligation. Community Gatepath also provided a detailed plan and identified funding resources to meet the 30 percent low-income enrollment goal within 18 months of commencement of operation. CCLC has not been able to meet the low-income enrollment goal in the past four years of operation and proposed a lower operator payment than Community Gatepath. In addition to meeting the goals set by Council, Community Gatepath provides for an unmet need in the community of an inclusive preschool program that has a history of successfully meeting the needs of typically and nontypically developing children. Community Gatepath has a demonstrated history of partnering with local school districts, social services, and private foundations in developing a healthy and stimulating program that helps families and children of all needs to transition from

preschool to kindergarten and beyond. A comparison of the top two proposals is included as Attachment 3.

Community Gatepath/Learning Links

Community Gatepath is a 501(c)(3) nonprofit organization with over 90 years of experience supporting the healthy development of children, particularly those with special needs. In 2007, Community Gatepath expanded its children's services to provide an inclusive preschool, Learning Links, to address the shortage of quality preschools in San Mateo County. Learning Links Preschool is one of the first inclusive preschools with staffing and curriculum designed to support the learning abilities of children with and without special needs. It has an overall student population of 80 percent typically developing and 20 percent nontypically developing. Experience has shown that interventions and teaching techniques for children with special needs can benefit all children, particularly children with limited access to teaching tools or children with minimal home support. In the vendor's experience, typically tracked children continue to meet and/or exceed developmental milestones while participating in an inclusive program. Typically tracked children benefit by acting as role models for their peers with special needs and developing social behavioral skills as they interact in a positive manner with children who are different from themselves.

As a nonprofit agency that serves nontypically developing students, Community Gatepath has the benefit of additional funding opportunities that are not available to traditional, for-profit companies such as CCLC. In addition to receiving State funds, Community Gatepath is able to receive funding from grants, donors, and local school districts to support child services. Community Gatepath has historically built strong community-based partnerships. If selected to operate the Mountain View Child-Care Center, Community Gatepath has a plan to reach out to partner agencies such as the Community Services Agency, the Community Child Care Council (4Cs) of Santa Clara County, Moffett Field-Family Assistance Program, and First 5 Santa Clara County to develop relationships and a network to support children's services. This network also provides a bridge to market to, and serve, the needs of low-income families. Community Gatepath believes it can meet the City's goal of 30 percent low-income enrollment within an 18-month time span through its networks and detailed marketing strategy.

Community Gatepath's inclusive preschool program also provides for an unmet need in the community. In a survey of local child-care providers within the City of Mountain View, there are no other privately funded inclusive preschools or programs with the resources to meet the needs of developmentally challenged children in this age group.

Child-Care Operator Business Terms

At the June 11, 2013 Council meeting, Council provided direction on high-level parameters for the Child-Care Center operation (Attachment 2). Those goals, along with the key business terms previously adopted by Council, will serve as the basis of the agreement with Community Gatepath/Learning Links. The terms include, but are not limited to, the following:

- No financial risk to the City.
 - The operator assumes all risk. The City would not be responsible for any loss.
- Community Gatepath/Learning Links would provide the full \$201,084 annual operator payment to the City which would offset the City's Packard Foundation PRI payment obligation and ensure no General Operating Fund impact.
- Operator to accept child-care subsidy vouchers and strive for a City goal of 30 percent low-income enrollment.
- Term and Termination:
 - A five-year term with an option for two additional 5-year terms.
 - Disincentives for early termination.
 - Provides the circumstances under which the City or the operator may terminate the agreement for cause, including those circumstances which may involve child health and safety.
- Operational hours of child-care between 7:00 a.m. and 6:00 p.m., with closures on Federal holidays and two professional development days per year.
- Enrollment priority determined by the City with an emphasis on City of Mountain View low-income families, residents, and employees.
- Accreditation by the National Association for the Education of Young Children (NAEYC) within two years of program commencement.

- Public use of the main playground after hours and on weekends.
- City use of the building during nonoperation of the Child-Care Center.
- City to retain and determine use of the Family Resource Room.

Transition Plan

The City's contract with CCLC provides the ability for either party to terminate without cause upon 180 days written notice. CCLC has agreed to extend the current agreement to May 31, 2014 at the City's request; however, an earlier transition date may be mutually desirable and will be discussed with CCLC. Either option would allow sufficient time to transition to the new operator and to secure staffing. Community Gatepath has indicated it would begin recruitment of staff upon notification of acceptance of the proposal and would host an open house after move-in to build enrollment interest. Community Gatepath has expressed an interest in retaining existing families as well as existing employees who meet their hiring standards. The City will work with CCLC to communicate with existing families and work on a transition plan that will minimize impacts to families and staff. Continuity of service to families and financial stability for the Center are important priorities for the City. The City will work with Community Gatepath on their marketing plan and outreach to low-income families to help Community Gatepath meet enrollment and financial goals and obligations.

FISCAL IMPACT

Community Gatepath has agreed to an annual operator payment to the City of \$201,084 which would continue to offset the City's annual Packard Foundation PRI payment. The operator payment would be prorated based on the transition date. The City's Child-Care Commitment Reserve has sufficient funds to pay the final balloon payment in January 2016. Beginning Fiscal Year 2015-16, the annual operator payment would be available to the City to use at Council's discretion as determined through the City's budget process.

ALTERNATIVES

The Council may wish to consider the following alternatives to the recommendation:

1. Provide direction on additional child-care operator business terms to be included in the agreement with Community Gatepath.

2. Direct staff to renegotiate agreement terms with CCLC.

PUBLIC NOTICING

Agenda posting and meeting notification posted at the Mountain View Child-Care Center. In addition, a copy of the report was sent to CCLC, Community Gatepath/Learning Links, and to the Packard Foundation.

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RK-SN-DPD/7/CAM
240-10-22-13CR-E-1

- Attachments:
1. [Mountain View Child-Care Center Council Report](#)
 2. [Child-Care Operator RFP Update](#)
 3. Comparison of Top Two Proposals

CRITERIA	CURRENT AGREEMENT WITH CCLC	CCLC PROPOSAL	COMMUNITY GATEPATH/ LEARNING LINKS
COUNCIL GOALS:			
Minimal to No General Fund Impact	Full payment of \$201,084 annually in 12 equal payments.	Proposes City payment of \$175,000/year. City would have to subsidize \$26,084/year until loan is paid (2 years).	Proposes full payment of \$201,084 annually.
Low-Income Enrollment Goal	Goal of 30% low-income enrollment (low-income enrollment is 6% as of August 2013). Provides \$50,000/year internal scholarship to subsidize low-income students.	Proposes a 15% tuition reduction to low-income students up to a maximum of \$68,000/year funded by an internal scholarship.	Detailed plan with estimated time line of 18 months to reach 30% low-income enrollment goal. Includes funding sources to bridge gap; State funding, grants, and fundraising. Estimated subsidies at \$235,625.
No Financial Risk	Operator assumes all risk (loss assumed by CCLC). Net surplus used for the benefit of the Center after payment to the Operator of 6% of net revenues management fee and \$48,000 administrative fee (indexed annually).	Operator assumes all risk and reward (profit and loss assumed by CCLC).	Operator assumes all risk and reward (profit and loss assumed by CG/LL).
Funding Sources	Tuition, State subsidies, and internal scholarship.	Tuition, State subsidies, and internal scholarship.	Tuition, State subsidies, grants, scholarships, and fundraising. Nonprofit status allows for diverse funding profile.
ADDITIONAL CRITERIA:			
Organization	Private	Private	Nonprofit, 501(c)(3)
NAEYC Accreditation	Yes	Yes	No; proposed within 2 years.
Qualifications/ Experience	4 years MV site; 20 years in business/110 preschool centers. Provides care to children from 6 weeks to 5 years.	4 years MV site; 20 years in business/110 preschool centers. Experience providing care to all age groups.	6 years for preschool; associated agency Community Gatepath 90 years/1 preschool center. Current center does not provide infant care.

CRITERIA	CURRENT AGREEMENT WITH CCLC	CCLC PROPOSAL	COMMUNITY GATEPATH/ LEARNING LINKS
History of Success	Contractual Goals: 1. Operator payment to City of \$201,084/year. 2. 30% low-income enrollment goal. 3. Provide quality program to Mountain View residents.	1. Has met financial obligation to City. 2. Unable to meet 30% low-income enrollment goal. 3. Provides a high-quality preschool program to Mountain View residents.	1. Diverse funding sources/resources. 2. Experience indicates that children with and without special needs are above average in meeting developmental goals. 3. Preschool is successful and Community Gatepath has plans to expand programming.
Curriculum	Contract provides for a program that ensures each child a safe and secure environment where he/she is able to develop a positive self-image. CCLC provides a stimulating learning experience that offers a socioeconomic mix of staff and children that celebrates diversity and cultural pride.	High-quality curriculum; multicultural programming; Maryland Study showed children scored high in pre-K readiness. Focus on ECE (Early Childhood Education).	Inclusionary (80/20 ratio) of typically tracked and special needs children. "Wrap-around services" – special programs that include the child and parent (i.e., occupational, speech and psychological services). Focus on evidence-based DRDP evaluation tools (Desired Results Developmental Profile).
Marketing/ Outreach	Website, brochures. Reputation for excellent curriculum.	Assist the City in marketing to MV families while supporting a 30% low-income goal. Provide a 5% discount to residents and MV employees and 15% reduction in tuition to low-income families. Subsidy limit of \$68,000. Provide subsidy coordinators to assist families in applying for State funding.	Very detailed plan. Targeted marketing to MV low-income families; subsidized housing, medical clinics, CSA, 4Cs, First 5, and MVWSD. Create outreach materials in top two languages for direct mail, community events, and brochures. Creates partnerships with school districts, hospitals, social services, etc. Pricing at 5% to 10% below other large run facilities.
Other		Current operator. No transition or disruption of service to parents/children. Parent satisfaction rating of 8.7/10.	Additional services set this operator apart. Program meets an unmet need of the community. Has a transition team.



DATE: October 22, 2013

CATEGORY: New Business

DEPT.: Community Services

TITLE: **Resolution Amending City Council Policy H-7 – Athletic Field Use Policy Related to Banners for Youth Sports Organizations**

RECOMMENDATION

Adopt A RESOLUTION AMENDING CITY COUNCIL POLICY H-7, ATHLETIC FIELD USE POLICY, to be read in title only, further reading waived.

BACKGROUND

At the February 14, 2013 Youth Sports Organization (YSO) meeting, members requested the City formalize a process that would allow recognized YSOs to hang banners on City property. This request was made because the Mountain View Whisman School District has recently been enforcing their policy to restrict advertising on school property and is no longer allowing YSOs to advertise league registration through handouts or banners. This practice has negatively impacted the YSOs' ability to outreach and attract new members.

In an effort to assist the YSOs in promoting league registration, staff is proposing the revision of Council Policy H-7, "Athletic Field Use Policy," to include banner-hanging guidelines for permitted YSOs at three City-owned sites: Eagle Park, Rengstorff Park, and McKelvey Field (Attachment 1 – Proposed Banner Locations).

On September 11, 2013, the Parks and Recreation Commission (Commission) unanimously approved the addition of banner-hanging guidelines with the caveat that staff would receive additional approval by the Police Department and the Youth Advisory Committee on the Skate Park as a proposed site location at Rengstorff Park ([Attachment 2 – Revise Athletic Field Use Policy to Include a Banner-Hanging Provision](#)). The Police Department approved the Skate Park as a proposed site as did the Youth Advisory Committee on October 7, 2013. The Commission also requested that staff review the banner-hanging process to evaluate costs based on the City's Cost Recovery Policy for Fiscal Year 2014-15.

ANALYSIS

The YSOs annually advertise their registrations through the use of banners. Mountain View City Code Sections 22.50 through 22.65 related to banners creates a “limited public forum” for banners on City property. Under these sections, the City issues banner permits for designated sites on City property for banners publicizing cultural, recreational, social, and other special events in the City because these events provide a community-wide benefit. Although this code provision has traditionally been applied to banners over El Camino Real and Castro Street, City property also includes various parks and sport facilities. Designating the site for recognized YSOs to notify residents of recreational opportunities provides a community benefit and may also help mitigate the placement of banners in areas where they are not permitted.

The following are the guidelines supported by the YSOs and approved by the Commission:

1. Allow formally recognized City of Mountain View YSOs to hang banners at Eagle Park, Rengstorff Park, and McKelvey Field (Attachment 1 – Proposed Banner Locations).
2. Banner applications must be complete and include a sketch of information included on the banner, proposed placement, and a copy of the YSOs’ insurance certificate prior to approval.
3. Banners may be displayed for the time period of six weeks prior to the start of registration and one week after the close of registration.
4. Banners may not be displayed for more than eight consecutive weeks.
5. Banners may be no larger than 24 square feet (i.e., 8’ x 3’ or 6’ x 4’).
6. Banners will be installed/removed by City personnel only.
7. The City of Mountain View will not be responsible for lost, stolen, or damaged banners.

FISCAL IMPACT

Community Services Department (CSD) staff would absorb the cost of application processing and hanging and removing the banners for recognized YSOs for Fiscal Year

2013-14. Staff will review the cost of providing this service and may propose a fee for Fiscal Year 2014-15.

ALTERNATIVES

1. Do not allow YSOs to hang banners on City property.
2. Reduce the number of suggested locations.
3. Consider other City-owned property for additional banner-hanging locations.

PUBLIC NOTICING

Agenda posting and notices sent to the Youth Sports Organizations.

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Daniel H. Rich
City Manager

HH-RK/9/CAM
240-10-22-13CR-E

- Attachments:
1. Proposed Banner Locations
 2. [PRC Report September 11, 2013 – Revise Athletic Field Use Policy to Include a Banner-Hanging Provision](#)
 3. Resolution Amending City Council Policy H-7, Athletic Field Use Policy
 4. Strike-Out Version of Council Policy H-7, Athletic Field Use Policy

Photos of Proposed Banner Locations

Rengstorff Skate Park



McKelvey Park



Photos of Proposed Banner Locations

Eagle Park



CITY OF MOUNTAIN VIEW
RESOLUTION NO.
SERIES 2013

A RESOLUTION AMENDING CITY COUNCIL POLICY H-7,
ATHLETIC FIELD USE POLICY

WHEREAS, the City Council adopted City Council Policy H-7 on April 9, 1979 to govern the use of the City's athletic fields; and

WHEREAS, the City Council revised the Athletic Field Use Policy on December 2, 2003 to include a sport priority, a group priority, a turf recovery period, deadline dates, and establish user group meetings and maintenance responsibilities; and

WHEREAS, the City Council revised the Athletic Field Use Policy on October 9, 2012 to include a winter season designation, residency as an element in the prioritization of field allocations, a process for new YSOs to become recognized, and penalties for use of wet fields or noncompliance with policy guidelines; and

WHEREAS, the City wishes to support recognized Youth Sports Organizations in the promotion of their registration period by allowing banners to be hung at designated City sites and establishing banner hanging policies;

NOW, THEREFORE, BE IT RESOLVED that the City Council of the City of Mountain View hereby amends City Council Policy H-7, Athletic Field Use Policy, attached to this resolution.

RK/9/RESO
240-10-22-13Res-E

CITY COUNCIL POLICYSUBJECT: ATHLETIC FIELD USE POLICYNO.: H-7**PURPOSE:**

To establish a policy governing the use of the City's athletic fields.

Field use permits are required for exclusive field use for any ongoing league, tournament, camp, clinic, or organized use of athletic fields maintained or managed by the City. The exclusive use of an athletic field requires an advanced reservation and is subject to fee and security deposit requirements.

POLICY: It is the responsibility of the City's Community Services Department's athletic fields coordinator to allocate field use based upon the following process:

Step 1. Athletic Field Reservation Application

A complete athletic field reservation application must be submitted to the City's athletic field coordinator to be eligible for an athletic field permit. Athletic field applications along with the most current roster and proof of insurance, as required by the City, must be submitted for each season before the deadlines listed below. The three seasonal brokering periods are as follows:

<u>Season</u>	<u>Dates</u>	<u>Deadline</u>
Spring	March 1 through July 31	December 31
Fall	August 1 through December 15	June 30
Winter	December 16 through February 28	October 31

Step 2. Group Priority

The application will be categorized based on the following group priority system:

1. First priority will be given to City of Mountain View and Mountain View Whisman School District leagues and activities.
2. Second priority will be given to the recognized Mountain View youth sports organizations (YSOs) listed on the City of Mountain View Recognized Youth Sports Organization List maintained by the Community Services Department.
3. Third priority will be given to unrecognized youth sports organizations.

CITY COUNCIL POLICY

SUBJECT: ATHLETIC FIELD USE POLICY

NO.: H-7

4. Fourth priority will be given to adult sports groups (over 18 years old).

Step 3. Sport Priority

The application will be divided in each category by the following sport priority system:

1. First priority for use March through July will be given to baseball and softball; second priority for use March through July will be given to soccer and football; and third priority for use March through July will be given to all other sports.
2. First priority for use August through December will be given to soccer and football; second priority for use August through December will be given to baseball and softball; and third priority for use August through December will be given to all other sports.
3. First priority for use December through February will be given to rugby; second priority for use December through February will be given to all other sports.

Step 4. Ranking

The applications will be ranked within each of the following categories and placed in descending order from the highest number of Mountain View residents to the lowest number of residents.

1. City and school district leagues and activities.
2. Recognized YSOs which are in season.
3. Recognized YSOs which are in a second-priority season.
4. Recognized YSOs offering all other sports.
5. Unrecognized YSOs which are in season.
6. Unrecognized YSOs which are in a second-priority season.
7. Unrecognized YSOs offering all other sports.
8. Adult sports groups.

CITY COUNCIL POLICY

SUBJECT: ATHLETIC FIELD USE POLICY

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Step 5. Field Allocations

The athletic field coordinator will go in order using the ranking determined during the application process. The organizations will be allocated the number of fields needed, space available, to reasonably accommodate the number of Mountain View residents in the organization.

Should any situation arise that is not specified in this policy, the City's athletic fields coordinator shall use good judgment in determining the field allocations for the season. Consideration may be given to history of use or past practice.

Becoming a Recognized Group

Should interest in a new emerging organization grow over a period of years, the group may request the City include the group in the Athletic Field Use Policy as a recognized Mountain View youth sports organization. In order to become a recognized YSO, the following criteria are recommended:

- Group is established and show growth for at least three years.
- Group will need to explain why becoming a recognized group will be a benefit to the community.
- Group is a recognized nonprofit 501(c)(3) group.
- Group is sponsored or affiliated with an established local or national organization.
- Group has experienced a successful board/leadership change.

A group may begin the public process by submitting a formal written request to the City. Staff will then submit this request to the Parks and Recreation Commission where the group will be invited to make a formal presentation of their request at a regularly scheduled Commission meeting. After the formal presentation, the Commission will then either approve or deny the status change. If approved, the group's status change will be included and formally implemented with the next scheduled season and the City of Mountain View Recognized Youth Sports Organization List will be updated to reflect the change.

CITY COUNCIL POLICY

SUBJECT: ATHLETIC FIELD USE POLICY

NO.: H-7

Turf Preservation

In order to preserve the turf of the athletic fields, athletic use permits will be limited during the winter season (December 15 through February 28) to artificial turf fields and a limited number of natural turf fields depending on field conditions. The City's Community Services Department will identify the natural turf fields available each winter season to be made available for athletic use. Exceptions may occur in the event the regular fall season is not able to be completed by December due to unusual circumstances or if limited field use is required for spring preseason tryouts.

The master field renovation schedule will be updated annually by the City's Community Services Department. The schedule will provide for periodic closures of athletic fields when renovations are required.

Wet Field Guidelines

Athletic use of a wet or saturated field may cause extensive damage resulting in field closures and renovations. One day of use on a wet field can generate weeks of recovery time which may have adverse impacts on other field use permits. Groups will not be permitted to play on wet fields. A field is considered too wet if standing water is visible or a "squishy" sound is heard when walking on the turf. City staff will decide if the fields are suitable for play and update the Field Closure Hotline, (650) 903-6416, as needed Monday through Friday by 1:00 p.m. If weather conditions diminish after 1:00 p.m. or on the weekend and fields become wet, groups are expected to stop or not use the athletic fields. The City of Mountain View reserves the right to close a field at any time if it has been determined necessary.

Organizations failing to follow the wet field guidelines of this policy will first receive a verbal warning from the Community Services Department, second be issued a written warning of misuse, and the third offense will result in loss of priority for one year and/or having existing permits revoked.

Field Use and Compliance

Groups issued athletic field permits are expected to follow the schedule listed on the permit. At no time is an organization authorized to sublet or reissue the use of the fields to other groups. Groups will be responsible for notifying the City of any

CITY COUNCIL POLICY

SUBJECT: ATHLETIC FIELD USE POLICY

NO.: H-7

permitted time that can be released and reallocated to another group. Coaches will be required to have team rosters and permits on-site during each field use, available for inspection. The City will make spot field checks and any organization found to be misrepresenting its use may first be given a verbal warning from the Community Services Department, second be issued a written warning of misuse, and the third offense will result in loss of priority for one year and/or having existing permits revoked.

Banner Hanging

The City allows banner hanging for permitted YSOs at City-designated locations. Groups must complete a banner hanging application which includes a sketch of information included on the banner, proposed placement, and a copy of the YSO's insurance certificate. An approved banner permit and any applicable fees are required prior to banner placement. The following are banner guidelines:

1. Banners may be displayed for the time period of six weeks prior to the start of registration and one week after the close of registration.
2. Banners may not be displayed for more than eight consecutive weeks.
3. Banners may be no larger than 24 square feet (i.e., 8' x 3' or 6' x 4').
4. Banners will be installed/removed by City personnel only.
5. The City of Mountain View will not be responsible for lost, stolen, or damaged banners.

User Group Meetings

Three times per year, the City will hold a meeting for groups who regularly use the City's athletic fields. A representative(s) from each organization, typically the organization's president or field coordinator, is required to attend. Topics for discussion may include a review of the previous year, special circumstances for the upcoming season, maintenance responsibilities, etc.

CITY COUNCIL POLICY

SUBJECT: ATHLETIC FIELD USE POLICY

NO.: H-7

Maintenance Responsibilities

Groups who regularly use the City's athletic fields will be responsible for various maintenance tasks. The maintenance responsibilities will vary according to the site and sport with specific instructions communicated at the three annual meetings and listed on the field use permit. Examples of maintenance responsibilities include litter pickup, cleaning of bleachers, painting of backstops or benches, dragging or watering of infield, and maintenance of storage areas.

Good Neighbor Guidelines

Many of Mountain View's athletic fields are located on school property and in residential neighborhoods. Groups that use these fields will be expected to be respectful to the schools and neighbors by keeping noise levels to an appropriate volume, following speed limits on residential streets, and parking in appropriate or designated parking areas.

Mutual Respect and Cooperation

The overall success of a community sports program in Mountain View will depend upon the exercise of mutual respect and cooperation by each of the organizations with one another and with the City and a willingness to work together for the good of the community of Mountain View.

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Mountain View Athletic Fields Available for Reservation:

Crittenden and Callahan Fields	1500 Middlefield Road, 94043
Monta Loma Park	460 Thompson Avenue, 94043
Slater Park	220 North Whisman Road, 94043
Stevenson Park	750 San Pierre Way, 94043
Whisman Park	310 Easy Street, 94043
Bubb Park	680 Barbara Avenue, 94040
Castro Park	650 Escuela Avenue, 94040
Cooper Park	500 Chesley Avenue, 94040
Eagle Park	652 Franklin Street, 94041
Graham Athletic Complex	1185 Castro Street, 94040
Huff Park	253 Martens Avenue, 94040
Landels Park	115 West Dana Street, 94041
McKelvey Park	930 Miramonte Avenue, 94040
Sylvan Park	550 Sylvan Avenue, 94041

Revised: October 9, 2012, Resolution No. 17726
Revised: December 2, 2003, Resolution No. 16860
Effective Date: April 9, 1979, Resolution No. 12521

PB/CNLPOL-1
H07-201CP-so



DATE: October 22, 2013

CATEGORY: New Business

DEPT.: Community Services

TITLE: **2014 Thursday Night Live Series**

RECOMMENDATION

1. Appropriate and transfer \$15,000 in Fiscal Year 2013-14 from the General Fund Reserve to the Community Services Department for the 2014 Thursday Night Live series. (Five votes required)
2. Eliminate park concerts and reprogram funding of \$5,000 to Thursday Night Live.
3. Approve the dates of June 26, July 10, July 24, and August 7 for the 2014 Thursday Night Live series.
4. Direct staff to develop a sponsorship policy to create financial support for community events.

BACKGROUND

In May 2007, the City Council approved the Castro Street closure concept for events to be held on four Thursday evenings. At the time, the closure stretched down Castro Street from Evelyn Avenue to Church Street. Two of the original four dates coincided with live summer concerts on Civic Center Plaza to create a synergistic effect and draw people downtown. The event was named Thursday Night Live (TNL).

In November 2007, staff came back to Council with a summary of the first four events and recommendations for continuing TNL in 2008. Key recommendations included keeping the number of events at four, a smaller closure area between Evelyn Avenue and California Street, ending the event earlier, working with the Central Business Association (CBA) to organize and expand event activities, and determine if it was possible to hold concerts downtown to coincide with TNL.

Funding for TNL in Fiscal Year 2007-08 and Fiscal Year 2008-09 was from the General Fund. From 2009 through 2011, funding for each of the four TNL events transferred from the General Fund to the Downtown Revitalization Authority (Authority). This occurred in part due to the success of the TNL and its ability to promote the downtown while encouraging residents to shop locally. Funding of \$55,000 annually covered all components of TNL (marketing, advertising, set-up and take-down, concerts, and public safety), including contracting with the CBA to operate the event on the City's behalf. At the time, staff was aware the Authority would soon be dissolved and alternate funding would need to be identified.

For 2012, with the dissolution of the Authority, the TNL series was funded \$14,000 from the Authority and \$31,000 from the General Non-Operating Fund one-time money, totaling \$45,000. This funding covered all components of the series as in previous years.

On February 26, 2013, Council approved reducing the number of events from four to three to lessen the impact on the General Fund and transfer coordination of the events from the Community Development Department—Economic Development Division to the Community Services Department. As a result of a balance of \$14,500 from the previous year TNL events, Council approved an additional \$17,500 for a total of \$32,000 for the three event dates in 2013. As part of the funding approval, staff committed to a thorough review of TNL to evaluate costs and operation of the event and survey both participants and businesses to better plan for 2014 while minimizing impact on the General Fund.

ANALYSIS

Staff has reviewed the coordination and operation of TNL and proposes to bring back full coordination of the event to the Community Services Department, saving the cost of contracting with the CBA. In addition, staff would like to establish a sponsorship component. Sponsorship has the ability to lessen the impact on the General Fund and increase/expand the event experience for participants. Should Council approve a sponsorship policy, staff anticipates securing 25 percent of the event costs through sponsorship the first year and gradually increase sponsorship support over the next five years to fully subsidize the event by summer 2018. Based on Council direction, staff will prepare a sponsorship policy for the Parks and Recreation Commission to review. Staff anticipates bringing a recommended policy to Council in February of 2014.

Much of the success of TNL over the years has been the inclusion of live entertainment at the events. Prior to the inception of TNL, the City offered six summer concerts: three at Cuesta Park and three at Civic Center Plaza. In summer 2007 and 2008, two concerts organized as part of the Community Services Department (CSD) summer concert series

coincided with dates selected for TNL and were either located within the event area or moved from Civic Center Plaza to fall within the event area. Beginning in 2009, four of the six Cuesta Park/Civic Center Plaza concerts were transferred to the TNL program and paid for out of the TNL event budget. Funding for the two remaining concerts continues to be budgeted through CSD and is currently programmed at Cuesta and Rengstorff Parks. Attendance at each of the concerts has decreased year to year with approximately 400 attendees at each event in summer 2013. The two park concerts are budgeted at \$5,000. Staff proposes eliminating the park concerts and reprogramming the funding towards production of four TNL events.

Surveys

Staff surveyed residents and downtown businesses over the course of summer 2013. Resident survey results (Attachment 1) and business survey results (Attachment 2) indicated a strong interest in continuing TNL. The most frequent response from residents was that 10 biweekly TNL events and/or summer concerts should be offered in summer 2014 while responding downtown business believed 4 biweekly TNL events in 2014 would best meet the needs of the business community. Both groups surveyed agreed by a majority that Thursday was the best night of the week and that Castro Street was the best location for TNL.

Costs

A breakdown of estimated costs to produce the 2014 TNL series is shown in Table 1 below:

TABLE 1: ESTIMATED TOTAL COST

Item	Cost Per Closure	Number of Closures	Total Cost
Advertising	N/A	N/A	\$ 7,600
Amusements	\$600	4	2,400
Concerts (band/sound)	\$4,000	4	16,000
Materials	N/A	N/A	800
Port-a-Potties	\$300	4	1,200
Police Department Staff	\$2,000	4	<u>8,000</u>
	Estimated Total Cost		<u>\$36,000</u>

FISCAL IMPACT

The estimated cost for the 2014 TNL series (four events) is \$36,000, which includes the cost of advertising, amusements, material costs, concerts (band/sound), and cost for Police services during the event. Community Services and Public Works staff costs are to be absorbed by each department. Due to Police Department incurring overtime for these events, the cost cannot be absorbed.

Staff is recommending to eliminate the park concert series and reprogram the funding of \$5,000 toward future TNL events. For Fiscal Year 2013-14, a midyear adjustment of \$15,000 for advertising and to initiate contracts with the bands is requested. Ongoing funding of \$31,000 for the TNL series will be requested through the Fiscal Year 2014-15 budget process.

ALTERNATIVES

1. The City Council could decide to fund TNL and keep the two current park concerts.
2. Add an additional TNL event for summer 2014 at a cost of \$6,900 (August 21).
3. Maintain the two park concerts for summer 2014.
4. Not fund future TNL events.
5. Direct staff not to develop a sponsorship policy to create financial support for community events.

PUBLIC NOTICING

In addition to distributing copies of this report in accordance with the City's standard agenda posting requirements, copies of the report were sent to the CBA, the Mountain View Chamber of Commerce, the Old Mountain View Neighborhood Association, and Downtown Committee members.

Prepared by:

Michele Petersen
Recreation Supervisor

John Marchant
Acting Shoreline/Recreation Manager

MP-JM/7/CAM
207-10-22-13CR-E

Attachments: 1. Resident Survey Results
2. Business Survey Results

Approved by:

J.P. de la Montaigne
Community Services Director

Daniel H. Rich
City Manager

Thursday Night Live/Summer Concert Resident Survey

How many Thursday Night Live/Summer Concerts do you attend each summer?

1	2	3	4	5	Total
113	137	117	60	61	488
23%	28%	24%	12%	13%	

How many Thursday Night Live events on Castro Street should be offered each summer?

1	2	3	4	5	6	7	8	9	10	Total
14	20	28	60	71	76	17	59	6	137	488
3%	4%	6%	12%	15%	16%	3%	12%	1%	28%	

How many summer concerts should be offered each summer?

1	2	3	4	5	6	7	8	9	10	Total
4	13	27	59	69	53	22	57	7	177	488
1%	3%	6%	12%	14%	11%	5%	12%	1%	36%	

Should summer concerts always coincide with a Thursday Night Live event?

Yes	280	57%
No	207	43%

Is Castro Street the best location for a Thursday Night Live event?

Yes	444	91%
No	43	9%

If no, what location would be better?

Cuesta Park	60	47%	Eagle Park(3), Shoreline, Del Medio, Graham Middle School, Other parks
Rengstorff Park	31	24%	
Civic Center Plaza	30	23%	
Other	7	5%	

What is your favorite part of Thursday Night Live?

Concert	Car Show	Farmers Market	Information Booths	Kids' Activities
334	174	154	82	187
36%	19%	17%	9%	20%

What day of the week is best for Thursday Night Live?

M	T	W	Th	F	Sat	Sun
7	23	28	350	148	69	27
1%	4%	4%	54%	23%	11%	4%

In regards to frequency, would you prefer Thursday Night Live/summer concerts to occur:

Weekly	Bi-Weekly	First "day" of each month	Other	No Answer Given(4), As often as possible(2), Bi-monthly, Tri-Weekly, Every other week, Monthly
223	192	86	11	
44%	38%	17%	2%	

Thursday Night Live Business Survey

Do you see an increase in business during "Thursday Night Live"?

Yes	6	29%	Total
No	11	52%	21
Not Sure	4	19%	

Do you feel that "Thursday Night Live" helps or hinders your business?

Helps	10	50%	Total
Hinders	4	20%	20
Neither	6	30%	
Not Sure	0	0%	

Have you received feedback from customers who have returned to your business because they attended "Thursday Night Live"?

Yes	6	29%	Total
No	15	71%	21

Is Castro Street the best location for a Thursday Night Live event?

Yes	14	78%	Total
No	4	22%	18

If no, what location would be better?

Cuesta Park	1	20%	Total
Rengstorff Park	3	60%	5
Civic Center Plaza	0	0%	Anywhere but downtown Mountain View.
Other	1	20%	

Is there a better day of the week for an event like "Thursday Night Live" to take place?

M	T	W	Th	F	Sat	Sun	Total
0	0	0	12	1	2	1	16
0%	0%	0%	75%	6%	13%	6%	

How many Thursday Night Live events on Castro Street Should be offered each summer?

1	2	3	4	5	6	7	8	9	10	Total
1	1	2	6	0	3	0	0	0	2	15
7%	7%	13%	40%	0%	20%	0%	0%	0%	13%	

In regards to frequency, would you prefer "Thursday Night Live":

Weekly	Bi-Weekly	First "day" of each month	Other	Total
5	6	3	4	18
28%	33%	17%	22%	2 a month or the first Thursday, Every other first day of the month, never, every Saturday of each month

Would you like this event to continue next year?

Yes	12	71%	Total
No	5	29%	17

Would your business help sponsor this event financially?

Yes	6	38%	Total
No	10	63%	16

If yes, what seems like a reasonable amount of sponsorship?

\$500-\$1,000	5	100%	Total
\$1,000-\$2,500	0	0%	5
\$2,500 and up	0	0%	



DATE: October 22, 2013

CATEGORY: New Business

DEPT.: City Attorney and Finance and Administrative Services

TITLE: **Comprehensive Plan to Wind Down the Affairs of the Former Mountain View Revitalization Authority and Terminate the Successor Agency**

RECOMMENDATION

Successor Agency to the Mountain View Revitalization Authority Action:

1. Adopt A RESOLUTION APPROVING A COMPREHENSIVE PLAN TO WIND DOWN THE AFFAIRS OF THE FORMER MOUNTAIN VIEW REVITALIZATION AUTHORITY AND TERMINATE THE SUCCESSOR AGENCY, to be read in title only, further reading waived (Attachment 1 to the Council report).

City of Mountain View Actions:

1. Adopt A RESOLUTION WAIVING REINSTATEMENT OF A LOAN FROM THE CITY OF MOUNTAIN VIEW TO THE FORMER MOUNTAIN VIEW REVITALIZATION AUTHORITY AS AN ENFORCEABLE OBLIGATION, to be read in title only, further reading waived (Attachment 2 to the Council report).
2. Appropriate funds from the Strategic Property Acquisition Reserve to pay the taxing entities in order to allow the City to retain the Bryant Street and Franklin Street properties. (Five votes required)
3. Authorize the City Manager to execute a compensation agreement to share revenues generated by Parking Structures 1 and 2 with the taxing entities.

Mountain View Shoreline Regional Park Community Action:

1. Adopt A RESOLUTION WAIVING REINSTATEMENT OF A REGISTERED NOTE AND 2003 TAX ALLOCATION BONDS AS ENFORCEABLE OBLIGATIONS, to be read in title only, further reading waived (Attachment 3 to the Council report).

BACKGROUND

In 2011, the California Legislature enacted the Dissolution Act (Health and Safety Code Section 34170 *et seq.*) and dissolved California redevelopment agencies as of February 1, 2012. In 2012, additional legislation was signed by the Governor as part of the State budget package regarding implementation of the Dissolution Act. At this time, the Mountain View Revitalization Authority (“Authority”) was already in the process of winding down. The Authority was scheduled to sunset in April 2013. Even though the Authority debt was not due to be repaid until 2019, it was projected that enough tax increment could be collected to retire all of the Authority debt by the end of Fiscal Year 2015-16. However, the Dissolution Act changed the process and time line to wind down the Authority.

Pursuant to the Dissolution Act, the City elected to serve as the Successor Agency for the Former Mountain View Revitalization Authority (“Successor Agency”). The Successor Agency is charged with winding down the affairs of the former Mountain View Revitalization Authority (“Authority”). The actions of the Successor Agency must be reviewed and approved by two other entities. First, an Oversight Board, composed of representatives from the taxing entities, oversees the Successor Agency. (The taxing entities include the County of Santa Clara, the Mountain View Whisman School District, the Mountain View Los Altos High School District, the Santa Clara Valley Water District, the Foothill-De Anza Community College District, Midpeninsula Regional Open Space District, Bay Area Air Quality Management District, and El Camino Hospital.) Second, the California Department of Finance (“DOF”) reviews all actions taken by the Oversight Board. The purpose of this agenda item is to present a proposal prepared by Successor Agency staff, in coordination with the County of Santa Clara (“County”) staff, and approved by the Oversight Board, to present to the DOF for the final dissolution of the Authority.

ANALYSIS

Dissolution Plan

In order to complete the wind down of the Authority, the Successor Agency must:

1. Retire all remaining obligations of the Authority; and
2. Dispose of the Authority’s remaining real property assets pursuant to an approved long-range property management plan.

Staff recommends the proposed Dissolution Plan, which outlines the actions the Successor Agency is required to take, and which completes the wind-down process during this fiscal year instead of continuing the wind-down process until 2019, the deadline for repaying the Authority's debt. In addition, the Dissolution Plan contemplates certain actions being taken by the Shoreline Regional Park Community ("Shoreline Community") and the City as further described in this Council report. The Dissolution Plan is a comprehensive plan or package designed to achieve the goals and satisfy, to the extent possible, the competing interests of all of the parties involved in the dissolution of the Authority. It is a compromise and the elements of the proposed Dissolution Plan should be considered as a whole, rather than individually.

Retirement of Remaining Obligations of the Authority

Certificates of Participation

The Successor Agency would retire the outstanding 2003 Certificates of Participation (COPs) that were issued to refinance debt for the reconstruction of Castro Street and finance a portion of the construction of Parking Structure 2 (located on California Street). The debt service payments for these COPs are currently the only significant enforceable obligation of the Authority. The COPs are scheduled to be repaid in February 2019. However, the COPs were eligible for call as of August 2013, without any premium or additional costs. Paying the COPs off early would save over \$1.0 million in interest expense for all of the taxing entities. The Oversight Board has approved the Successor Agency's retention of \$6.3 million in unencumbered funds to be used to pay down the COPs. However, the DOF denied the Successor Agency's request to retain the funds for this purpose. The Successor Agency continues to retain the \$6.3 million in unencumbered funds that could be applied toward this debt. As part of the proposed Dissolution Plan, the DOF would approve retention of these funds in order to retire the 2003 COPs by issuing a revised determination letter for the Other Funds and Accounts Due Diligence Review.

Obligations Rendered Unenforceable by the Dissolution Act

Significant financial obligations were rendered unenforceable by the Dissolution Act, but they could be reinstated and repaid if approved by the Oversight Board and the DOF. Two of these currently unenforceable obligations are assets of the Shoreline Community, a component unit of the City, and include a registered note with a balance of \$2.4 million and 2003 Tax Allocation Bonds ("TABs") with a balance of \$2.3 million for a total of \$4.7 million. Of note, \$363,354 in remaining proceeds from the 2003 TABs would be used towards repayment of this obligation. A third obligation is a loan from

the City to the Authority for the downtown improvements and the remaining balance on the loan is \$1.1 million. Combined, these three obligations total \$5.8 million. The current value of these obligations reflects the fact that all of them have been remeasured to the State of California Local Agency Investment Fund (LAIF) rate as required by the Dissolution Act.

Upon the issuance of a Finding of Completion by the DOF, the Successor Agency could apply to reinstate these obligations subject to the approval of the Oversight Board and the DOF. However, the Dissolution Act restricts the annual amount of repayment for these obligations, should any of them be reinstated. Consequently, if any of these obligations were reinstated, it would take decades to repay these obligations. In drafting the proposed Dissolution Plan, staff considered the competing interests of all of the entities involved in the dissolution process, from the taxing entities to the authorities who must approve the dissolution. Based on these considerations, this Dissolution Plan contemplates the Shoreline Community and the City waiving repayment of these obligations in exchange for a credit against the value of the Bryant Street and Franklin Street properties as set forth in further detail below.

Disposition of Remaining Real Property and Assets

a. *Bryant Street Parcels and the Franklin Street Parcel*

The Authority purchased parcels on Bryant Street and Franklin Street for assemblage to adjoining City-owned land for redevelopment purposes. The Dissolution Act allows the City to retain the properties for future development with the approval of the Oversight Board and DOF.

In preparation for the dissolution, these parcels were appraised by independent appraisers. The Bryant Street parcels were purchased by the Authority in 2002 for \$1.9 million and are now valued at \$5.08 million. The Franklin Street parcel was purchased by the Authority in 1999 for \$725,000 and is now valued at \$1.17 million (see Long-Range Property Management Plan – Attachment 4).

The combined appraised value of these two parcels is \$6.25 million. As part of the transfer of ownership of the two parcels to the City, the City and the Shoreline Community would agree to waive the obligations described above and the value of the waiver would be offset as a credit against the value of the two properties. The remaining 2003 TABs proceeds would be paid to the Shoreline Community in accordance with the bond covenants and reduce the amount of the credit. The calculation is set forth below. However, the balance may need to be adjusted

slightly since this estimate is based on the interest that would accrue through December 31, 2013.

Appraised Value of Properties	\$6,250,000
City Loan:	1,148,268
Registered Note:	2,391,694
2003 TABs:	2,305,967
Bond Proceeds:	<u>(363,354)</u>
Total Credit	<u>5,482,575</u>
Balance Due from City	\$ <u>767,425</u>

The City would pay the balance to the taxing entities to make them whole for the value of the properties transferred. The City and the Parking District receive approximately 14.6 percent and 10.2 percent of the property tax allocation, respectively. The allocation of property tax revenue received by the City and the Parking District is included in the balance shown above. Once these allocations are deducted, it is estimated the net amount due from the City will be approximately \$577,000. Staff recommends these funds be appropriated from the Strategic Property Acquisition Reserve to make this payment to the taxing entities.

b. *Parking Structures 1 and 2*

The two parking structures in the downtown are in the boundaries of the Authority and were financed in part with redevelopment funds in order to provide public parking. The DOF has generally taken the position that parking structures or parking lots are governmental-purpose properties only if the parking lots are used strictly by government employees.

Multiple sources of funds, other than redevelopment funds, were used to construct the parking structures. The structures sit on City-owned property. Consequently, the Authority has an interest in the structure as an asset but not the land on which the garages sit. It is difficult to ascertain any market value for the structures since the land is not available for purchase. In light of the different funding sources used to pay for the construction of the parking structures, land ownership, and historic use of the parking structures, the County and the Successor Agency agree that the parking structures should be transferred to the City. The Dissolution Act does permit the City to retain assets of the Authority if it enters into a

compensation agreement with the other taxing entities to provide payments to them for the value of the retained property.

In recognition of the significant amount of tax increment used to build these structures, the City proposes a compensation agreement with the taxing entities to share revenues generated by the two parking structures for the remaining useful life of the parking structures. The City has estimated the useful life of the parking structures to be 40 years.

Currently, Parking Structure 1 generates no revenue. It was completed in 1991. Any revenue generated by Parking Structure 1 would be shared with the taxing entities until 2031. A portion of Parking Structure 2 is leased to a commercial business (CVS) and generates lease revenues. Revenues generated by Parking Structure 2 would be shared until 2048, as the parking structure was completed in 2008. The compensation formula is based on the proportionate funding contributions for the construction of each structure and the value of the City land upon which each structure sits. The Proposed Compensation Formula for the parking structures is Attachment 5.

Under the proposed compensation agreement, the taxing entities would share 55.4 percent of the income generated by Parking Structure 2. The Compensation Percentages for Taxing Entities is Attachment 6. Currently, the revenue generated by Parking Structure 2 consists of CVS' annual rent payment of \$283,205. Under the proposed compensation agreement, the taxing entities would receive \$156,895.57 each year. Currently \$243,205 and \$40,000 is reported as revenue to the General Operating Fund and the Parking District (to maintain the structure), respectively. The loss to the General Operating Fund is estimated to be approximately \$95,000 and \$24,000 to the Parking District.

The City would annually transfer the percentage share of lease payments to the County Auditor-Controller and the County Auditor-Controller would make the distribution to each of the entities. The terms of the agreement would also include provisions to allow expenses such as future tenant selection, improvements, and capital repairs to be deducted from future revenues. Routine maintenance costs would be borne by the City or the Parking District. However, in the event of catastrophic damage or destruction to the parking structures, the agreement would be subject to termination with no obligation of the City to replace the parking structures.

The compensation agreement needs to be approved by all of the taxing entities, and the final terms of the agreement are still being worked out; however, a final compensation agreement is not required for the approval of the Dissolution Plan.

c. *Transfer of Governmental-Purpose Properties from the Successor Agency to the City*

A variety of assets, including infrastructure assets (e.g., streets, sidewalks, etc.), excluding the parking structures, with a net book value of \$7.0 million as of June 30, 2013, are listed on the books of the Successor Agency:

- The Police/Fire Administration building was identified as an asset because it serves as the security for the financing of the 2003 COPs. Once the COPs are called, the building reverts to the City.
- Additional items identified as assets of the Authority (streetlights, curbs, gutters, banners) must be transferred in order to completely wind down the Authority as well and these items would be included in a comprehensive package.

Next Steps

The Oversight Board reviewed and unanimously approved the proposed Dissolution Plan on September 30, 2013, subject to the approval of the Successor Agency, Shoreline Community, and the City. If the Successor Agency, Shoreline Community, and the City take the recommended actions, the Successor Agency and the County would present the Dissolution Plan to the DOF for review and approval.

If approved by the DOF, the COPs would be retired. The compensation agreement would be executed by the taxing entities and then the City would pay the taxing entities the amount owed for the Bryant Street and Franklin Street parcels and the Successor Agency would transfer those properties to the City. Any remaining funds held by the Successor Agency as of June 30, 2014 will be distributed to the County Auditor-Controller. The Successor Agency will then send a letter to DOF indicating that all of the Authority's debts have been paid off, any remaining funds have been remitted to the County Auditor-Controller for distribution to the local taxing entities, and disposal of all remaining noncash assets has occurred.

Should the Dissolution Plan be accepted by the DOF, it is anticipated the Successor Agency will terminate operations and the Oversight Board will cease to exist by the end of June 2014. The County Auditor-Controller will close out the Real Property Tax Trust

Fund ("RPTTF") for Fiscal Year 2014, with a final "true-up" distribution occurring on January 2, 2015; however, no new property tax would be allocated into the RPTTF from July 1, 2014. The dissolution process would effectively be completed by the end of this fiscal year.

FISCAL IMPACT

All Other Successor Agency Fund and Account Balances retained by the Successor Agency in the amount of \$6.3 million, in conjunction with remaining bond proceeds and reserves, will be used to retire the outstanding 2003 COPs, saving over \$1.0 million in interest expense over the remaining life of the debt.

The City and the Shoreline Community will waive the potential reinstatement of outstanding, currently unenforceable obligations of the Authority of \$5.8 million (less bond proceeds of approximately \$363,354) as credit towards the transfer of the Bryant Street and Franklin Street parcels. The difference of the appraised value for both properties of \$6.25 million and the net credit of \$5.5 million will be paid by the City to the taxing entities.

The City will enter into a compensation agreement with the taxing entities to share the revenues generated from the parking structures for the remainder of the 40-year life of each of the structures. The General Operating Fund and Parking District will receive approximately \$95,000 and \$24,000, less annual revenues respectively.

The Successor Agency will also transfer the remaining governmental-purpose properties (e.g., buildings, streets, sidewalks, streetlights, curbs and gutters, etc.) with a net book value as of June 30, 2013 of \$7.0 million to the City.

CONCLUSION

To approve the proposed Dissolution Plan and complete the dissolution process in an expedient manner, staff recommends the City, Shoreline Community, and the Successor Agency take the actions outlined above.

ALTERNATIVES

1. Decline to approve the Dissolution Plan or take the requested actions. The dissolution process would be extended until 2019, when the debt would be repaid, and the Oversight Board and DOF would continue to oversee the wind-down process.

2. Modify the Dissolution Plan in accordance with direction provided by the City, Shoreline Community, or Successor Agency.

PUBLIC NOTICING

Agenda posting and a copy of report provided to the taxing entities.

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Services Director

Jannie L. Quinn
City Attorney

KC-PJK-JLQ/7/CAM
010-10-22-13CR-E

- Attachments:
1. Successor Agency Resolution
 2. City of Mountain View Resolution
 3. Shoreline Community Resolution
 4. Long Range Property Management Plan
 5. Proposed Compensation Formula
 6. Compensation Percentages for Taxing Entities

SUCCESSOR AGENCY TO THE FORMER
MOUNTAIN VIEW REVITALIZATION AUTHORITY
RESOLUTION NO.
SERIES 2013

A RESOLUTION APPROVING A COMPREHENSIVE PLAN TO WIND DOWN
THE AFFAIRS OF THE FORMER MOUNTAIN VIEW REVITALIZATION
AUTHORITY AND TERMINATE THE SUCCESSOR AGENCY

WHEREAS, in December 2011, the California Supreme Court upheld the constitutionality of AB 26 in *California Development Association v. Matosantos* (2011) 53 Cal.4th 231. In June 2012, the Legislature adopted AB 1484 to modify the provisions in AB 26 (collectively, the "Dissolution Law"); and

WHEREAS, pursuant to the Dissolution Act, Part 1.85 of the Health and Safety Code, commencing with Section 34170, the City of Mountain View ("City") elected to serve as the Successor Agency to the Former Mountain View Revitalization Authority ("Successor Agency"); and

WHEREAS, since its formation in April 2012, the Oversight Board for the Successor Agency ("Oversight Board") has met regularly to wind down the affairs of the Former Mountain View Revitalization Authority ("Authority") which included consideration of a proposal to present to the Department of Finance ("DOF") for the final dissolution of the Authority and termination of the Successor Agency; and

WHEREAS, the Dissolution Act requires the Successor Agency to take certain actions to wind down the affairs of the Authority; and

WHEREAS, the dissolution proposal includes all the actions necessary for the Successor Agency to wind down the affairs of the Authority, including the retirement of the Authority's financial obligations and disposal of the Authority's remaining real property and other assets pursuant to an approved long-range property management plan ("LRMP") with specific property disposition to occur by June 2014; and

WHEREAS, On September 30, 2013, the Oversight Board approved a dissolution proposal which contemplated the Successor Agency performing all actions necessary to wind down the affairs of the Authority;

NOW, THEREFORE, BE IT RESOLVED by the Board of Directors of the Successor Agency as follows:

The Successor Agency shall submit a dissolution proposal to the DOF which retires all remaining obligations for the Authority pursuant to a Recognized Obligation Payment Schedule ("ROPS 13-14B"), disposes of the Authority's remaining real property and other assets pursuant to a LRMP approved by the Oversight Board and DOF, with specific property disposition to occur by June 2014.

BE IT FURTHER RESOLVED that once all debts are retired and all property and assets are disposed of in accordance with the dissolution proposal, and any remaining funds held by the Successor Agency as of June 30, 2014 are distributed to the County Auditor-Controller, the Successor Agency shall notify the DOF that its tasks are completed and the Successor Agency will terminate its operations.

JLQ/7/RESO
010-10-22-13Res-E

CITY OF MOUNTAIN VIEW
RESOLUTION NO.
SERIES 2013

A RESOLUTION WAIVING REINSTATEMENT OF A LOAN FROM THE CITY OF
MOUNTAIN VIEW TO THE FORMER MOUNTAIN VIEW REVITALIZATION
AUTHORITY AS AN ENFORCEABLE OBLIGATION

WHEREAS, in December 2011, the California Supreme Court upheld the constitutionality of AB 1X 26 in *California Development Association v. Matosantos* (2011) 53 Cal.4th 231. In June 2012, the Legislature adopted AB 1484 to modify the provisions in AB 26 (collectively, the "Dissolution Law"); and

WHEREAS, the City of Mountain View ("City") issued two loans to the Former Mountain View Revitalization Authority ("Authority") in 1988 and 1989 for a total of \$2.5 million ("Loan") to fund improvements in the downtown area; and

WHEREAS, the City agreed to postpone repayments on the loan from 1993 to 2002 due to the Authority's inability to make payments; and

WHEREAS, the Authority began making a series of repayments on the loan in 2003; and

WHEREAS, this obligation was rendered unenforceable by the Dissolution Law; and

WHEREAS, the Loan has been remeasured to the State of California Local Agency Investment Fund ("LAIF") rate as required by the Dissolution Law, resulting in a remeasured balance of \$1.1 million; and

WHEREAS, upon the issuance of a Finding of Completion by the California Department of Finance ("DOF"), the Successor Agency to the Former Mountain View Revitalization Authority ("Successor Agency") could apply to reinstate this obligation, if allowed, by the Oversight Board for the Successor Agency ("Oversight Board") and approved by the DOF pursuant to Health and Safety Code Section 34191.4(b) (1); and

WHEREAS, the Dissolution Law restricts the annual amount of repayment for this obligation, should it be reinstated; and

WHEREAS, this is one of the three obligations that could potentially be reinstated, and it would take many decades to repay all of these obligations based on the projected amount of annual repayment allowed under the Dissolution Law; and

WHEREAS, the repayment of this obligation is uncertain and completion of the dissolution process and the certainty it would provide for the City is desirable; and

WHEREAS, the Successor Agency has developed a dissolution proposal in coordination with the County of Santa Clara which would accelerate the dissolution process and completely wind down the Authority; and

WHEREAS, the dissolution proposal is a comprehensive plan that addresses all of the financial obligations for the City and all of its component units; and

WHEREAS, the dissolution proposal contemplates the City waiving reinstatement of the Loan as an enforceable obligation in exchange for a credit against the value of certain properties located at Franklin Street and Bryant Street in the City, and these properties would be retained by the City for future redevelopment; and

WHEREAS, under the Dissolution Law, the Oversight Board is required to approve the actions necessary to wind down the affairs of the Authority; and

WHEREAS, on September 30, 2013, the Oversight Board approved a dissolution proposal which contemplated the City waiving the Loan as part of a comprehensive plan to wind down the affairs of the Authority;

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Mountain View as follows:

The City hereby waives reinstatement of the Loan with an estimated balance of \$1,148,268 as an enforceable obligation.

PJK/5/RESO
546-10-22-13Res-E

MOUNTAIN VIEW SHORELINE REGIONAL PARK COMMUNITY
RESOLUTION NO.
SERIES 2013

A RESOLUTION WAIVING REINSTATEMENT OF A REGISTERED NOTE
AND 2003 TAX ALLOCATION BONDS AS ENFORCEABLE OBLIGATIONS

WHEREAS, in December 2011, the California Supreme Court upheld the constitutionality of AB 1X 26 in *California Development Association v. Matosantos* (2011) 53 Cal.4th 231. In June 2012, the Legislature adopted AB 1484 to modify the provisions in AB 26 (collectively, the "Dissolution Law"); and

WHEREAS, the Dissolution Law defines "city" to include any component unit of the City; and

WHEREAS, the Shoreline Regional Park Community ("Shoreline Community") constitutes a component unit of the City for purposes of the Dissolution Law; and

WHEREAS, the Shoreline Community loaned the Former Mountain View Revitalization Authority ("Authority") funds to purchase property within the boundaries of the Authority for redevelopment purposes in the form of a registered note ("Note"); and

WHEREAS, the Authority issued Tax Allocation Bonds in 2003 ("2003 TABs") in order to fund low-moderate housing projects and various redevelopment projects in the downtown area for the Authority and the 2003 TABs were purchased and held by the Shoreline Community; and

WHEREAS, these obligations were rendered unenforceable by the Dissolution Law; and

WHEREAS, the Note and 2003 TABs have been remeasured to the State of California Local Agency Investment Fund ("LAIF") rate as required by the Dissolution Law, resulting in the balances to be \$2.4 million and \$2.3 million; and

WHEREAS, upon the issuance of a Finding of Completion by the Department of Finance ("DOF"), the Successor Agency to the Authority ("Successor Agency") could apply to reinstate these obligations if allowed by the Oversight Board for the Successor Agency ("Oversight Board") and approved by the DOF pursuant to Health and Safety Code Section 34191.4(b)(1); and

WHEREAS, the Dissolution Law restricts the annual amount of repayment for these obligations should any of them be reinstated; and

WHEREAS, if any of these obligations were reinstated, it would take decades to repay these obligations based on the projected amount of the annual repayment allowed under the Dissolution Law; and

WHEREAS, the Successor Agency has developed a dissolution proposal in coordination with the County of Santa Clara which would accelerate the dissolution process and completely wind down the affairs of the Authority; and

WHEREAS, the repayment of these obligations is uncertain and completion of the dissolution process and the certainty it would provide for all of the component units of the City is desirable; and

WHEREAS, the dissolution proposal is a comprehensive plan that addresses all of the financial obligations for all of the component units of the City, including the Shoreline Community as well as the financial obligations, properties, and assets of the Successor Agency; and

WHEREAS, there remains \$363,354 in 2003 TAB proceeds; and

WHEREAS, the dissolution proposal contemplates the Shoreline Community waiving reinstatement of the Note and 2003 TABs (after the remaining proceeds are applied) as enforceable obligations in exchange for a credit against the value of certain properties located at Franklin and Bryant Streets in the City; and

WHEREAS, under the Dissolution Law, the Oversight Board is required to approve the actions necessary to wind down the Authority; and

WHEREAS, On September 30, 2013, the Oversight Board approved a dissolution proposal which contemplated the Shoreline Community waiving the reinstatement of these obligations as part of a comprehensive plan to wind down the affairs of the Authority;

NOW, THEREFORE, BE IT RESOLVED by the Board of Directors of the Shoreline Regional Park Community as follows:

The Shoreline Community hereby waives reinstatement of the Note with a balance of \$2.4 million, and the 2003 TABs with a balance of \$2.3 million (less repayment from remaining proceeds) as enforceable obligations.

JLQ/7/RESO
010-10-22-13Res-E-1

LONG-RANGE PROPERTY MANAGEMENT PLAN



Castro Street, Downtown Mountain View

SUCCESSOR AGENCY TO THE MOUNTAIN VIEW REVITALIZATION AUTHORITY September 2013

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A. Introduction

On June 27, 2012, Governor Brown signed into law Assembly Bill 1484 as a trailer bill to Assembly Bill X1 26 (“Dissolution Act”) to further amend the Community Redevelopment Law (Health and Safety Code (HSC) Section 33000 *et seq.*) pertaining to the dissolution of redevelopment agencies. The Dissolution Act now requires that all successor agencies develop a long-range management plan to govern the disposition and use of the former redevelopment agency real property assets.

This document is the Long-Range Property Management Plan (“Plan”) for the Successor Agency to the former Mountain View Revitalization Authority. The Plan is organized according to the requirements of HSC Section 34191.5 and (1) provides an inventory of all properties held in the Community Redevelopment Trust Fund (“CRTF”) with required background information; and (2) addresses the use or disposition of all of the properties in the CRTF. Permissible uses include the retention of the property for governmental use pursuant to HSC Section 34181(a), the retention of the property for future development, the sale of the property, or the use of the property to fulfill an enforceable obligation.

B. Background and History of the Mountain View Revitalization Authority

The latter half of the 1950s and the decade of the 1960s saw a significant decline in retail activity along the Castro Street corridor of downtown Mountain View. Cognizant of the important effects a healthy and vibrant Castro Street had on the image and well-being of the community, on October 27, 1969, the Mountain View City Council adopted Ordinance No. 38.69 establishing the Mountain View Revitalization Authority (“Revitalization Authority”). The goal of the Revitalization Authority was to revitalize the Castro Street downtown corridor, then referred to as the Civic Center Shopping Area, into an economically stable and thriving center of the City. In conjunction with the Ordinance, the City Council created a 16-block Revitalization District as the project area and, on December 15, 1969, adopted a Revitalization Plan through Resolution No. 8507. The boundaries of the former Mountain View Revitalization District, which contains approximately 68 gross acres (including streets), are shown on Figure 1. A market survey of the project area taken shortly after adoption of the Revitalization Plan identified 17 vacant buildings totaling 274,500 square feet (a 49 percent vacancy rate) and 16 vacant lots totaling 195,300 square feet within the project area.



Figure 1
Boundaries of Former Mountain View Revitalization Authority

The Revitalization Plan, as subsequently amended, included the following goals and objectives:

1. Prevent further deterioration and obsolescence of structures, commercial business trade, and the general environment of the project area to the detriment of the public welfare.
2. To revitalize and redevelop the project area in order to reestablish it to its full potential as a major source of property tax revenues to all governmental taxing agencies and as a major source of sales tax income.
3. To rehabilitate and preserve historically significant buildings within the project area.
4. To develop a sense of community for the City in order to obtain economic, physical, and social benefits that accrue when such a sense of community is present.

5. *The assembly of land into parcels suitable for modern, integrated development with improved pedestrian and vehicular circulation in the Project Area (emphasis added).*
6. The replanning, and redesign and development of undeveloped areas which are stagnant or improperly utilized.
7. The provision of adequate land for parking and open spaces and the provision of adequate public improvements.
8. The strengthening of retail and other commercial functions of the downtown area.
9. The provision of opportunities for participation by owners and tenants in the revitalization of their properties.
10. The improvement of the appearance of the Project Area.
11. The promotion of a strong, economically viable mix of uses, which avoid overconcentration of any particular type of business.
12. Encourage development of higher-density housing in the Project Area.

The City of Mountain View's 1982 General Plan identified the downtown as one of several key areas for development. The 1992 General Plan acknowledged the success of the Revitalization Authority as being illustrative of the benefits of public redevelopment for the community and planning opportunities were identified to build on the successes of the Revitalization Authority. On January 12, 1988, the City Council adopted a Downtown Precise Plan by Resolution No. 14753. The Downtown Precise Plan was subsequently amended in 2000, 2001, and, most recently, in May 2004. The Downtown Precise Plan has served as a blueprint for downtown development and preservation and serves as the Zoning Ordinance for the Plan area.

In the decades since the creation of the Revitalization Authority, public involvement in planning and significant investments of capital have created an attractive streetscape along Castro Street and vibrant downtown that is a destination for visitors from throughout the Bay Area. Anchoring the north end of Castro Street and the former Revitalization Authority boundary is the intermodal Mountain View Transit Center served by Santa Clara Valley Transportation Authority (VTA) light rail and bus service, Caltrain commuter rail, and numerous employer shuttles to the employment center of the North Bayshore (home to NASA Ames, Google, Intuit, LinkedIn, and many other major employers). The

southerly boundary of the former Revitalization Authority along Castro Street is anchored by the Civic Center, including City Hall, the Center for the Performing Arts, a state-of-the-art public Library, and Pioneer Park. Office buildings, restaurants, and a variety of retail establishments contribute to the vitality of a new downtown. Office lofts above ground-floor retail businesses also serve as an incubator for many technology start-ups. Retail and office vacancy rates in the downtown are now at historic lows. The Old Mountain View residential neighborhood on the “wings” of the former Revitalization Authority, and located on either side of Castro Street, is a highly desirable neighborhood of single-family homes and newer multi-family housing.

1. Overview of Former Revitalization Authority Properties

With the intent of building upon, and sustaining, the successes of the former Revitalization Authority, the Authority, over a period of years, acquired title to seven separate parcels of land with the intent of merging the parcels with adjoining properties owned by the City of Mountain View and marketing the assembled properties for development. Six of these parcels are contiguous parcels located on and around the southwest corner of California Street and Bryant Street, and are collectively called the Bryant Street Parcels; the seventh parcel is a single parcel located at 253 Franklin Street and is referred to as the Franklin Street Parcel. Title to the former Revitalization Authority parcels is currently vested in the Successor Agency to the Revitalization Authority. All of these parcels are unimproved properties being held for future development with adjoining City-owned properties.

The former Revitalization Authority parcels are identified below, described elsewhere in this Plan, and shown on Figures 2 and 3:

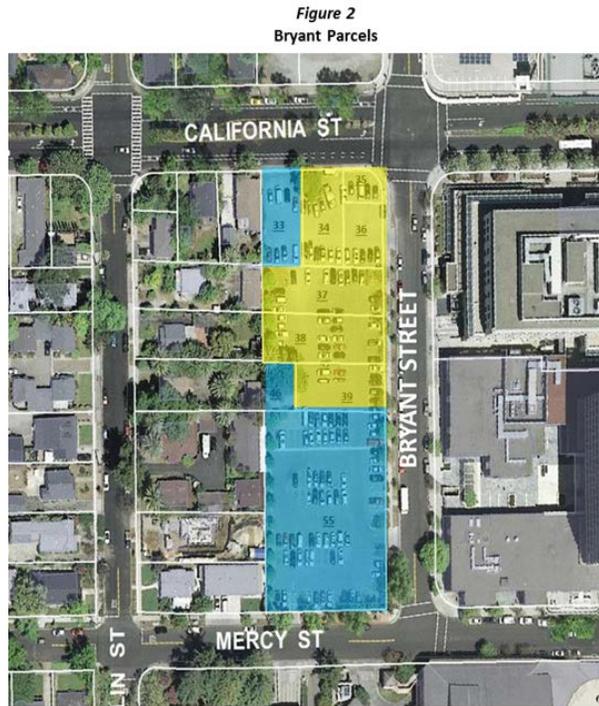
Bryant Street Parcels	
<u>Assessor’s Parcel Number</u>	<u>Size</u>
158-11-034	4,250 square feet
158-11-035	1,664 square feet
158-11-036	2,500 square feet
158-11-037	7,500 square feet
158-11-038	7,800 square feet
158-11-039	5,520 square feet
Subtotal:	29,234 square feet (0.67 acre)
Franklin Street Parcel	
158-13-031	11,250 square feet (0.26 acre)

The City of Mountain View also owns several parcels of land within the former Revitalization District, but those properties were purchased by the City of Mountain View and title is, and always has been, vested in the City. Evidence of City of Mountain View ownership is available upon request.

C. BRYANT STREET PARCELS

1. Introduction

The Bryant Street Parcels include six contiguous tax parcels forming an irregular-shaped property at the southwest corner of California Street and Bryant Street (please see Figure 2). The Bryant Street Parcels are identified as



Legend:
APN 158-11-
Bryant Parcels City of Mountain View

APNs 158-11-034, 158-11-035, 158-11-036, 158-11-037, 158-11-038, and 158-11-039, and are shown on the Assessor's Map included as Exhibit A. A title report issued by Fidelity National Title Company showing the vestings of these parcels in the "Successor Agency to the Mountain View Revitalization Authority, a public entity," and dated October 11, 2012, is included as Exhibit B.

The Bryant Street Parcels, together with all or portions of three adjoining tax parcels owned by the City of Mountain View, form an unimproved half city block totaling approximately 1.49 acres. The Bryant Street Parcels

total approximately 29,234 square feet (0.67 acre) and the City-owned parcels total 35,930 square feet (0.82 acre). To the west of the Bryant Street property is a single-family neighborhood fronting on Franklin Street. At the northeast corner of California Street and Bryant Street is an improved property owned by the City of Mountain View that includes ground-floor retail space and a four-story public parking structure (Parking Structure No. 2). Immediately to the east of the Bryant Street property is an office building with Castro Street and the downtown core one block further to the east. To the south of the Bryant Street property is the Mountain View Civic Center, including City Hall, the Center for the Performing Arts, the Library, and Pioneer Park.

The Bryant Street property was assembled by the City of Mountain View and the former Revitalization Authority over a period of years in furtherance of the Revitalization Plan goal of "assembl[ing]...land into parcels suitable for modern, integrated development" and with the intent of developing the

property consistent with the Downtown Precise Plan. While the Bryant Street Parcels could be developed independently of the City of Mountain View property, certain development efficiencies and economies of scale would be achieved by developing the entire 1.49-acre Bryant Street property as one. The irregular configuration of the assembled Bryant Street Parcels, combined with the prescribed setback requirements of the Downtown Precise Plan, are the primary causes of development inefficiencies of that property. In addition, there are market indicators that major tenants desire a 25,000 square foot floor plate for office buildings, which would not be possible with the size and configuration of the Bryant Street Parcels.

2. Property Inventory (Health and Safety Code (HSC) Section 34191.5(c)(1))

- a. Date of acquisition, value at time of acquisition and current value (HSC Section 34191.5(c)(1)(A))

On September 30, 2002, the Revitalization Authority entered into a negotiated Purchase and Sale Agreement with TST Mountain Bay, L.L.C., to purchase certain unimproved properties located at 424-454 Bryant Street and 907-929 California Street, and further identified as APNs 158-11-034, 158-11-035, 158-11-036, 158-11-037, 158-11-038, and 158-11-039. The purchase price was \$1,906,000. A copy of the Purchase and Sale Agreement is included as Exhibit C. The purchase closed and was recorded on October 10, 2002 with title being vested in the Revitalization Authority (please see Exhibit D).

An independent appraisal of the assembled Bryant Street Parcels, dated May 8, 2013, estimated the current fair-market value to be \$5,080,000 based on a highest and best use of a 44,352 square foot office building. The six individual Bryant Street Parcels were not appraised independently because as independent parcels they would have very restricted development potential and very limited value.

- b. Purpose for which the property was acquired (HSC Section 34191.5(c)(1)(B))

In 1973, the City of Mountain View purchased a 4,250 square foot parcel fronting on California Street, identified as APN 158-11-033. By two separate deeds, one from Resilient Floor Covering Pension Fund recorded November 9, 1984, and the second being a Quitclaim Deed from Pacific Gas & Electric recorded December 20, 1984, the City of Mountain View acquired title to essentially the southerly half of the Bryant Street location, including that property identified as APN 158-11-

055 and shown on Exhibit A. The purchase of the TST Mountain Bay, L.L.C., parcels (APNs 158-11-034, 158-11-035, 158-11-036, 158-11-037, 158-11-038, and 158-11-039) by the Revitalization Authority in 2002 was a strategic opportunity to assemble half of a city block just one block from Castro Street and across the street from the Civic Center for a future signature development that would contribute to, and sustain, the economic vitality of the downtown. Acquiring and assembling these properties was also in furtherance of Goal 5 of the adopted 1969 Revitalization Plan to “(assemble) land into parcels suitable for modern, integrated development with improved pedestrian and vehicular circulation in the Project Area.” A preliminary title report issued by Fidelity National Title Company, dated October 11, 2012, and included as Exhibit B, documents the vesting of the former Revitalization Authority parcels in the name of “Successor Agency to the Mountain View Revitalization Authority, a public entity.”

On October 18, 2011, the City of Mountain View purchased a property at 449 Franklin Street for the sole purpose of being able to eliminate a “notch” that extended into the Bryant Street lot. Eliminating this “notch” squares off the Bryant Street lot and will result in a more cost-effective and functionally efficient development.

c. Parcel Data (HSC Section 34191.5(c)(1)(C))

The Bryant Parcels are summarized in the following table:

Bryant Street Parcels		
<u>APN</u>	<u>Address</u>	<u>Size</u>
158-11-034	929 California Street	4,250 square feet
158-11-035	907 California Street	1,664 square feet
158-11-036	424 Bryant Street	2,500 square feet
158-11-037	428 Bryant Street	7,500 square feet
158-11-038	444 Bryant Street	7,800 square feet
158-11-039	454 Bryant Street	5,520 square feet
Subtotal:		29,234 square feet (0.67 acre)

The parcels were all vacant at the time of purchase in 2002 and remain vacant parcels. The property is level and at street grade. All utilities are available in bordering streets.

The Bryant Street Parcels are located in Area C, Bryant Street Mixed-Use Transition Area, of the Downtown Precise Plan. The mixed-use zone along Bryant Street offers the opportunity for higher-intensity uses in the transition from the commercial core of Castro Street to the residential neighborhoods to the west and will create a self-sufficient environment where individuals can live, work, and play in a vibrant community.

The Downtown Precise Plan would permit the assembled Bryant Street Parcels to be developed for a mixed-use development, including housing with a density of up to 50 units per acre (33 units could be constructed on this 0.67-acre assemblage), offices, and retail. The maximum building height is three stories, but would likely have to be stepped down to two stories in the transition to the single-family residential neighborhood immediately to the west. The maximum floor area ratio is 1.4, which equates to 40,927 square feet of floor space. A single development on all six Bryant Street Parcels would require the developer to prepare and file a parcel map merging the six parcels into one. The six parcels, individually, would have very little development potential if sold separately. The Downtown Precise Plan zoning has a sliding residential density scale. For parcels with less than 7,500 square feet (includes APNs 158-11-034, 158-11-035, 158-11-036, and 158-11-039), only one residential unit could be built; for parcels with greater than 7,500 square feet, but less than 10,000 square feet, only two units can be built.

d. Estimate of current value (HSC Section 34191.5(c)(1)(D))

An independent appraisal, dated May 8, 2013, estimated the current fair-market value of the Bryant Street Parcels to be \$5,080,000. In the opinion of the appraiser, the economic highest and best use of the Bryant Street Parcels would be to develop a 44,352 square foot office building and a 167-space, two-level subterranean parking garage.

If the Bryant Street Parcels were assembled to the adjoining City-owned property, a contiguous and rectangular-shaped 1.49-acre property would be created. This would allow for a more efficient development that would benefit from certain economies of scale that would be reflected in an assemblage value. In other words, the value of the whole would very likely be greater than the sum of the parts.

- e. Estimate of any lease, rental, or other revenues generated by the property (HSC Section 34191.5(c)(1)(E))

The property currently does not generate revenue of any kind and has not been a source of revenue since it was acquired in 2002.

- f. Environmental history (HSC Section 34191.5(c)(1)(F))

The City of Mountain View Public Works Department commissioned a Phase I Environmental Site Assessment of the entire Bryant Street property in 2004. The Phase I report, prepared by the firm of Clayton Group Services, Inc. (now Bureau Veritas North America, Inc.), and dated December 14, 2004, examined various aerial photographs, maps, and building records to determine historic land uses. The report concludes that land uses on the property “appears to have been residential and commercial on adjoining properties from at least 1908.” A dentist office occupied the northeast corner of the Bryant Street property (i.e., at least a portion of the Successor Agency property) from 1962 through about 1986, but the building was removed sometime between 1986 and the date the property was purchased by the Revitalization Authority in 2002. The property has remained vacant since then. The Phase I report concluded “(there) is a potential for lead and other hazardous materials present in building materials to have been released at (on the) property as a result of demolition of the former buildings.” While no testing for lead and other hazardous materials has been conducted, the likelihood of such materials being present is considered *de minimis*.

There have been no clean-up or abatement orders issued against the Bryant Street property and the City of Mountain View is unaware of any such pending order. Environmental conditions are not expected to be a significant consideration in the development of the property.

- g. Potential for Transit-Oriented Development and advancement of Successor Agency planning objectives (HSC Section 34191.5(c)(1)(G))

The Bryant Street property is located four blocks (approximately one-quarter mile) from the Mountain View Transit Center, an intermodal terminal served by Caltrain commuter rail service, Santa Clara Valley Transportation Authority (VTA) light rail and bus service, and shuttle service by major local employers such as NASA, Google, Microsoft, Intuit, Symantec, and LinkedIn. VTA buses also serve the Castro Street corridor one block to the east of the Bryant Street properties and along

the El Camino Real corridor two blocks south. Both the proximity of the Bryant Street property to public transportation, and its location very near the vibrant downtown core of Mountain View, make it an excellent candidate for Transit-Oriented Development.

Planning and zoning objectives for the Bryant Street property are set forth in the Downtown Precise Plan, adopted by the Mountain View City Council on January 12, 1988, and most recently amended on May 25, 2004. Downtown Mountain View is the historic center and civic focus of the community and is characterized by a concentration of activities, including civic functions, cultural events, a downtown commercial core, and a vibrant residential community (Old Mountain View neighborhood). The development objectives, as stated on Page 8 of the Downtown Precise Plan, are to:

- Enhance the role of Castro Street as the functional and symbolic center of the community by creating an active and attractive pedestrian environment with a fine-grained scale, strong pedestrian connections to adjacent areas across the railroad tracks at Central Expressway and at El Camino Real, and by including major civic and cultural facilities as focal points along its length.
- Emphasize qualities that contribute to the “community character” of downtown, including preservation of historic structures and design elements.
- Coordinate private development and public improvements in the downtown, allowing for the revitalization of the district in a way that accommodates parking for residential, office, and retail activities.
- Promote economic diversification, including opportunities for a variety of retail tenants, including those that are larger than currently available while preserving pedestrian-scale design.
- Encourage the development of residential uses as a means of creating an active downtown neighborhood with an attractive daytime and nighttime environment.
- Preserve adjacent residential neighborhoods in the downtown by establishing clear planning boundaries to prevent disinvestment.

- Create a distinctive, destination-oriented image and identity for downtown by encouraging high-quality development and public improvements.

h. History of previous development proposals and activity (HSC Section 34191.5(c)(1)(H))

In December 2008, the City Council authorized staff to market the 1.45-acre combined City-owned and former Revitalization Authority Bryant Street property for future development. Marketing was to be accomplished using a two-phase RFQ/RFP process. On March 13, 2009, a RFQ was posted on the City's website and sent to approximately 100 firms for a mixed-use, multi-family residential and retail development opportunity on the Bryant Street site. The RFQ set forth the following project objectives:

- Consistency with the Downtown Precise Plan.
- High quality, boutique-size grocery store.
- High-quality mixed-use development that takes advantage of nearby transit and pedestrian amenities.
- Ten (10) percent to 30 percent of units priced at below market rate.
- Reasonable financial return to the City.

Minimum business terms were also described, including the requirement for a long-term ground lease rather than sale.

Six firms submitted qualification statements by the April 27, 2009 deadline, one of whom withdrew almost immediately. Two other firms were considered nonresponsive to the RFQ and were disqualified. Requests for Proposals were then sent to three qualified firms, but one subsequently withdrew. Proposals were subsequently received from the two remaining firms but, on January 12, 2010, the City Council, acting on the recommendation of staff, rejected both proposals. One of the proposals was deemed to be nonresponsive to the business terms of the RFP and the other firm proposed business terms that would not generate any revenue until the year 2027. The unsuccessful effort to market the property for development was attributed to the poor market conditions and tight credit markets that existed at the time. There was also anecdotal evidence that a mixed-use project with a significant retail

component, and a high percentage of affordable housing units, discouraged some developers from participating and adversely influenced the proposals that were received. Additionally, a grocery store study subsequently commissioned by the City of Mountain View concluded the site, and immediate environs, could not support a grocery store at this location.

3. Use or Disposition of Property (HSC Section 34191.5(c)(2))

The City of Mountain View is requesting retention of the Bryant Street Parcels for future development consistent with the Downtown Precise Plan. Retention and development of these parcels is consistent with Goal 5 of the Revitalization Plan to "...assemble... land into parcels suitable for modern, integrated development with improved pedestrian and vehicular circulation in the Project Area." Assembling the Bryant Street Parcels with the adjoining City-owned property will create a rectangular 1.49-acre property that can be developed into a cohesive, efficient, and cost-effective signature development that will contribute to the vitality of the community. Economies of scale would be achieved by developing the assembled property. In addition, assembling the City property and the Successor Agency parcels under a single ownership would allow the property to be leased for development under a single lease agreement; under two separate ownerships it is likely the differing terms and conditions of two separate leases, and the existence of two separate landlords, would severely impact the ability to attract financing for a single development.

Demand for office space in Mountain View is extremely high and vacancy rates are currently at historic lows, resulting in escalating rents. This downtown location near public transportation and the many attractions of downtown Mountain View would make the assembled City-owned and Successor Agency parcels very attractive to development and will generate increased property tax revenues to the various taxing entities.

While the Bryant Street Parcels could be developed independently of the adjoining City-owned property, the size and irregular configuration of the Bryant Parcels would create a less than optimal development. Additionally, major office building tenants typically require a 25,000 square foot floorplate which would be impossible to achieve on the Bryant Street Parcels because of the configuration of that property and the setback requirements of the Downtown Precise Plan. To fully realize the development potential of the Bryant Street Parcels, any developer would likely need to purchase all or portions of the City-owned APNs 158-11-033 and 158-11-046 to "square off" a Bryant Street Parcel development footprint.

The City will compensate the taxing entities for the value of the property as described in the staff report “Comprehensive Plan to Wind Down the Affairs of the Former Mountain View Revitalization Authority and Terminate the Successor Agency and Oversight Board.”

4. Exhibits

- A. Assessor Map of Bryant Street Parcels
- B. Title Report, dated October 11, 2012, showing legal descriptions and vestings of Bryant Street Parcels
- C. Purchase and Sale Agreement between Mountain View Revitalization Authority and TST Mountain Bay, L.L.C., dated September 30, 2002
- D. Grant Deed from TST Mountain Bay, L.L.C. to Mountain View Revitalization Authority, recorded October 10, 2002

D. FRANKLIN STREET PARCEL

1. Introduction

The Franklin Street Parcel is a single tax parcel (APN 158-13-031) located at 253 Franklin Street (please see Figure 3 and Exhibit E). A title report issued

Figure 3
Franklin Parcel



by Fidelity National Title Company showing the vesting of this parcel in the “Successor Agency to the Mountain View Revitalization Authority, a public entity,” and dated November 8, 2012, is included as Exhibit F. The parcel dimensions are 75’ of frontage along Franklin Street and a depth of 150’; the parcel contains 11,250 square feet, or 0.26 acre. It is adjacent to the southerly boundary of a 33,750 square foot (0.77-acre) City-owned property that was once the site of Fire Station No. 1 (since relocated to Shoreline Boulevard). Both the Franklin Street Parcel and the City parcel, which together total 1.03

acres, are vacant. It has always been the intent of the City and the former Revitalization Authority to market the assembled properties for development consistent with the Downtown Precise Plan.

2. Property Inventory (HSC Section 34191.5(c)(1))

- a. Date of acquisition, value at time of acquisition, and current value (HSC Section 34191.5(c)(1)(A))

On August 3, 1999, the Revitalization Authority entered into a negotiated Purchase and Sale Agreement with The Hubert M. Upton and Jean C. Upton Inter Vivos Family Trust and the Casey Family Trust for the purchase of the Franklin Street Parcel (please see Exhibit G). The purchase price was \$725,000 and the purchase closed and was recorded on August 25, 1999 (please see Exhibit H). At the time the property was

purchased, it was improved with 2 one-story buildings totaling 3,900 square feet that had formerly been used as medical offices.

An independent appraisal of the Franklin Street Parcel, dated April 29, 2013, estimated the current fair-market value to be \$1,170,000. The value was based on an economic highest and best of residential, with six units allowed as permitted by zoning.

- b. Purpose for which the property was acquired (HSC Section 34191.5(c)(1)(B))

The Franklin Street Parcel was acquired with the express purpose of assembling it with the adjoining 0.77-acre City-owned property and marketing it for development consistent with the Downtown Precise Plan. The City also has an option to purchase the 11,250 square foot parcel immediately south of, and contiguous with, the Franklin Street Parcel for future development. Without the Franklin Street Parcel, the City would not exercise the option on this adjoining property.

- c. Parcel Data (HSC Section 34191.5(c)(1)(C))

The Franklin Street Parcel is summarized in the following table:

Franklin Street Parcel		
<u>APN</u>	<u>Address</u>	<u>Size</u>
158-13-031	253 Franklin Street	11,250 square feet

The property is currently a vacant lot, level, and at street grade. All utilities are available in Franklin Street.

The Franklin Street Parcel is located in Area B, Franklin Street Residential Transition Area, of the Downtown Precise Plan. The Franklin Street Residential Transition Area defines the westerly boundary of the Downtown Precise Plan, as well as the westerly boundary of the former Revitalization District, and the edge where the commercial downtown district transitions to the surrounding residential neighborhood. Across Franklin Street to the west, the residential neighborhood is almost exclusively single-family residential.

The Downtown Precise Plan would permit the assembled Franklin Street Parcel, and adjoining 33,750 square foot City parcel, to be developed for residential uses at a density of up to thirty (30) units per acre. The

maximum building height is three stories provided the third floor is tucked into the roofline to give a building the appearance of being a two-story structure. The maximum floor area ratio is 1.1.

The Franklin Street Parcel, individually, would have limited development potential if sold separately. The Downtown Precise Plan zoning has a sliding residential density scale. At 11,250 square feet, only six residential units could be built on the property. However, if the Franklin Street Parcel was assembled with the adjoining City-owned property, a 45,000 square foot (1.03-acre) property would be created and, given the allowable density under the current zoning, the contribution of the Franklin Street Parcel would be eight dwelling units.

d. Estimate of current value (HSC Section 34191.5(c)(1)(D))

An independent appraisal of the Franklin Street Parcel, dated April 29, 2013, estimated the current fair-market value to be \$1,170,000. The value was based on an economic highest and best of residential, with six units allowed as permitted by zoning.

e. Estimate of any lease, rental, or other revenues generated by the property (HSC Section 34191.5(c)(1)(E))

The property currently does not generate revenue of any kind and currently has very little income-generating potential, if any, as a vacant lot.

f. Environmental history (HSC Section 34191.5(c)(1)(F))

At the time the Franklin Street Parcel was purchased in 1999, it was improved with 2 one-story buildings totaling 3,900 square feet that were formerly used as medical offices. The structures were demolished immediately after the property was acquired and the property has remained vacant since then. The City of Mountain View Public Works Department commissioned a Phase I Environmental Site Assessment of the entire Franklin Street property in 2004. The Phase I report, prepared by the firm of Clayton Group Services, Inc. (now Bureau Veritas North America, Inc.), and dated December 14, 2004, concluded "(there) is a potential for lead and other hazardous materials present in building materials to have been released at (on the) property as a result of demolition of the former buildings." While no testing for lead and other hazardous materials has been conducted, the likelihood of such materials being present is considered *de minimis*. The Phase I report did

note the property adjoining the Franklin Street Parcel to the south, and hydrologically up-gradient, was part of an automotive repair facility. The City of Mountain View is in possession of Phase I and Phase II Environmental Site Assessments of the adjoining property, prepared in 2012, that identified minor concentrations of lead in the soil on the adjoining property, but there are no indications this hazardous material migrated to the Franklin Street Parcel.

There have been no clean-up or abatement orders issued against the Franklin Street Parcel, or adjoining City-owned property, and the City of Mountain View is unaware of any such pending order. Environmental conditions are not expected to be a significant consideration in the development of the property.

- g. Potential for Transit-Oriented Development and advancement of Successor Agency planning objectives (HSC Section 34191.5(c)(1)(G))

The Franklin Street Parcel is located four blocks (approximately one-quarter mile) from the Mountain View Transit Center, an intermodal terminal served by Caltrain, Santa Clara Valley Transportation Authority (VTA) light rail and bus service, and shuttle service by major local employers such as NASA, Google, Microsoft, Intuit, Symantec, and LinkedIn. VTA buses also serve the Castro Street corridor one block to the east of the Bryant Street properties and along the El Camino Real corridor two blocks south. Both the proximity of the Franklin Street property to public transportation, and its location very near the vibrant downtown core of Mountain View, make it an excellent candidate for transit-oriented residential development, particularly if developed in conjunction with the adjoining City-owned property.

Planning and zoning objectives for the Franklin Street property are set forth in the Downtown Precise Plan, adopted by the Mountain View City Council on January 12, 1988, and most recently amended on May 25, 2004. Downtown Mountain View is the historic center and civic focus of the community and is characterized by a concentration of activities, including civic functions, cultural events, a downtown commercial core, and a vibrant residential community (Old Mountain View neighborhood). The development objectives, as stated on Page 8 of the Downtown Precise Plan, are to:

- Enhance the role of Castro Street as the functional and symbolic center of the community by creating an active and attractive pedestrian environment with a fine-grained scale, strong

pedestrian connections to adjacent areas across the railroad tracks at Central Expressway and at El Camino Real, and by including major civic and cultural facilities as focal points along its length.

- Emphasize qualities that contribute to the “community character” of downtown, including preservation of historic structures and design elements.
- Coordinate private development and public improvements in the downtown, allowing for the revitalization of the district in a way that accommodates parking for residential, office, and retail activities.
- Promote economic diversification, including opportunities for a variety of retail tenants, including those that are larger than currently available while preserving pedestrian-scale design.
- Encourage the development of residential uses as a means of creating an active downtown neighborhood with an attractive daytime and nighttime environment.
- Preserve adjacent residential neighborhoods in the downtown by establishing clear planning boundaries to prevent disinvestment.
- Create a distinctive destination-oriented image and identity for downtown by encouraging high-quality development and public improvements.

h. History of previous development proposals and activity (HSC Section 34191.5(c)(1)(H))

There have been no efforts to date to market this property or the adjoining City-owned property. The property is currently used as a temporary parking lot.

3. Use or Disposition of Property (HSC Section 34191.5(c)(2))

The City of Mountain View is requesting retention of the Franklin Street Parcel for future development consistent with the Downtown Precise Plan. Retention and development of this parcel is consistent with Goal 5 of the Revitalization Plan to “...assemble... land into parcels suitable for modern, integrated development with improved pedestrian and vehicular circulation in the Project Area.” Current zoning of the Franklin Street Parcel limits

development to six residential units if developed as a stand-alone parcel; however, assembling the Franklin Parcel to the adjoining City-owned property will create a 1.03-acre property that can support 31 dwelling units, in total, with the community amenities that typically accompany a development of this size (e.g., recreational facilities). The City of Mountain View also holds an option to purchase the 11,250 square foot parcel adjoining the Franklin Street Parcel to the south. The City would only exercise that option if it is successful in retaining the Franklin Street Parcel. Assembling and developing the Franklin Street Parcel and adjoining City-owned property, including the option parcel, will create a housing community that generates increased property tax revenues.

The City will compensate the taxing entities for the value of the property as described in the staff report "Comprehensive Plan to Wind Down the Affairs of the Former Mountain View Revitalization Authority and Terminate the Successor Agency and Oversight Board."

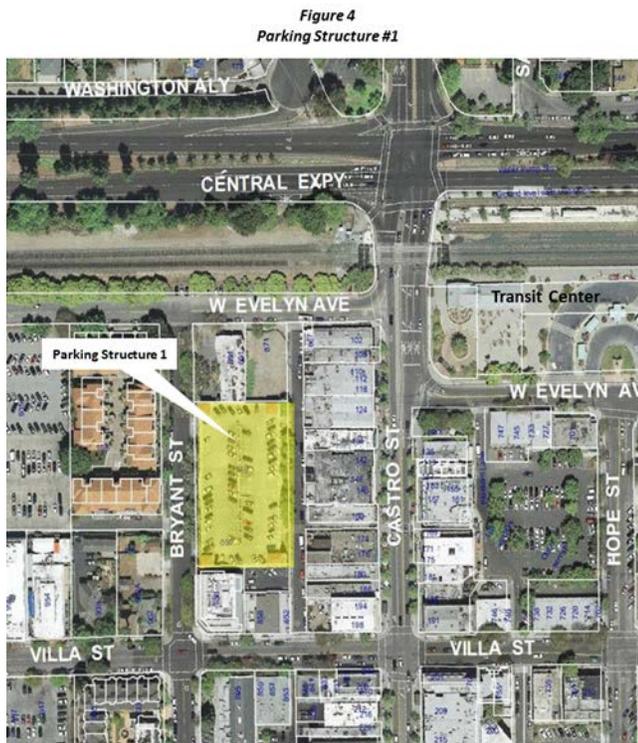
4. Exhibits

- E. Assessor Map of Franklin Street Parcel
- F. Title Report, dated November 8, 2012, showing legal description and vesting of Franklin Street Parcel
- G. Purchase and Sale Agreement between The Hubert M. Upton and Jean C. Upton Inter Vivos Family Trust *et al.*, and Mountain View Revitalization Authority, dated August 3, 1999
- H. Grant Deed from The Hubert M. Upton and Jean C. Upton Inter Vivos Family Trust *et al.*, to the Mountain View Revitalization Authority, recorded August 25, 1999

E. PARKING STRUCTURES NO. 1 AND NO. 2

1. Introduction

The Former Redevelopment Authority and the City of Mountain View jointly funded the construction of two parking structures (Parking Structures No. 1 and No. 2), which are part of the City of Mountain View integrated public parking system. The parking structures were built on land owned by the City of Mountain View.

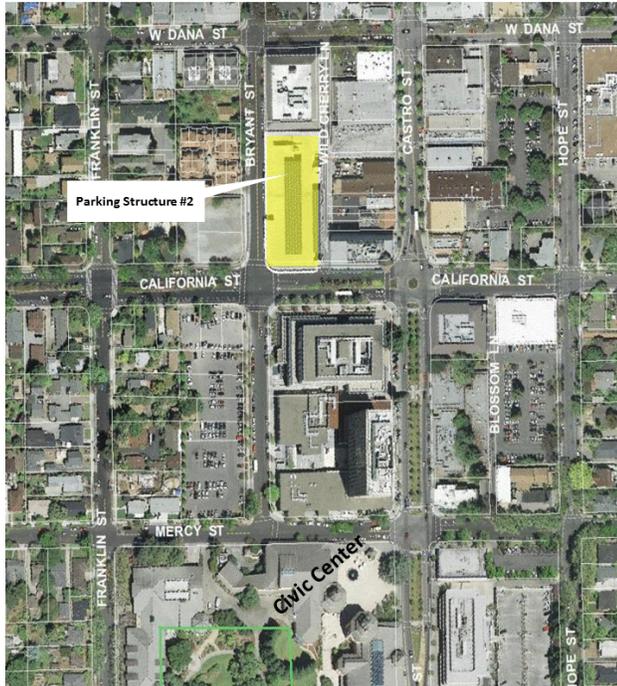


Parking Structure No. 1 is a three-story parking structure, with rooftop parking, with a total of 313 parking stalls, six of which are designated and marked for handicap parking. The structure is constructed of steel-framed concrete, with ornamental stucco on the exterior, and was constructed in 1989. The current condition of the structure is considered good.

Parking Structure No. 1 is located on the east side of Bryant Street, between Evelyn Avenue to the north and Villa Street to the south (please see Figure 4). Castro Street, the main downtown commercial corridor, is located one block east. The downtown commercial core extends for one block on either side of Castro Street, between Evelyn Avenue and Mercy Street, before transitioning to residential neighborhoods beyond. The Mountain View Transit Center, an intermodal public transportation hub served by Caltrain commuter rail, VTA light rail and bus service, and employer shuttles is located 1-1/2 blocks east. Parking Structure No. 1 serves downtown business patrons and employees (primarily restaurants) at the north end of Castro Street. Parking is free for casual users; businesses and residents who live in the Downtown Parking District can purchase monthly parking permits for \$40 and annual parking permits for \$240.

Parking Structure No. 2 is located at the northeast corner of California Street and Bryant Street (please see Figure 5). Castro Street, the main downtown commercial corridor, is located one block east.

Figure 5
Parking Structure #2



Castro Street, the main downtown commercial corridor, is located one block east. The downtown commercial core extends for one block on either side of Castro Street, between Evelyn Avenue and Mercy Street, before transitioning to residential neighborhoods beyond. The Civic Center, home to City Hall, the Library, the Center for Performing Arts, and Pioneer Park, is located one block south. The Mountain View Transit Center, an intermodal public transportation hub served by Caltrain commuter rail, VTA light rail and bus service, and employer shuttles is located

four blocks north. Parking Structure No. 2 serves downtown business patrons and employees in the central portion of Castro Street and the Civic Center complex. The first floor of the structure is rented commercially and currently occupied by a CVS retail store under a lease with the City of Mountain View. Parking in the remaining garage is free for casual users; businesses and residents who live in the Downtown Parking District can purchase monthly parking permits for \$40 and annual parking permits for \$240.

2. Property Inventory (HSC Section 34191.5(c)(1))

The two parking structures in the downtown are in the boundaries of the Former Authority and were financed in part with redevelopment funds. The structures were built on City-owned land. The book value of Parking Structures No. 1 and No. 2, as of June 30, 2013, are \$1,922,601 and \$8,563,681, respectively. Further information concerning the structures is described above.

3. Use or Disposition of Property (HSC Section 34191.5(c)(2))

The City of Mountain View is requesting Parking Structures No. 1 and No. 2 be transferred to the City of Mountain View as Government-Purpose

Properties, subject to a revenue-sharing agreement with the taxing entities under Health and Safety Code Section 34180(f), to continue to provide public parking for downtown businesses. The Parking District will continue to maintain the structures. Approximately 12,000 square feet on the first floor of parking Structure No. 2 is occupied by a CVS retail store under a lease between the City of Mountain View and CVS. Neither the Parking District nor the former Revitalization Authority is party to the lease. CVS pays an annual rent of \$283,205 to the City, \$40,000 is deposited to the Parking District for annual maintenance of Parking Structure No. 2, and the balance deposited to the City's General Fund. The City is proposing to execute a compensation agreement with the other taxing entities to proportionately share the revenues generated by the lease in Parking Structure No. 2, and other revenues, if any, that may be generated in the future from the structures for a certain period of time. More details regarding the proposed agreement are identified in the staff report "Comprehensive Plan to Wind Down the Affairs of the Former Mountain View Revitalization Authority and Terminate the Successor Agency and Oversight Board."

4. Exhibits

- I. Lot Book Guarantee, Fidelity National Title Company, February 5, 2013
- J. Lot Book Guarantee, Fidelity National Title Company, February 8, 2013

F. **TRANSFER OF GOVERNMENT PURPOSE ASSETS (HSC Section 34181(a))**

The Oversight Board is authorized to direct the Successor Agency to transfer ownership of those assets that were constructed and used for a governmental purpose, such as roads, school buildings, parks, police and fire stations, libraries, and local agency administrative buildings, to the appropriate public jurisdiction pursuant to any existing agreements relating to the construction or use of such an asset.

The Successor Agency wishes to transfer the following assets to the City as they were constructed for and are used for a governmental purpose. For ease of reference, the assets are separated into three categories as identified in the Comprehensive Annual Financial Report dated June 30, 2012: (1) buildings; (2) improvements other than buildings; (3) streetlights; (4) sidewalks, curbs and gutters; and (5) streets and roads.

1. Police and Fire Administration Building, located at 1000 Villa Street; APN 158-15-027

This building is located on City property outside of the former Revitalization Authority boundaries. It was transferred to the Authority to provide security for the issuance of the COPs in 2003 that financed construction of downtown Parking Structure No. 2. The term of the COPs lease extends to 2019, or upon retirement of the debt. If the COPS are retired, the asset would cease to be a form of security in the transaction and would revert back to the City. This building was built for a governmental use and houses the administration of both the Police and Fire Departments for the City. The building was constructed in approximately 1980 by the City at the City's expense. A Lot Book Guarantee issued by Fidelity National Title Insurance Company shows title to this property to be vested in the City of Mountain View. A copy of the Lot Book Guarantee is attached as Exhibit K for reference. As of June 30, 2013, the net book value of this building is \$2,685,809.

2. Streetlights, Sidewalks, Curbs and Gutters, Streets and Roads

The capital assets of the Authority also include streetlights, sidewalks, curbs and gutters, streets and roads, described as follows:

- a. Streetlights. Within the Authority boundaries, decorative streetlights are located at 60' intervals along Castro Street and on cross streets for one block on either side of Castro Street. Beyond this core, streetlights are more functional in nature. The net book value of the streetlights as of June 30, 2013 is \$362,695.

- b. Sidewalks, curbs and gutters. All streets located within the Authority boundaries are improved with sidewalks, curbs and gutters. The net book value of the sidewalks, curbs and gutters as of June 30, 2013 is \$1,823,095.
- c. Streets and Roads within the former Revitalization Authority District include:

North-South

Franklin Street, between Evelyn Avenue and Mercy Street
Bryant Street, between Evelyn Avenue and Mercy Street
Castro Street, between Evelyn Avenue and Mercy Street
Hope Street, between Evelyn Avenue and Mercy Street
View Street, between Evelyn Avenue and Dana Street

East-West

Evelyn Avenue, between Franklin Street and View Street
Villa Street, between Franklin Street and View Street
Dana Street, between Franklin Street and View Street
California Street, between Franklin Street and View Street
North side of Mercy Street, between Franklin Street and View Street

The net book value of streets and roads as of June 30, 2013 is \$1,524,984.

The total net book value of these streets and related improvements is \$3,710,774. These streets and related improvements serve the public.

3. Improvements Other than Buildings Include:

This category includes minor infrastructure improvements and non-infrastructure marketing initiatives.

The total net book value of miscellaneous improvements and expenditures other than buildings, as of June 30, 2013, is \$599,417.

4. Exhibits

K. Lot Book Guarantee, Police/Fire Administration Property, Fidelity National Title Company, dated May 24, 2013

Proposed Compensation Formula

Parking Structure #1

Project Cost Allocation

<u>City (Land)</u> 30,000 s.f. x \$50/s.f (1989 value)	\$ 1,500,000.00	26.3%
<u>Authority Contribution to Construction</u>	\$ 4,196,000.00	73.7%
Total	<u>\$ 5,696,000.00</u>	<u>100.0%</u>

Parking Structure #2

Project Cost Allocation

<u>City (Land)</u> 36,400 s.f. x \$140/s.f (2007 value)	\$ 5,096,000.00	21.8%
<u>Authority Contribution to Construction</u>	\$12,915,490.00	55.4%
<u>Other (Parking District, Parking In-Lieu Fund, Rebates/Donations)</u>	<u>\$ 5,307,992.00</u>	<u>22.8%</u>
Total	\$23,319,482.00	100.0%

Attachment 6

Compensation Percentages for Taxing Entities

	Parking Structure #1	Parking Structure #2
2013-14 Revenue	\$ -	\$ 283,205.00
RDA Percentage of Revenue	73.4%	55.4%
Taxing Entities Allocation	\$ -	\$ 156,895.57

Taxing Entities	Allocation Factor	Revenue Allocation	Revenue Allocation
Santa Clara County	14.08851%	-	22,104.25
Mountain View	14.62844%	-	22,951.37
Mountain View Elementary	17.70543%	-	27,779.04
MVLA Union High School	14.33047%	-	22,483.87
Foothill-DeAnza CC	6.41470%	-	10,064.38
County School Service	3.45295%	-	5,417.53
MidPen Reg Open Space Dist	1.56825%	-	2,460.51
SCVWD NW Zone 1	1.17872%	-	1,849.36
SCVWD	0.16517%	-	259.14
El Camino Hospital	1.77991%	-	2,792.60
BA Air Quality Mgmt Dist	0.18632%	-	292.33
MV Parking District No. 02	10.23797%	-	16,062.92
SCC Import Water-Misc Dist	0.49199%	-	771.91
SCVWD West Zone 4	0.12681%	-	198.96
ERAF K-12	11.69648%	-	18,351.26
ERAF College	1.94788%	-	3,056.14
Total	100.00000%	\$ -	\$ 156,895.57



DATE: October 22, 2013

CATEGORY: New Business

DEPT.: City Council

TITLE: **Adjust Compensation for City Attorney, City Clerk, and City Manager**

RECOMMENDATION

Adopt A RESOLUTION APPROVING COMPENSATION INCREASES FOR THE CITY ATTORNEY, CITY CLERK, AND CITY MANAGER FOR PERFORMANCE DURING THE 2012-13 FISCAL YEAR, to be read in title only, further reading waived (Attachment 1 to the Council report).

BACKGROUND

City Council appointees receive annual performance evaluations and, as in the case with other City employees, may receive merit and/or equity increases and cost-of-living (COLA) compensation increases. Consistent with City Council Policy D-9, the City Council utilized the Standard Performance Evaluation Process to evaluate the performance of the City Attorney, City Clerk, and City Manager. As a result of that process, the City Council is considering salary increases for each Council appointee.

ANALYSIS

The City Council selects, appoints, and is responsible for the performance of three City officials: City Attorney, City Clerk, and City Manager. The 2013 performance evaluation process resulted in favorable overall ratings for the appointees; therefore, the City Council recommends compensation adjustments.

As indicated above, appointees may be considered each year for merit and/or equity adjustments in addition to COLA increases. Typically, Council appointees receive the same COLAs provided to other unrepresented employees; however, compensation increases are implemented at Council's discretion.

Other unrepresented employees received 2 percent COLAs effective June 23, 2013. All three Council appointees began contributing an additional 1 percent of salary to their pension, for a total contribution of 11.5 percent of salary, effective June 23, 2013.

After evaluating the performance of all three appointees and in comparing their compensation with those of their peers in comparable agencies, the City Council is supporting the following compensation adjustments retroactive to June 23, 2013:

City Attorney: 2.0 percent cost-of-living increase
 3.0 percent merit increase

City Clerk: 2.0 percent cost-of-living increase
 2.0 percent merit increase

City Manager: 2.0 percent cost-of-living increase
 2.0 percent merit increase

FISCAL IMPACT

Funding for these salary increases is available in the Operating Budget for Fiscal Year 2012-13.

ALTERNATIVES

Provide alternative direction to staff regarding compensation for Council appointees.

PUBLIC NOTICING – Agenda posting.

Prepared by:

Chris Clark
Vice Mayor

CC/SCR/7/CAM
001-10-22-13CR-E

Attachment: 1. Resolution

CITY OF MOUNTAIN VIEW
RESOLUTION NO.
SERIES 2013

A RESOLUTION APPROVING COMPENSATION INCREASES FOR THE
CITY ATTORNEY, CITY CLERK, AND CITY MANAGER
FOR PERFORMANCE DURING THE 2012-13 FISCAL YEAR

BE IT RESOLVED by the City Council of the City of Mountain View that the City Council has recently completed the performance evaluations for the City Attorney, City Clerk, and City Manager.

BE IT RESOLVED that, based on the City Council's review of their performance, the following compensation adjustments shall be made effective June 23, 2013:

City Attorney:	2.0 percent cost-of-living increase 3.0 percent merit increase
City Clerk:	2.0 percent cost-of-living increase 2.0 percent merit increase
City Manager:	2.0 percent cost-of-living increase 2.0 percent merit increase

BE IT FURTHER RESOLVED that all other benefits previously conferred upon the City Council appointees shall continue in full force.

CC/SCR/7/RESO
001-10-22-13Res-E