

CITY OF MOUNTAIN VIEW
ENVIRONMENTAL PLANNING COMMISSION
RESOLUTION NO.
SERIES 2020

A RESOLUTION RECOMMENDING THAT THE CITY COUNCIL
APPROVE A VESTING TENTATIVE MAP TO CREATE
FIVE RESIDENTIAL LOTS, THREE COMMON LOTS, AND DEDICATION
OF A NEW 0.376-ACRE PUBLIC PARK ON A 6.0-ACRE SITE
LOCATED AT 355, 365, 401, AND 415 EAST MIDDLEFIELD ROAD

WHEREAS, an application was received from SummerHill Housing Group for a Vesting Tentative Subdivision Map to create four lots for condominium purposes for up to 193 condominium units, one lot for up to 270 apartment units, three common lots, and a 0.376-acre future public park at 355, 365, 401, and 415 East Middlefield Road (Application No. PL-2018-207), as more particularly described in Attachment A, attached hereto; and

WHEREAS, the Environmental Planning Commission held a public hearing on February 19, 2020 for a Vesting Tentative Map;

NOW, THEREFORE, BE IT RESOLVED, the Environmental Planning Commission of the City of Mountain View hereby recommends the City Council approve the Vesting Tentative Subdivision Map subject to the attached conditions in Attachment B and pursuant to the required findings under the Mountain View City Code and Subdivision Map Act:

1. 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 Environmental Planning Commission 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 East Whisman Mixed-Use Land Designation of the City, including all required elements therein applicable to said property.

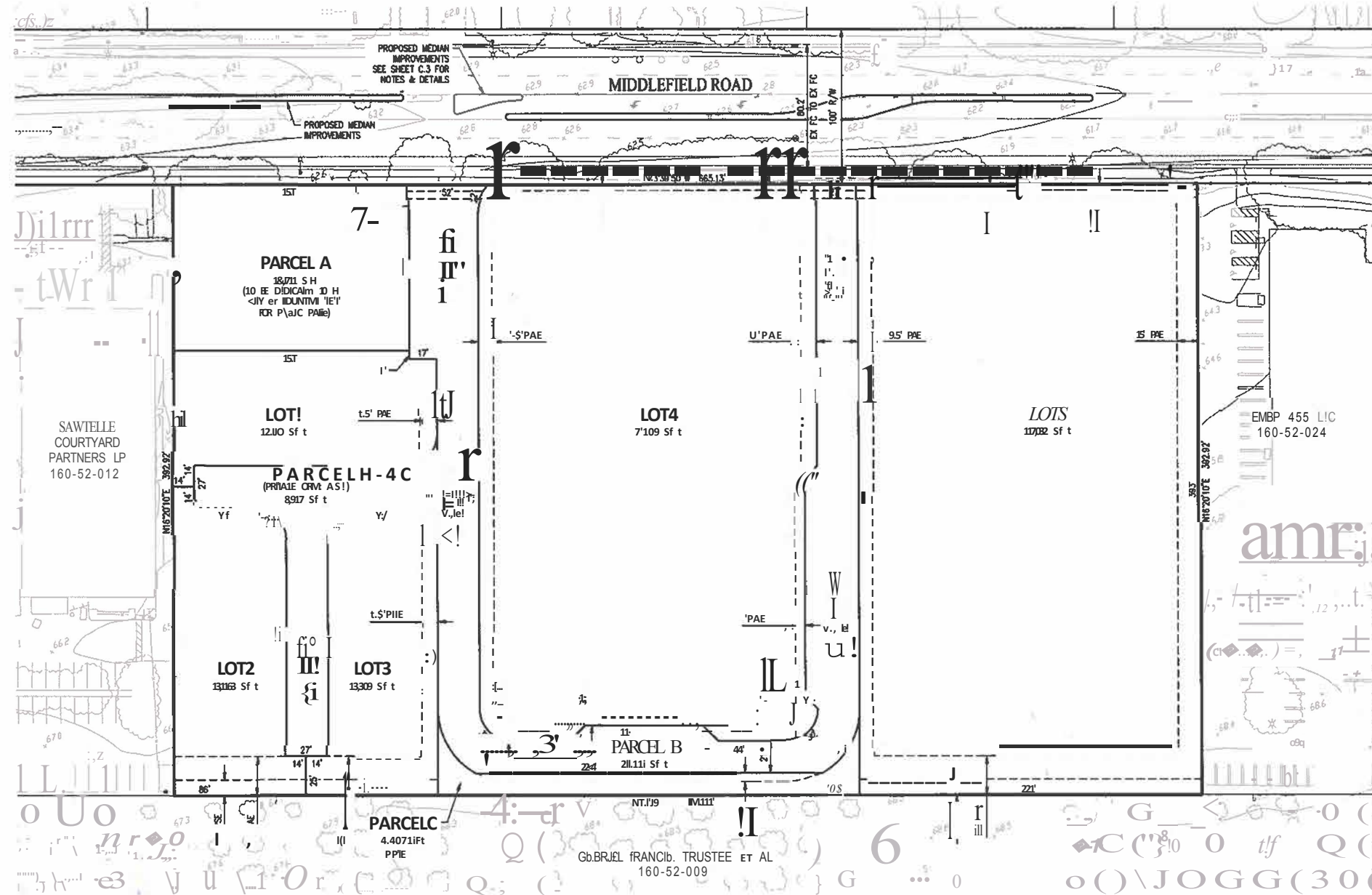
2. The Vesting Tentative Map would not be detrimental to the public interest, health, safety, convenience, or welfare of the community because the project is consistent with the policies included in the General Plan, and the Vesting Tentative Map facilitates the construction of a new high-density residential project, a new public park, and associated improvements that can be fully served by the physical infrastructure and services provided within the City of Mountain View.

3. An Initial Study of Environmental Significance was prepared for the project in conformance with Section 15168 of the California Environmental Quality Act (CEQA), and the analysis determined that with implementation of the East Whisman Precise Plan standards and guidelines, standard City Conditions of Approval, State regulations, and certain mitigation measures identified in the East Whisman Precise Plan EIR (EIR), the proposed addition of up to 463 residential units on the site would not result in any new environmental impacts beyond those previously evaluated and disclosed in the EIR. The analysis determined that all of the environmental impacts associated with the project have been avoided or reduced to a less-than-significant level through the incorporation of mitigation measures identified in the East Whisman Precise Plan EIR.

4. That the Tentative Subdivision Map for condominium purposes to create five residential lots, three common lots, and a 0.376-acre public park is hereby recommended for approval subject to the subdivider's compliance with all of the conditions of approval as more particularly described in Attachment B, attached hereto.

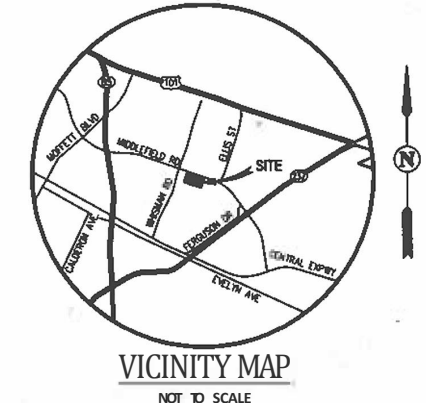
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Attachments: A. Vesting Tentative Map
B. Subdivision Conditions of Approval



GENERAL NOTES:

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1633 CALIBO RIVON SUITE 110
SAN RAYMOND CA 94583
(925) 922-0100
INVA HANIE, P.L
3. GEOLOGICAL ENGINEER: ROODRICE ((II)E)HNC.II.
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OAKLAND, CA 94612
(510) 420-5731
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ABBREVIATIONS

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355-365, 401, & 415 E MIDDLEFIELD RD
MOUNTAINVIEW, CA #2017-0528

PLANNED
COMMUNITY PERMIT
JANUARY 15, 2020

VESTING TENTATIVE MAP
FOR CONDOMINIUM
PURPOSES

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SUBDIVISION CONDITIONS
APPLICATION NO.: PL-2018-207
355, 365, 401, AND 415 EAST MIDDLEFIELD ROAD

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 all items on the Map Checklist concurrent with the Off-Site Improvement Plans.
2. **MAP DOCUMENTS:** Prior to the approval and recordation of the map, 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.
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 first submittal of 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. Indicate the location (page number) within the geotechnical report of where this certification is located, or provide a separate letter stating such.
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. **MAP PLAN CHECK FEE:** Prior to issuance of any building permits and prior to approval of the final map, as applicable, the applicant shall pay the map plan check fee in accordance with Sections 28.27.b and 28.19.b of the City Code per the rates in effect at time of payment.

An initial map plan check fee based on the Public Works adopted fee schedule shall be paid at the time of initial map plan check submittal.

7. **PLAN CHECK AND INSPECTION FEE:** Prior to issuance of any building permits and prior to approval of the final map, the applicant shall pay the plan check and inspection fee in accordance with Sections 27.60 and 28.36 of the City Code per the adopted rates in effect at time of payment.

An initial plan check fee based on the Public Works adopted fee schedule shall be paid at the time of initial improvement plan check submittal based on the initial cost estimate for constructing street improvements and other public facilities; public and private utilities and structures located within the public right-of-way; and utility, grading, and driveway improvements for common green and townhouse-type condominiums.

Once the plans have been approved, the approved cost estimate will be used to determine the final bond amounts, plan check fees, and inspection fees. Any paid initial plan check fee will be deducted from the approved final plan check fee.

8. **TRANSPORTATION IMPACT FEE:** Prior to issuance of any building permits and prior to approval of the final map, as applicable, the applicant shall pay the transportation impact fee for the development. Residential category fees are based on the number of units. Retail, Service, Office, R&D, and Industrial category fees are based on the square footage of the development. Credit is given for the existing site use(s), as applicable. The transportation fee is applicable to any project who submitted a formal planning application after July 1 2018, or who are issued a final building permit that grants occupancy after January 1, 2021 per City Code (Chapter 43).
9. **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 final map.
10. **SANITARY SEWER FAIR-SHARE CONTRIBUTION:** The Utility Impact Study by Schaaf & Wheeler, dated September 2019, identified performance and capacity deficiencies at downstream segments of the City sanitary sewer system contributed by the development beyond the levels anticipated under the adopted General Plan. Prior to issuance of the building permit and approval of the final map, the applicant shall be required to pay a proportionate fair-share contribution to the City to upsize the sanitary sewer pipelines in the system to achieve appropriate performance and capacity.
11. **PARK LAND DEDICATION AND FEE:** Dedicate in fee 0.376 acre of public park land and pay the Park Land Dedication Fee to satisfy the remaining park requirement for the development in accordance with Chapter 41 prior to the issuance of any building permits and prior to approval of the final map.

Prior to the approval of the final map, the applicant shall: (1) provide a written report to disclose all known hazardous materials and contaminants on the park site to the City; (2) provide written approval by the Environmental Protection Agency (EPA) or other appropriate lead regulatory agency for the use of the site as a public park; (3) prepare a Site Management Plan (SMP) with specific protocols for the park construction, operation, and ongoing maintenance that must be reviewed and approved by the EPA. The applicant shall provide funding for the implementation of the SMP on the park site based on a cost estimate prepared by the engineer of the SMP and as approved by the City prior to the approval of the final map; the City shall implement the SMP during park construction; (4) be responsible for removing or remediating hazardous material and contaminants found on the site, as identified in the written report provided to the City and as required by the SMP, so that the site is suitable for use as an open space park site; and (5) agree to protect, indemnify, and hold harmless the City, its directors, officers, employees, and agents, from and against any environmental liability related to any hazardous substances caused by applicant's actions at the property, and any and all claims, demands, judgments, settlements, damages, actions, causes of action, injuries, administrative orders, consent agreements, and orders, liabilities, losses, penalties, and costs related to hazardous substances caused by applicant, including, but not limited to, any clean-up costs, remediation costs, and response costs, and all expenses of any kind whatsoever, including reasonable attorneys' fees and expenses, including, but not limited to, those arising out of loss of life caused by applicant; injury to persons, property, or business caused by applicant; or damage to natural resources in connection with the activities of applicant or its agents or contractors, and any of them, the foregoing being collectively referred to as "claims" which:

- a. Arise out of the actual, alleged, or threatened mitigation, spill, leaching, pouring, emptying, injection, discharge, dispersal, release, storage, treatment, generation, or disposal or escape of any hazardous substances onto or from the premises; or
- b. Actually or allegedly arise out of or in connection with the premises, the use, specification, or inclusion of any product, material, or process containing hazardous substances, the failure to detect the existence or proportion of hazardous substances in the soil, air, surface water, or groundwater, or the performance of or failure to perform the abatement of any hazardous substances source or the replacement or removal of any soil, water, surface water, or groundwater containing any hazardous substances; or
- c. Arise out of the breach of any covenant, warranty, or representation contained in any statement or other information given by applicant to City in connection with environmental matters; or
- d. Arise out of any enforcement or remedial action or any judicial or administrative action brought pursuant to any environmental law.

Applicant, its successors, and assigns, shall bear, pay, and discharge when and as the same become due and payable, any and all such judgments or claims for damages, penalties, or otherwise against City, as provided in this section, shall hold City harmless for those judgments or claims, and shall assume the burden and expense of defending all suits, administrative proceedings, and negotiations of any description with any and all persons, political subdivisions, or government agencies.

12. **STREET DEDICATION:** Dedicate a public street in fee/easement on the face of the map, as required by the Public Works Director, to widen Middlefield Road, 4' from the centerline of the street.

13. **PUBLIC ACCESS EASEMENT, COVENANTS, AND DEED RESTRICTIONS (CONNECTIONS THROUGH SITES):** Prior to issuance of any building permits and prior to approval of the final map, the owner shall dedicate a public access easement (PAE), covenants, agreements, and deed restrictions on private property. 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 PAE shall run with the land and be binding upon any successors;
- d. If Owner shall fail to abide by 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 Dedication, including maintenance operations performed on the PAE by Owner or Owner's contractors, subcontractors, agents, or employees.

A legal description (metes and bounds) and plat map (drawing) of: (1) the owner's property; and (2) the PAE area shall be prepared by Owner in accordance with the City's Legal Description and Plat Requirements and submitted to the Public Works Department for review and approval. The legal description and plat must be prepared and stamped by a California-registered civil engineer or land surveyor.

Associated improvements within the PAE (PAE Improvements) shall be constructed by Owner and approved by

the City.

14. **FRONTAGE PUBLIC UTILITY EASEMENT DEDICATION:** Dedicate a 9' wide public utility easement (PUE) along project street frontage(s) on the face of the map for such use as sanitary sewer, water, storm drains, and other public utilities, including gas, electric, communication, and cable television facilities, as required by the Public Works Director. The property owner or homeowners association shall maintain the surface improvements over the easement and must not modify or obstruct the easement area in a manner contrary to the intent of the easement. The dedication statement shall specify the PUE shall be kept free and clear of buildings and other permanent structures/facilities, including, but not limited to, the following:
 - Garages, sheds, carports and storage structures;
 - Balconies and porches;
 - Retaining walls;
 - C.3 bioretention systems; and
 - Private utility lines running longitudinally within the PUE.
15. **PUBLIC WATER METER EASEMENT:** Dedicate public water meter easement (WME) on the face of the map to construct, install, maintain, repair, replace, and operate water meters and appurtenances, as required by the Public Works Director.
16. **PUBLIC SERVICE EASEMENT:** Dedicate a public service easement (PSE) on the face of the map to the utility company(ies) for the proposed electric, gas, and telecommunication conduits and vaults serving the project.
17. **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 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.
18. **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.
19. **CC&Rs, PARKING RESTRICTION:** Parking shall be prohibited within the common driveways, excluding approved guest parking, car-share parking, or loading areas, as the parking would obstruct the use of the driveway. These parking prohibitions shall be stated within the Covenants, Conditions, and Restrictions (CC&Rs). A copy of the CC&Rs with this provision highlighted shall be submitted to the Community Development Department for review and approval by the Public Works Department. The common driveway shall be signed and/or striped as "No Parking" or "No Parking – Fire Lane."
20. **CC&Rs, GARBAGE PICKUP (SHARED SERVICE):** The Covenants, Conditions, and Restrictions (CC&Rs) shall include a provision stating the homeowners are responsible for the removal of all the trash and refuse from the Owner's Lot to the central trash collection point. The homeowners association shall be responsible for the maintenance of the central trash collection point and for the periodic removal therefrom. A copy of the CC&Rs with this provision marked or highlighted shall be submitted to the Community Development Department for

review and approval by the Public Works Department.

21. **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, but are not limited to: curb, gutter and sidewalk along Middlefield Road; one water meter and backflow preventer(s) for each of the following: condominium building, apartment building, the three town-flats, and the park; sewer connections, storm drain connections; new curb returns for A Street and a new driveway for C Street.
- a. **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 final map.
 - b. **BONDS/SECURITIES:** 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 improvements in a form approved by the City Attorney's Office. The surety (bond company) must be listed as an acceptable surety on the most current Department of the Treasury's Listing of Approved Sureties on Federal Bonds, Department Circular 570. This list of approved sureties is available through the Internet at: www.fiscal.treasury.gov/fsreports/ref/suretyBnd/c570_a-z.htm. The bond amount must be below the underwriting limitation amount listed on the Department of the Treasury's Listing of Approved Sureties. The surety must be licensed to do business in California. Guidelines for security are available at the Public Works Department.
 - c. **INSURANCE:** Provide a Certificate of Insurance and endorsements for Commercial General Liability and Automobile Liability naming the City as an additional insured from the entity that will sign the improvement agreement prior to the approval of the final 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, One Million Dollars (\$1,000,000) Pollution Legal Liability Insurance, and One Million Dollars (\$1,000,000) Workers' Compensation. The insurance requirements are available from the Public Works Department.
22. **OFF-SITE IMPROVEMENT PLANS:** Prepare off-site public improvement plans in accordance with Chapter 28 of the City Code, the City's Standard Design Criteria, Submittal Checklist, Plan Review Checklist, and the conditions of approval of the project. The plans are to be drawn on 24" x 36" sheets at a minimum scale of 1" = 20'. The plans shall be stamped by a California-registered civil engineer and shall show all public improvements and other applicable work within the public right-of-way. Traffic control plans for each phase of construction shall be prepared in accordance with the latest edition of the California Manual of Uniform Traffic Control Devices (CA MUTCD) and shall show, at a minimum, work areas, delineators, signs, and other traffic control measures required for work that impacts traffic on existing streets. Locations of on-site parking for construction equipment and construction workers and on-site material storage areas must be submitted for review and approval. Off-site 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 off-site plans must be approved and signed by the Public Works Department. After the plans have been signed by the Public Works Department, 10 full-size and 2 half-size 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 final map. CAD files shall meet the City's Digital Data Submission Standards.
23. **INFRASTRUCTURE QUANTITIES:** Upon submittal of the initial building permit and improvement plans, submit a completed construction cost estimate form indicating the quantities of the street and utility 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.

24. **UNDERGROUNDING OF OVERHEAD SERVICES:** All new and existing electric and telecommunication facilities serving the subdivision are to be placed underground (including transformers). The undergrounding of the new and existing overhead electric and telecommunication lines is to be completed prior to issuance of a Certificate of Occupancy for any new buildings within the subdivision. (If allowed by the City, aboveground transformers shall be located so they are screened or not visible from the street or to the general public, as approved by the Community Development and Public Works Departments.)
25. **JOINT UTILITY PLANS:** Upon submittal of the initial building permit and improvement plans, the applicant shall submit joint utility plans showing the location of the proposed electric, gas, and telecommunication conduits and associated facilities, including, but not limited to, vaults, manholes, cabinets, pedestals, etc. These plans shall be combined with and made part of the improvement plans. Joint trench intent drawings will be accepted at first improvement plan submittal. All subsequent improvement plan submittals shall include joint trench design plans. Dedicate public utility easements that are necessary for the common utility on the final map.
26. **UNDERGROUNDING OF OVERHEAD LINES:** Underground existing overhead electric and telecommunication facilities fronting the property along Middlefield Road, through the site and along the southern edge of the property, 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 shall be removed. If the undergrounding requirement is waived, subdivider shall fulfill whatever substitute conditions the City shall impose prior to final map approval.
27. **UTILITY PAYMENT AGREEMENT:** Prior to the approval of the final map, sign a utility payment agreement and post a security deposit made payable to the City as security if each unit or building does not have separate sewer connections and water meters in accordance with Section 35.38 of the City Code. The utility payment agreement shall include provisions to have the security transferred from the applicant to the homeowners association (but still made payable to the City) when the HOA is formed for the subdivision.
28. **UTILITY MAINTENANCE:** On-site water, sanitary sewer, and storm drainage facilities shall be privately maintained.
29. **SURFACE WATER 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. Show and identify path of surface water release on the improvement plans.
30. **LOT DRAINAGE:** Each residential lot shall be designed to drain toward the streets, alleys, common driveways, or common areas. The drainage paths for the privately owned lots shall be designed such that the drainage paths do not cross the common property lines unless an exception is approved by the Public Works Department due to unavoidable circumstances (such as to provide drainage to an existing Heritage tree).
31. **CONSISTENCY WITH OTHER APPROVALS:** This map shall be consistent with all requirements of Application No. PL-2018-206. 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.
32. **APPROVAL EXPIRATION:** If the map is not completed within twenty-four (24) months from the date of this approval, this map shall expire. The map is eligible for an extension of an additional twelve (12) months, provided the request for extension is filed by the applicant prior to the expiration of the original map. Upon filing a timely application for extension, the map shall automatically be extended for sixty (60) days or until the application for the extension is approved, conditionally approved, or denied, whichever occurs first.