

CITY OF MOUNTAIN VIEW  
RESOLUTION NO.  
SERIES 2015

A RESOLUTION CONDITIONALLY APPROVING A TENTATIVE MAP TO  
SUBDIVIDE A 1.72-ACRE LOT INTO 29 RESIDENTIAL LOTS AND 1 COMMON LOT  
WITH SHARED DRIVEWAYS, GUEST PARKING, PEDESTRIAN WALKWAYS, AND  
LANDSCAPING AT 333 NORTH RENGSTORFF AVENUE

WHEREAS, an application was submitted from Moshe Dinar with Dinar & Associates for a tentative subdivision map to subdivide a 1.72-acre lot into 29 residential lots and 1 common lot with shared driveways, guest parking, pedestrian walkways, and landscaping at 333 North Rengstorff Avenue (Application No. 058-14-TM); and

WHEREAS, on December 10, 2014, the Subdivision Committee held a public hearing on said tentative subdivision map and recommended approval to the City Council; and

WHEREAS, on March 3, 2015, the City Council held a public hearing on said tentative subdivision map and received and considered all evidence presented at said hearing, including the Council report;

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Mountain View that:

1. Pursuant to Section 66473.5 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 Medium-Density Residential, including all required elements therein and with the R3 Zoning District Standards and the Rowhouse Design Guidelines of the City applicable to said property.

2. The tentative map for the proposed subdivision is categorically exempt from the California Environmental Quality Act (CEQA) pursuant to Section 15332 ("Infill Development") of the CEQA Guidelines which exempts infill projects that meet certain criteria:

- The project is consistent with the applicable General Plan designation and policies and consistent with all zoning regulations and designation, and the proposed development and site is within City limits on a project site of no more than five acres and is substantially surrounded by urban uses.

- Approval of this project would not result in any significant effect relating to traffic, noise, air quality, or water quality, and this site can be adequately served by all of the required utilities and public services.

- The proposed development occurs within City limits, is located on a site on no more than five acres, and is surrounded by urban uses.

3. The tentative map for 333 North Rengstorff Avenue is hereby granted subject to the developer's fulfillment of all of the conditions of approval as more particularly described in Exhibit A attached hereto.

TIME FOR JUDICIAL REVIEW

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

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EC/3/RESO  
809-03-03-15r-E-1

SUBDIVISION CONDITIONS  
APPLICATION NO.: 058-14-TM  
333 NORTH RENGSTORFF AVENUE

1. **MAP SUBMITTAL:** File a final map for approval and recordation in accordance with the City Code and the California Subdivision Map Act prior to the issuance of any building permit for the property 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 a current preliminary title report and signed survey calculations.
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 final map. Submit a copy of the report with the final 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.
4. **FINAL MAP APPROVAL:** The final map shall be signed and notarized by the owner and engineer/surveyor and submitted to the Public Works Department with an 8.5"x11" reduction of the map. In order to place the approval of the final map on the agenda for the City Council, all related materials and agreements must be completed, signed, and received by the Public Works Department 40 calendar days prior to the Council meeting. After City Council approval, 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. **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 final map.
6. **SUBDIVISION FEES:** Pay all subdivision fees due, including Park Land Dedication Fee (approximately \$15,000 to \$30,000 per unit), in accordance with the rates in effect at the time of payment prior to the approval of the final map. No credits against the Park Land Dedication Fee will be allowed for the private open space and recreational facilities. Provide the most current appraisal or escrow closing statement of the property with the following information to assist the City in determining the current market value of the land: (1) a brief description of the existing use of the property; (2) square footage of the lot; and (3) size and type of each building located on the property at the time the property was acquired.
7. **UTILITY EASEMENT AND APPROVALS:** Dedicate utility easements as required by the utility companies and as approved by the Public Works Director. Easements shall include, but not limited to, emergency vehicular access easement, private utility easement, water meter

easement, and public utility easements. All street and public service easement dedications are to be shown on the final 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 final map.

8. **STORM DRAIN EASEMENT:** The subdivider shall provide a private irrevocable storm drain easement over the appropriate parcels to allow drainage across the parcel to the common lot.
9. **CC&Rs:** Covenants, Conditions, and Restrictions (CC&Rs) for the homeowners association, together with a completed CC&R checklist, shall be submitted to and approved by the City Attorney's Office and the Community Development Department prior to approval and recordation of the map. The said covenants shall include and stipulate all of the standard provisions which are shown on the attached sheet. The checklist and proposed CC&Rs shall be annotated to show exactly where each of the standard provisions have been incorporated into the CC&R document.
10. **CC&Rs, PARKING PROHIBITION:** Parking shall be prohibited within the common driveways, excluding approved guest parking, as the parking would obstruct the use of the driveway. These parking prohibitions shall be stated within the Covenants, Conditions, and Restrictions (CC&Rs). Submit a copy of the CC&Rs with this provision highlighted to the Public Works Department for review and approval. The common driveway shall be signed and/or striped as "No Parking" or "No Parking – Fire Lane."
11. **CC&Rs, SPECIAL PAVEMENT MAINTENANCE:** The homeowners association shall be responsible for replacing any special pavers or textured/colored concrete that is removed by the City to repair, replace, or maintain any City underground utilities located within private streets, driveways, or easement areas. This requirement shall be stated in the Covenants, Conditions, and Restrictions (CC&Rs). A copy of the CC&Rs with this provision marked or highlighted shall be submitted to the Public Works Department for review and approval.
12. **CC&Rs, GARBAGE PICKUP:** The Covenants, Conditions, and Restrictions (CC&Rs) shall include a provision stating that the homeowners are responsible for bringing their garbage cans, totes, and recycling bins to their driveways on garbage collection days. An exhibit showing the approved location of bins on collection days shall be included in the CC&Rs. The CC&Rs shall also include a notice to the residence that during the collection of the bins, the service truck will impede the traffic both ways on the private streets. A copy of the CC&Rs with this provision marked or highlighted shall be submitted to the Public Works Department for review and approval.
13. **CC&Rs, PRIVATE UTILITY MAINTENANCE PLAN, AND SANITARY SEWER OVERFLOW PLAN:** The Covenants, Conditions, and Restrictions (CC&Rs) shall include a provision that the homeowners association prepare a private utility maintenance plan for on-site water, sanitary sewer, and storm drainage facilities. The maintenance plan shall include such elements as flushing of the sanitary sewer and storm lines, cleaning of storm drain inlets and grates, and inspection of the water system (including flushing and exercising of valves and blowoffs). The CC&Rs shall also include a provision that the homeowners association prepare a sanitary sewer overflow plan, which includes elements such as 24-hour contact information, response times, confinement, and methods to contain and remediate spills.

14. **PUBLIC AND COMMON IMPROVEMENTS:** Install or reconstruct standard public and private improvements that are required for the subdivision and as required by Chapters 27 and 28 of the Mountain View City Code. These improvements include curb, gutter, and sidewalk along Rengstorff Avenue; new storm, sewer, water, and joint trench connections; undergrounding of existing overhead utilities; landscaping; and irrigation.
- a. **IMPROVEMENT AGREEMENT:** The property owner must sign a Public Works Department improvement agreement for the installation of the public and private improvements prior to the approval of the final map. Sign a Public Works Department faithful performance bond (100 percent) and materials/labor bond (100 percent) or provide cash deposit (100 percent) or provide a letter of credit (150 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 <http://www.fms.treas.gov/c570/index.html>. 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 certificates of deposit are available at the Public Works Department.
- b. **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 final map. The insurance coverage amounts are a minimum of One Million Dollars (\$1,000,000) Commercial General Liability, Automobile Liability, and Workers' Compensation. The insurance requirements are available from the Public Works Department.
15. **PUBLIC IMPROVEMENT PLANS:** Prepare public improvement plans in accordance with Chapter 28 of the City Code, the City's Standard Design Criteria, and the conditions of approval of the subdivision. 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 the work areas, delineators, signs, and other traffic control measures is required for work that impacts traffic on an existing street. Improvement plans (nine sets), construction cost estimate, and copy of the current preliminary title report or property deed 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, one 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 final map.
16. **COMMON IMPROVEMENT PLANS:** Prepare on-site common improvement plans consisting of the proposed demolition, fill, grading, retaining walls, drainage, private streets, common driveways, common utilities, public utilities, and other applicable improvements in accordance with Chapter 28 of the City Code, the Standard Design Criteria for Common Green and Townhouse-Type Condominiums, and the conditions of approval of the subdivision. The plans are to be drawn on 24"x36" sheets at a minimum scale of 1" = 20'. The improvement plans (nine sets) and completed infrastructure data form 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 improvement plans have been

signed by the Public Works Department, 10 black-line sets, one 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 final map. Where both public and common improvement plans are required, the plans shall be combined into one set of plans.

17. **INFRASTRUCTURE QUANTITIES:** Submit a completed construction cost estimate form indicating the quantities of the improvements with the submittal of the improvement plans. The construction cost estimate is used to estimate the cost of improvements and to determine the Public Works plan check and inspection fees. The construction cost estimate is to be prepared by the civil engineer preparing the improvement plans and stamped and signed.
18. **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.)
19. **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 final map.
20. **UNDERGROUNDING OF OVERHEAD LINES:** Underground existing overhead telephone, electric, and cable television facilities fronting the property along Rengstorff Avenue, unless waived by the City Council after consideration of the recommendation of the Public Works Director due to unusual or impractical circumstances. The undergrounding work shall be constructed in conjunction with any applicable off-site improvements and completed prior to issuance of a Certificate of Occupancy for any new unit. All poles fronting the property are to be removed. Prior to approval of the final map, subdivider shall sign an underground utility agreement and provide a performance bond or other suitable guarantee securing performance of the work in the estimated amount of the cost of underground work until such time as prepaid or secured contracts are entered into by the subdivider with PG&E, AT&T (SBC), and Comcast that provides for all of the required underground work. If the undergrounding requirement is waived, subdivider shall fulfill whatever substitute conditions the City shall impose prior to final map approval. Underground utility facilities shall not infringe on the public sidewalk. Dedicate on the final map a public service/utility easement, as required by the Public Works Director, along the projects Rengstorff Avenue frontage to accommodate underground utility facilities.
21. **UTILITY MAINTENANCE:** On-site water, sanitary sewer, and storm drainage facilities shall be privately maintained.
22. **SURFACE DRAINAGE RELEASE:** Provide a surface stormwater release for the lots, driveways, alleys, and private streets that prevents the residential buildings from being flooded in the event the storm drainage system becomes blocked or obstructed.
23. **SUBDIVISION AND DESIGN CRITERIA PROVISIONS:** It is the applicant's responsibility to comply with relevant provisions of Chapter 28 of the City Code and with the City's Design

Criteria for Common Green Developments and Townhouse-Type Condominiums.

24. **CONSISTENCY WITH OTHER APPROVALS:** This map shall be consistent with all requirements of the Planned Unit Development, Application No. 277-13-PUD. All conditions of approval imposed under that application shall remain in full force and effect and shall be met prior to approval of the final map.
  
25. **APPROVAL EXPIRATION:** If the map is not completed within twenty-four (24) months from the date of this approval, this map shall expire.