

CITY OF MOUNTAIN VIEW
RESOLUTION NO.
SERIES 2018

A RESOLUTION APPROVING A VESTING PRELIMINARY PARCEL MAP
TO MERGE THREE LOTS AT 700 EAST MIDDLEFIELD ROAD,
800 EAST MIDDLEFIELD ROAD,
AND 1101 MAUDE AVENUE

WHEREAS, an application was received from LinkedIn Corporation for a Vesting Preliminary Parcel Map to merge three existing lots and create one single lot at 700 East Middlefield Road, 800 East Middlefield Road, and 1101 Maude Avenue (Application No. PL-2017-4); and

WHEREAS, on November 7, 2018, at a duly noticed public hearing, the Environmental Planning Commission considered this request and recommended the Vesting Preliminary Parcel Map be approved subject to the attached conditions of approval; and

WHEREAS, on November 27, 2018, the City Council held a public hearing on said request and received and considered all evidence presented at said hearing, including the attached conditions of approval;

NOW, THEREFORE, BE IT RESOLVED, pursuant to the Subdivision Map Act, that the City Council of the City of Mountain View finds:

1. An EIR was prepared for the project in conforming with the California Environmental Quality Act (CEQA) and circulated for public comment for the required 45 days, which ended on July 16, 2018. Staff received seven comment letters on the Draft EIR and has provided a response to these comments in the Final EIR document. All significant impacts of the project have been mitigated to less than significant with the incorporation of mitigation measures and standard City conditions of approval, with the exception of significant unavoidable impacts to 46 freeway segments under Existing with Project conditions, two intersections under Background with Project Conditions and five intersections and 49 freeway segments under Near-Term Cumulative with Project conditions for which a Statement of Overriding Considerations and Mitigation, Monitoring, and Reporting Program will be adopted.

2. That pursuant to Section 66473.5 and Subsections (a) and (b) of Section 66474 of the Government Code, and Section 28.8 of the Mountain View City Code, the City Council hereby finds that the proposed subdivision, together with the provisions for its

design and improvement, is consistent with the General Plan Land Use Designation of High-Intensity Office of the City, including all required elements therein applicable to said property.

3. That the Vesting Preliminary Parcel Map for merging three lots into one lot is hereby approved subject to the subdivider's compliance with all of those conditions of approval as required by the Subdivision Committee and attached hereto and incorporated herein by reference.

TIME FOR JUDICIAL REVIEW

The time within which judicial review of this decision must be sought is governed by California Code of Civil Procedure, Section 1094.6, as established by Resolution No. 13850, adopted by the City Council on August 9, 1983.

DP/2/RESO
807-11-27-18r-1

- Exhibits: A. Subdivision Conditions of Approval
B. Vesting Preliminary Parcel Map

SUBDIVISION CONDITIONS
700 EAST MIDDLEFIELD ROAD, 800 EAST MIDDLEFIELD ROAD,
1101 MAUDE AVENUE

1. **MAP SUBMITTAL:** File a parcel map for approval and recordation in accordance with the City Code and the California Subdivision Map Act prior to the issuance of the first building permit for the property within the subdivision. All existing and proposed easements are to be shown on the map. Submit two black-line copies of the map to the Public Works Department for review together with all items on the Map Checklist concurrent with the Off-Site Improvement Plans.
2. **MAP DOCUMENTS:** Submit a subdivision guarantee, County Tax Collector's letter regarding unpaid taxes or assessments, and subdivision security if there are unpaid taxes or special assessments prior to the approval and recordation of the map.
3. **SOILS REPORT:** Soils and geotechnical reports prepared for the subdivision shall be indicated on the parcel map. Submit a copy of the report with the parcel map.
 - a. As required by the State Seismic Hazards Mapping Act, a project site-specific geotechnical investigation shall be conducted by a registered soils/geologist identifying any seismic hazards and recommending mitigation measures to be taken by the project. The applicant, through its registered soils engineer/geologist, shall certify the project complies with the requirements of the State Seismic Hazards Mapping Act. Indicate the location (page number) within the geotechnical report of where this certification is located or provide a separate letter stating such.
4. **PARCEL MAP APPROVAL:** When all subdivision-related materials and agreements have been completed, the original parcel map shall be signed and notarized by the owners and engineer/surveyors and submitted to the Public Works Department. The City will sign the map and provide a Xerox Mylar copy. The applicant's title company shall have the County Recorder's Office record the original and endorse the Xerox Mylar copy. The endorsed Xerox Mylar copy and PDF shall be returned to the Public Works Department within one week after recording the map.
5. **TRANSPORTATION IMPACT FEE:** If applicable and prior to issuance of any building permits, the applicant shall pay the transportation impact fees for the development per Section 43 of the City Code. The transportation impact fees for retail/service/office/R&D/Industrial are based on the square footage of the development. Credit is given for the existing site use(s) as applicable. The transportation impact fee is applicable to all projects that submitted a formal planning application after July 1, 2018 or that are issued a building permit on or after January 1, 2021.
6. **MAP PLAN CHECK FEE:** Prior to issuance of any building permits and prior to approval of the parcel map as applicable, the applicant shall pay the map plan check fee in accordance with Sections 28.27.b and 28.19.b of the City Code per the rates in effect at time of payment.

An initial map plan check fee based on the Public Works fee schedule shall be paid at the time of initial map plan check submittal.
7. **SUBDIVISION FEES:** Pay all subdivision fees due in accordance with the rates in effect at the time of payment prior to the approval of the parcel map.
8. **WATER AND SEWER CAPACITY CHARGES:** The water and sewer capacity charges for residential connections are based on the number and type of dwelling units. There are separate charges for different types of residential

categories so that the capacity charges reasonably reflect the estimated demand of each type of connection. The water and sewer capacity charges for nonresidential connections are based on the water meter size, and the building area and building use, respectively. Credit is given for the demand of the improvements that previously existed on the site. Fees need to be paid per the Public Works Fee Schedule prior to Public Works approving the parcel map.

9. **UTILITY IMPACTS: UTIL-3:** Sewer flows generated by the proposed project under 2030 Future Cumulative Conditions would contribute flows that would cause performance and capacity deficiencies at one segment of the sanitary sewer system. The project would pay a fair-share contribution to the City for upsizing sanitary sewer pipelines in the system to achieve appropriate hydraulic capacity, or alternately construct and upsize the affected sanitary sewer Pipe 1363 segment to 15". **(PROJECT-SPECIFIC CONDITION).**
10. **STREET DEDICATION:** Dedicate a public street easement as required by the Public Works Director:
 - To widen Middlefield Road to allow for a 6' landscape strip and 8' sidewalk.
 - To widen Maude Avenue to allow for a second 11' travel lane, 3' bike buffer, 6' bike lane, 5' landscape strip, and 7' sidewalk.
 - To widen Bernardo Avenue to allow for two southbound travel lanes and a bike lane.
11. **UTILITY EASEMENT AND APPROVALS:** Dedicate utility easements as required by the utility companies and as approved by the Public Works Director. All street and public service easement dedications are to be shown on the parcel map. The subdivider shall submit two copies of the map to PG&E, AT&T (SBC), and Comcast for their review and determination of easement needs. The public service easement dedications must be approved by the utility companies prior to the approval of the parcel map.
12. **WATER METER EASEMENT:** All water meter and backflow preventers shall be within a Water Meter Easement or Public Utility Easement.
13. **PUBLIC ACCESS COVENANTS AND AGREEMENT RELATING TO PUBLIC ACCESS (CONNECTIONS THROUGH SITES):** Prior to issuance of any building permits or approval of a parcel map, the owner shall dedicate a 35.5' wide public access, covenants, and agreement relating to public access on private property encompassing the eastern access road, adjacent sidewalk, and adjacent path. The dedication shall indicate that:
 - a. Public access shall be granted for nonautomotive use;
 - b. Owner shall maintain, inspect, and monitor the PAE improvements in good order, condition, and repair and in compliance with the Americans with Disabilities Act (ADA);
 - c. The Deed Restriction shall run with the land and be binding upon any successors;
 - d. If Owner shall fail to abide by agreement, Owner agrees to pay all reasonable cost and expenses incurred by City in enforcing the performance of such obligations.
 - e. Owner agrees to defend, and hold City, its officers, employees, agents, and volunteers harmless from any liability for damage or claims for damage for personal injury, including, but not limited to, death and/or property damage caused by negligent acts, errors, or omissions in performance of services or operations under the Covenants and Agreements, including maintenance operations performed on the East Access Road by Owner or Owner's contractors, subcontractors, agents, or employees.

A legal description and plat of: (1) the Owner's property; and (2) the PAE area shall be prepared by the owner in

accordance with the City's Legal Description and Plat Requirements and submitted to the City for review.

Associated improvements within the PAE (PAE Improvements) shall be constructed by the owner and approved by the City.

14. **PUBLIC ACCESS EASEMENT, ALONG FRONTAGE ROAD:** Prior to issuance of any building permits or approval of a parcel map, the owner shall dedicate an approximately 13' variable width public access easement ("Frontage Road PAE") on private property encompassing the cycle track and adjacent sidewalk. The easement dedication shall indicate that:
 - a. Public access shall be granted for bicycle and pedestrian use only;
 - b. Owner shall maintain, inspect, and monitor the Frontage PAE improvements in good order, condition, and repair and in compliance with the Americans with Disabilities Act (ADA);
 - c. The Frontage Road PAE shall run with the land and be binding upon any successors;
 - d. If Owner shall fail to abide by Frontage Road PAE, Owner agrees to pay all reasonable costs and expenses incurred by City in enforcing the performance of such obligations; and
 - e. Owner agrees to defend, and hold City, its officers, employees, agents, and volunteers harmless from any liability for damage or claims for damage for personal injury, including, but not limited to, death and/or property damage caused by negligent acts, errors, or omissions in performance of services or operations under the Easement Dedication, including maintenance operations performed on the Frontage Road PAE by Owner or Owner's contractors, subcontractors, agents, or employees.

The Frontage Road easement shall be shown on the Parcel Map.

Associated improvements within the Frontage Road PAE (Frontage Road PAE Improvements) shall be constructed by the Owner and approved by the City in accordance with the phasing plan described in the Memorandum of Understanding between the applicant and the City.

15. **PUBLIC UTILITY EASEMENT (PUE) DEDICATION:** Dedicate a 10' wide public utility easement (PUE) along project street frontage(s) for such use as sanitary sewer, water, storm drains, and other public utilities, including gas, electric, communication and cable television facilities. The property owner or Home Owners Association (HOA) shall maintain the surface improvements over the easement, and must not modify or obstruct the easement area in a manner contrary to the intent of the easement. The dedication statement shall specify that the PUE be kept free and clear of buildings and other permanent structures/facilities, including, but not limited to, the following:
 - C.3 bioretention systems;
 - Private utilities running longitudinally within the PUE;
 - Private transformers;
 - Backflow preventers (BFP)/double-check detector assembly (DCDA);
 - Structures such as garages, sheds, carports, storage structures; and
 - Any projections/overhangs such as balconies, porches, building/roof overhangs, bay windows.

Exceptions to these PUE requirements may be considered by the Public Works Director in conjunction with the review and approval of the off-site improvement plans and building permit plans for the project.

16. **EGRESS EASEMENT:** Dedicate an egress easement around the entry circle to allow a vehicle on northbound Bernardo Avenue to continue around the entry circle and exit via southbound Bernardo Avenue without trespassing on private property.
17. **PUBLIC IMPROVEMENTS:** Install or reconstruct standard public improvements that are required for the subdivision and as required by Chapters 27 and 28 of the City Code. These improvements include:
 1. New 8' wide sidewalk along Middlefield Road. New approximately 10' wide cycle track and 5' wide sidewalk along the Frontage Road. Second 11' vehicle travel lane, 3' bike buffer, 6' bike lane, 5' landscape strip and 7' sidewalk along Maude Avenue. Crosswalk improvements at Middlefield Road/Frontage Road and Maude Avenue/Frontage Road.
 2. Reconstruction of Bernardo Avenue north of Middlefield Road, including, but not limited to, curb, gutter, and sidewalk, median, curb returns with ADA ramps, public sewer and water mains, connections to the storm drain system, signing, and striping.
 3. Removal of portions of the median on Middlefield Road to lengthen the eastbound left-turn pocket to 275'.
 4. New 8-phase protected left turn signal at Middlefield Road and Bernardo Avenue to accommodate the higher vehicular, pedestrian, and bicycle volumes and new turn lanes.
 5. New traffic signal at the eastern project driveway and Maude Avenue to accommodate left turns in and out of the project or equivalent improvements as approved by Caltrans and City of Sunnyvale.
 6. Relocated 12" domestic water, 30" storm drain, and 10" sanitary sewer main from the interior of the site to the eastern drive aisle. Abandonment of the existing utility mains where not needed for the private development.
 7. Domestic water meters, recycled water meters, fire hydrants, DCDA, and FCDs for each building as prescribed by the Public Works Director and Fire Marshal.
 8. New streetlights where the existing one is not the current City standard or relocation is required.
 9. New curb, gutter, sidewalk, and Class I bike trail where shown on the Frontage Road.

IMPROVEMENT AGREEMENT: The property owner must sign a Public Works Department improvement agreement for the installation of the public improvements prior to the approval of the building permit or parcel map. Sign a Public Works Department faithful performance bond (100 percent) and materials/labor bond (100 percent) or provide a letter of credit (150 percent) or cash security (100 percent) securing the installation and warranty of the off-site and on-site common improvements in a form approved by the City Attorney's Office. The surety (bond company) must be listed as an acceptable surety on the most current Department of the Treasury's Listing of Approved Sureties on Federal Bonds, Department Circular 570. This list of approved sureties is available through the Internet at:

www.fiscal.treasury.gov/fsreports/ref/suretyBnd/c570_a-z.htm. The bond amount must be below the underwriting limitation amount listed on the Department of the Treasury's Listing of Approved Sureties. The surety must be licensed to do business in California. Guidelines for security are available at the Public Works Department. Any changes to the standard agreement will require an additional one- to three-week processing time with the City Attorney's Office.

INSURANCE: Provide a certificate of insurance and endorsement naming the City an additional insured from the entity that will sign the improvement agreement prior to the approval of the parcel map. The insurance coverage amounts are a minimum of Two Million Dollars (\$2,000,000) Commercial General Liability, One Million Dollars (\$1,000,000) Automobile Liability, and One Million Dollars (\$1,000,000) Workers' Compensation. The insurance requirements are available from the Public Works Department.

18. **OFF-SITE IMPROVEMENT PLANS:** Prepare off-site public improvement plans in accordance with Chapter 28 of the City Code, the City's Standard Design Criteria, Submittal Checklist, Plan Review Checklist, and the conditions of approval of the project. Plans shall include all the improvements in the public right of way (in fee and easement) for Bernardo Avenue, Middlefield Road, Frontage Road, Maude Avenue, and Public Utility Easements. The plans are to be drawn on 24"x36" sheets at a minimum scale of 1" = 20'. The plans shall be stamped by a registered civil engineer and shall show all public improvements and other applicable work within the public right-of-way. A traffic control plan indicating, but not limited to, the work areas, delineators, signs, and other traffic control measures is required for work that impacts traffic on an existing street. Improvement plans (10 sets), an initial plan check fee and map plan check fee based on the Public Works fee schedule, Improvement Plan Checklist, and items noted within the checklist must be submitted together as a separate package concurrent with the first submittal of the building plans. The improvement plans must be approved and signed by the Public Works Department. After the plans have been signed by the Public Works Department, 10 black-line sets, 1 Xerox Mylar (4 mil) set of the plans, and CD with CAD file and PDF must be submitted to the Public Works Department prior to the approval of the parcel map. CAD files shall meet the City's Digital Data Submission Standards.
19. **INFRASTRUCTURE QUANTITIES:** Submit a completed construction cost estimate form indicating the quantities of the improvements with the initial submittal of the improvement plans. The construction cost estimate is used to estimate the cost of improvements and to determine the Public Works plan check and inspection fees. The construction cost estimate is to be prepared by the civil engineer preparing the improvement plans and stamped and signed.
20. **UNDERGROUNDING OF OVERHEAD SERVICES:** All new and existing electric, telephone, and cable television services serving the subdivision are to be placed underground (including transformers). The undergrounding of the new and existing electric, telephone, and cable television services are to be completed prior to issuance of a Certificate of Occupancy for any new buildings within the subdivision. (Aboveground transformers shall be located so they are screened or not visible from the street or to the general public as approved by the Community Development and Public Works Departments.)
21. **JOINT UTILITY PLANS:** Submit joint utility plans showing the location of the proposed electric, gas, telephone, and cable television conduits and vaults. These plans shall be combined with and made part of the improvement plans. Dedicate public utility easements that are necessary for the common utility on the parcel map.
22. **UTILITY MAINTENANCE:** On-site water, sanitary sewer, and storm drainage facilities shall be privately maintained.
23. **STORM DRAIN HOLD HARMLESS AGREEMENT:** Prior to the approval of the parcel map, sign a storm drain hold harmless agreement if there are any proposed on-site storm inlets with grates below the elevation of street curb to be connected to the City's storm drain system.
24. **SANITARY SEWER HOLD HARMLESS AGREEMENT:** Prior to the approval of the parcel map, if the sanitary sewer connection(s) inside the structure(s) is/are less than 1' above the rim elevation of the upstream sanitary sewer manhole, the owner shall sign an agreement to hold the City harmless against sewer surcharges or blockages that result in on-site damage.
25. **CONSISTENCY WITH OTHER APPROVALS:** This map shall be consistent with all requirements of the Request for Rezoning, Application No. PL-2017-074. All conditions of approval imposed under that application shall

remain in full force and effect and shall be met prior to approval of the parcel map.

26. **APPROVAL EXPIRATION:** If the map is not completed within twenty-four (24) months from the date of this approval, this map shall expire. Upon application of the subdivider, an extension of time not to exceed an additional twelve (12) months may be granted by the subdivision committee. Prior to the expiration of an approved or conditionally approved tentative map or preliminary parcel map, upon the application by the subdivider to extend that map, the map shall automatically be extended for sixty (60) days or until the application for the extension is approved, conditionally approved or denied, whichever occurs first.