

CITY OF MOUNTAIN VIEW
RESOLUTION NO.
SERIES 2019

A RESOLUTION CONDITIONALLY APPROVING A
PARCEL MAP TO CREATE TWO LOTS AT 1696-1758 VILLA STREET

WHEREAS, an application was received from the Prometheus Real Estate Group for a Parcel Map to reconfigure five lots into two lots (including a future public park site) (Application No. PL-2019-068), as more particularly described in Attachment A, attached hereto; and

WHEREAS, the Environmental Planning Commission held a public hearing on May 15, 2019, for the Parcel Map and recommended approval to the City Council subject to the attached conditions; and

WHEREAS, the City Council held a public hearing on June 4, 2019, for a Parcel Map and approved it subject to the attached conditions; and

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

WHEREAS, the Vesting Preliminary Parcel Map is in compliance with the provisions of the California Environmental Quality Act (CEQA) because an Environmental Impact Report (EIR) has been prepared and circulated for the required 45-day public comment period, which ended on January 4, 2019. Staff received four 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;

NOW, THEREFORE, BE IT RESOLVED that the Environmental Planning Commission of the City of Mountain View hereby recommends the City Council approve the Tentative Subdivision Map subject to the required findings, pursuant to the 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 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-Density Residential of the City, including all required elements therein applicable to said property.

2. That the Vesting Preliminary Parcel Map is in compliance with the provisions of the California Environmental Quality Act (CEQA) with certification of the 555 East Evelyn Avenue Residential Project Environmental Impact Report, and Mitigation Monitoring and Reporting Program.

3. That the Vesting Preliminary Parcel Map is 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.

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.

MVO/5/RESO
835-06-04-19r-5

Exhibits: A. Parcel Map
B. Conditions of Approval

TENTATIVE PARCEL MAP

BEING A SUBDIVISION OF ALL THAT LAND AS DESCRIBED IN THOSE CERTAIN GRANT DEEDS RECORDED ON AUGUST 22, 1991 AS DOCUMENT NO. 11029693, AND ON JUNE 30, 1999 AS DOCUMENT NO. 14876686 AND ON JUNE 29 1984 AS DOCUMENT NO. 8111759 AND ON SEPTEMBER 30, 1997 AS DOCUMENT NO. 13881198, AND PARCELS A AND B AS SHOWN ON THAT CERTAIN PARCEL MAP OF THE LANDS OF TIBBS RECORDED NOVEMBER 5 1976 IN BOOK 382 OF MAPS AT PAGE 56 SANTA CLARA COUNTY RECORDS LYING WITHIN THE

CITY OF MOUNTAIN VIEW
 COUNTY OF SANTA CLARA, STATE OF CALIFORNIA
 SCALE: 1" = 40' FEBRUARY, 2019



KIER & WRIGHT

CIVIL ENGINEERS & SURVEYORS, INC.
 3350 Scott Boulevard, Building 22 (408) 727 6665
 Santa Clara, California 95054 fax (408) 727 5641

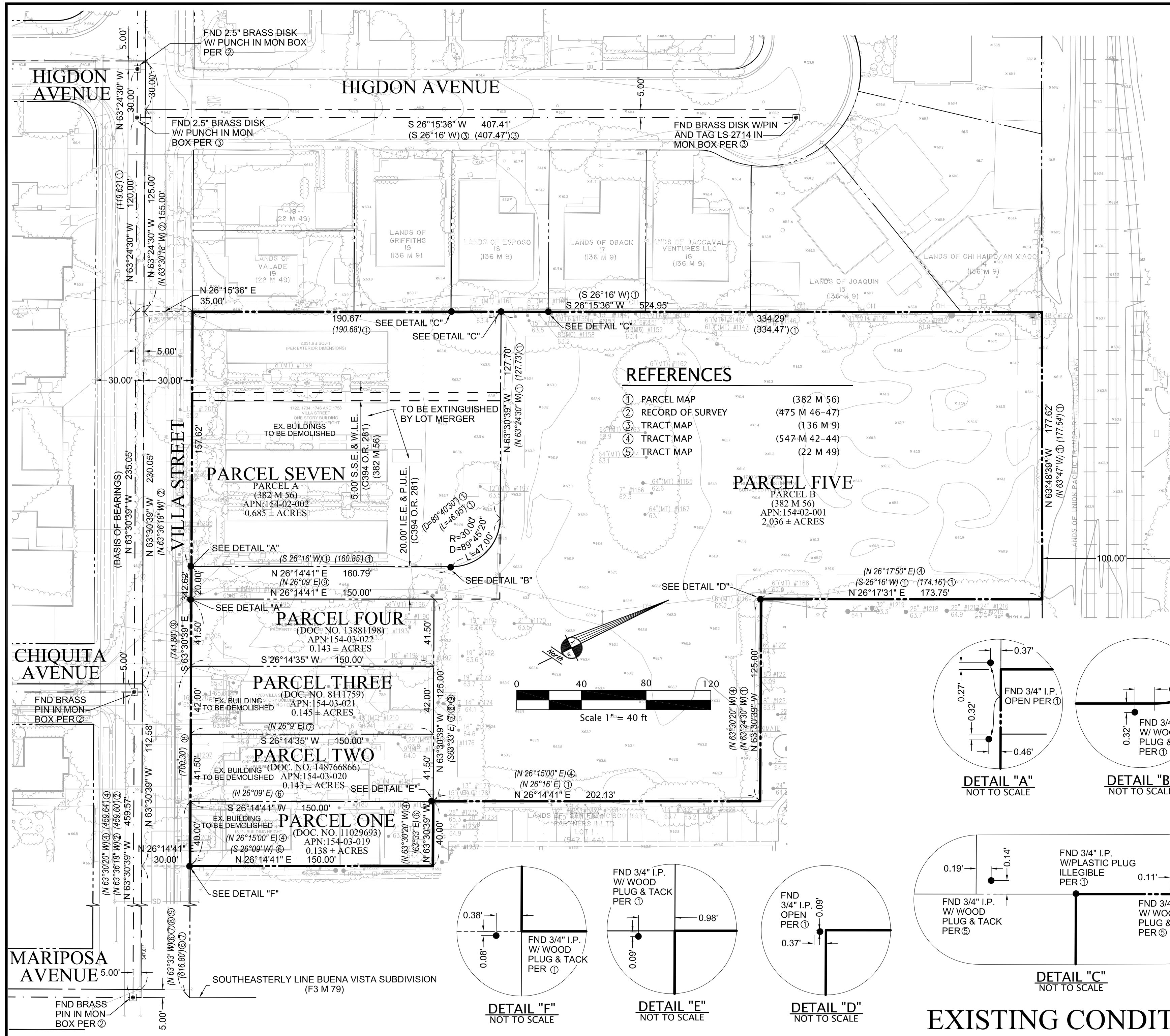
NOTES:

- OWNERS:

APN	ADDRESS	OWNER
154-02-001	1710 VILLA STREET	CAROL JEAN ANTHONY
154-02-002	1722 THRU 1758 VILLA STREET	VILLA STREET APARTMENTS
154-03-019	1696 VILLA STREET	CAROL JEAN ANTHONY
154-03-020	1698 VILLA STREET	CAROL JEAN ANTHONY
154-03-021	1700 VILLA STREET	CAROL JEAN ANTHONY
154-03-022	1702 VILLA STREET	CAROL JEAN ANTHONY
- SUBDIVIDER:
 PROMETHEUS REAL ESTATE GROUP, INC.
 1900 SOUTH NORFOLK STREET, SUITE 150
 SAN MATEO, CA 94403
 CONTACT: MICHAEL DUCOTE
 (650) 931-3457
- ENGINEER:
 KIER & WRIGHT CIVIL ENGINEERS & SURVEYORS, INC.
 3350 SCOTT BOULEVARD, BUILDING # 22
 SANTA CLARA, CA 95054
 CONTACT: RYAN M. AMAYA
 (408) 727-6665
- A.P.N.: 154-02-001, -002, 154-03-19, -20, -21, -22
- EXISTING USE: RESIDENTIAL
- PROPOSED USE: RESIDENTIAL/PUBLIC PARK
- ZONING:
 EXISTING - P(17) VILLA-MARIPOSA PRECISE PLAN FOR APN: 154-02-001
 EXISTING - R3-2 - MULTIPLE FAMILY FOR APN: 154-02-002
 EXISTING - R1 - SINGLE FAMILY FOR APNS: 154-03-19, -20, -21 AND -22
 PROPOSED - P(17)
- GENERAL PLAN: LOW-DENSITY AND MEDIUM DENSITY RESIDENTIAL
- WATER SUPPLY: CITY OF MOUNTAIN VIEW
- SANITARY SEWER: CITY OF MOUNTAIN VIEW
- EXISTING NUMBER OF LOTS: 6
- PROPOSED NUMBER OF LOTS: 2
- EXISTING ACREAGE: 3.290 ± ACRES
- PROPOSED ACREAGE: 3.282 ± ACRES
- NO NEW STREET NAMES ARE INVOLVED

LEGEND

- DISTINCTIVE BORDER LINE
- PROPERTY LINE TO BE REMOVED
- ADJACENT PROPERTY LINE
- CENTERLINE
- MONUMENT LINE
- EXISTING EASEMENT
- FOUND MONUMENT AS NOTED
- FOUND IRON PIPE AS NOTED



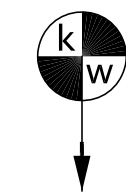
EXISTING CONDITIONS

TENTATIVE PARCEL MAP

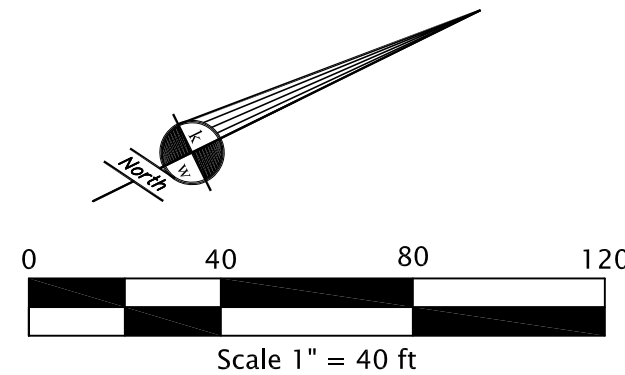
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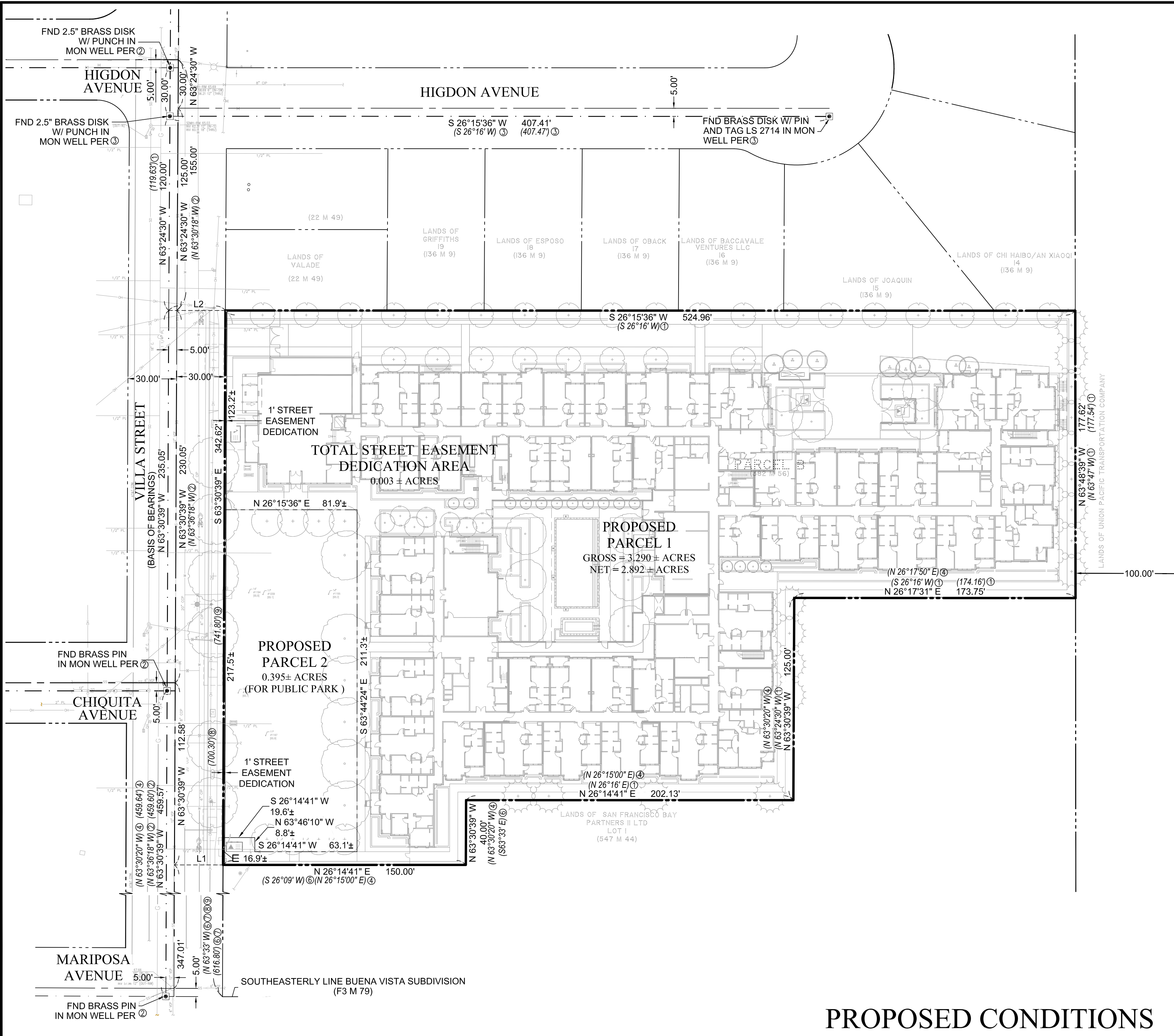


REFERENCES

- | | | |
|---|------------------|---------------|
| ① | PARCEL MAP | (382 M 56) |
| ② | RECORD OF SURVEY | (475 M 46-47) |
| ③ | TRACT MAP | (136 M 9) |
| ④ | TRACT MAP | (547 M 42-44) |
| ⑤ | TRACT MAP | (22 M 49) |

LEGEND

- | | |
|-----------------------------|--|
| DISTINCTIVE BORDER LINE | |
| PROPERTY LINE TO BE REMOVED | |
| ADJACENT PROPERTY LINE | |
| STREET EASEMENT | |
| CENTERLINE | |
| MONUMENT LINE | |
| EXISTING EASEMENT | |
| FOUND MONUMENT AS NOTED | |



PROPOSED CONDITIONS

SUBDIVISION CONDITIONS
APPLICATION NO.: PL-2019-068
1495 WEST EL CAMINO REAL

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 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:** 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. **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 Section 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.
6. **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.
7. **PARK LAND DEDICATION AND FEE:** Dedicate in fee 0.395 acres 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 parcel map.

Prior to the approval of the parcel 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 Regional Water Quality Control Board (RWQCB) 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 RWQCB. 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 parcel 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 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.

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. **TRANSPORTATION IMPACT FEE:** The fee is applicable to all projects who submitted a formal planning application after July 1, 2018 or who are issued a building permit after January 1, 2021 per City Code (Chapter 43). The applicant shall pay the transportation impact fee prior to issuance of any building permits and prior to the approval of the parcel map as applicable. Residential category fees are based on the number of units. Retail/Service/Office/R&D/Industrial category fees are based on the square footage of the development. Credit is given for the existing site use(s) as applicable.

10. **STREET DEDICATION:** Dedicate a public street in fee/easement as required by the Public Works Director, to widen Villa Street an additional 1’.
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. **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 new curb, gutter, sidewalk, and ½ street overlay along the entire project frontage, new domestic water, fire water, irrigation water and sewer services for the building, new domestic water, irrigation water and sewer services for the future park site, storm drainage connection, undergrounding of overhead electric and new street light .
 - 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 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.
 - 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 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.
13. **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”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.
14. **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.

15. **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.) All transformers serving only the project site shall be placed onsite and not in the public right of way.
16. **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. The applicant shall show to the Public Works Director that the number of poles at each end of the project cannot be reduced to one each. Joint trench boxes will need to be relocated out of the driveways after the reconfiguration of the garage ramp and trash staging room.
17. **OVERHEAD LINES:** Underground existing overhead telephone, electric, and cable television facilities within the property and/or fronting the property along Villa Street in accordance with City Code Section 28.52. 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 within and fronting the property are to be removed. Prior to approval of the parcel 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.
18. **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.
19. **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.
20. **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.
21. **CONSISTENCY WITH OTHER APPROVALS:** This map shall be consistent with all requirements of the General Plan Amendment, Application No. PL-2017-354. 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.
22. **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.