

CITY OF MOUNTAIN VIEW  
RESOLUTION NO. 17977  
SERIES 2015

A RESOLUTION CONDITIONALLY APPROVING A VESTING TENTATIVE MAP TO CREATE 35 RESIDENTIAL LOTS, 2 COMMON LOTS FOR INTERNAL STREETS AND OPEN AREAS, AND 1 LOT DEDICATED AS A 0.27-ACRE PUBLIC PARK ON A 1.8-ACRE LOT AT 133-149 FAIRCHILD DRIVE

WHEREAS, an application was received from Fairchild-Evandale Investors, LLC, for a Tentative Subdivision Map to create 35 residential lots, 2 common lots, and 1 lot dedicated as a 0.27-acre park at 133-149 Fairchild Drive (Application No. 134-14-TM); and

WHEREAS, on May 13, 2015, at a duly noticed public hearing, the Subdivision Committee considered this request and recommended the vesting tentative map be approved subject to the attached conditions of approval; and

WHEREAS, on July 7, 2015, 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; and

WHEREAS, an Initial Study and Mitigated Negative Declaration, attached to the City Council report, was prepared and circulated for 30 days, consistent with the California Environmental Quality Act (CEQA) Guidelines, and included findings incorporated herein by reference;

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

1. An Initial Study and Mitigated Negative Declaration was prepared for the project in conforming with CEQA and 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.
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 Medium-High Density Residential of the City, including all required elements therein applicable to said property.
3. That the vesting tentative map for 133-149 Fairchild Drive 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.

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The foregoing Resolution was regularly introduced and adopted at a Special Meeting of the City Council of the City of Mountain View, duly held on the 7th day of July 2015, by the following vote:

AYES: Councilmember Clark, Vice Mayor Showalter, and Mayor McAlister


NOES: Councilmembers Inks and Rosenberg

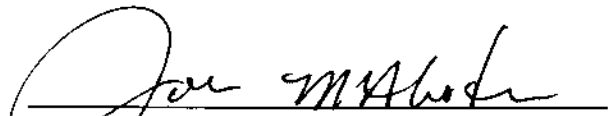
ABSENT: Councilmember Kasperzak

NOT VOTING: Councilmember Siegel

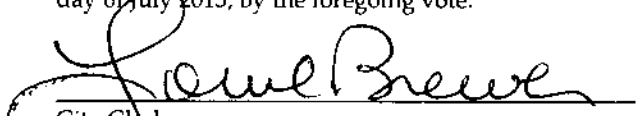
ATTEST:

APPROVED:

  
LORRIE BREWER, MMC  
CITY CLERK

  
JOHN McALISTER  
MAYOR

I do hereby certify that the foregoing resolution was passed and adopted by the City Council of the City of Mountain View at a Special Meeting held on the 7th day of July 2015, by the foregoing vote.

  
City Clerk  
City of Mountain View

SP/3/RESO  
804-07-07-15r-E-1

SUBDIVISION CONDITIONS  
APPLICATION NO.: 134-14-TM  
133-149 FAIRCHILD DRIVE

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. Map submittals shall be concurrent with improvement plan submittals.
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. **PARK LAND DEDICATION:** Dedicate in fee 11,782 square feet of public park land in accordance with Chapter 41 of the City Code for the development (53 residential units total for both phases) prior to the issuance of the final map. The City shall reimburse the applicant for the Park Land Dedication fees paid for the first phase of the development (18 units) once the final map has recorded with the park land dedication.

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) 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 be responsible for the implementation of the SMP for the public park; (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 cause 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 of 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. In no event shall applicant be responsible to City or any third party for any preexisting hazardous substances at, under, or on the site, or hazardous substances not caused by applicant, including hazardous substances related in any way to the Middlefield-Ellis-Whisman ("MEW") Superfund site. In the event City pursues any action against the parties responsible for the MEW Superfund site, applicant shall reasonably cooperate in identifying responsible parties and/or seeking indemnification and contribution related to any third-party claims.

7. **WATER AND SEWER CAPACITY FEES:** This project may be subject to water and sewer capacity fees. These are new fees being implemented by the City. On April 8, 2014, the City Council authorized the amendment of Chapters 28 and 35 of the City Code requiring development projects pay capacity fees, if applicable, prior to approval of any parcel/tract map approved on or after July 1, 2015 or prior to issuance of any building permits issued on or after July 1, 2015. The applicant shall pay applicable water and sewer capacity fees as required. An informational handout on these fees can be found on the City's website at:  
<http://www.ci.mtnview.ca.us/civicax/filebank/blobdload.aspx?BlobID=14212>

The April 8, 2014 Council report can be viewed at the following location:  
<https://mountainview.legistar.com/LegislationDetail.aspx?ID=1694006&GUID=3B26F71F-FD13-4830-9705-6C9EDC48D254>

Contact the Public Works Department at (650) 903-6311 for any questions related to these fees.

8. **STREET DEDICATION:** Dedicate street easements to widen Fairchild Drive and Evandale Avenue an additional 5'.
9. **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.
10. **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.
11. **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."

12. **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.
13. **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. The public improvements on Fairchild Drive and Evandale Avenue include, but are not limited to: new curb, gutter, sidewalk, and driveways; new streetlight; planter strip landscaping and irrigation; utility services; and undergrounding of overhead utility lines and services. The on-site common improvements include, but are not limited to: private common driveway and underground utility services for water, sewer, and storm areas.
  - a. **IMPROVEMENT AGREEMENT:** The property owner must sign a Public Works Department improvement agreement for the installation of the public and private common 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 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 <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 security deposits 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.
14. **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.
15. **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.

16. **INFRASTRUCTURE QUANTITIES:** Submit a completed construction cost estimate form indicating the quantities of the public and common 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.
17. **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 is to be completed prior to issuance of a Certificate of Occupancy for any new buildings within the subdivision.
18. **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.
19. **UNDERGROUNDING OF OVERHEAD LINES:** Underground existing overhead telephone, electric, and cable television facilities fronting the property along Evandale 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.
20. **UTILITY MAINTENANCE:** On-site water, sanitary sewer, and storm drainage facilities shall be privately maintained.
21. **RETAINING WALL:** Retaining walls shall have a maximum height of 18", unless an exception is granted by the Community Development and Public Works Departments. Retaining walls along the perimeter of the subdivision shall be maintained by the homeowners association. The maintenance of the retaining walls shall be included in the Covenants, Conditions, and Restrictions (CC&Rs). A private easement for the retaining walls shall be shown on the final map.
22. **SURFACE DRAINAGE RELEASE:** Provide a surface stormwater release for the lots, driveways, and private streets that prevents the residential buildings from being flooded in the event the storm drainage system becomes blocked or obstructed.
23. **SURFACE DRAINAGE:** Each residential lot shall be designed to drain toward the streets, common driveways, or common areas. The drainage system for the privately owned lots shall be designed such that the drainage system does 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).
24. **LOT LINE ADJUSTMENT:** The site plan requires lot line adjustments with Phase I of the development to obtain land from Lot 6 and Common Lot A of Tract 10247. If the lot line adjustments cannot be accomplished, the project cannot be developed as proposed as it will not be in substantial conformance with the approved tentative map. The Lot Line Adjustment with Lot 1 shall be processed as soon as possible prior to the closing on the sale of any homes in Phase I.

For the lot line adjustments, submit an application and plat (8.5"x11" map showing the lot lines to be removed prepared by a land surveyor or civil engineer) of the proposed lot line adjustment to the Community Development Department for review by the Subdivision Committee. After receiving conditions of approval from the Subdivision Committee, submit the plat, legal description of the Lot Line Adjustment, and preliminary title report to the Public Works Department. The Public Works Department will prepare the grant deeds and Notice of Lot Line Adjustment Approval document that must be signed and notarized by the property owner and trustees. After the documents have been approved and signed by the Public Works Department,

the applicant's title company must record the Notice of Lot Line Adjustment Approval concurrent with the deed to merge the properties.

25. **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.
26. **CONSISTENCY WITH OTHER APPROVALS:** This map shall be consistent with all requirements of the Planned Community Permit, Application No. 133-14-PCZA. 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.
27. **APPROVAL EXPIRATION:** If the map is not completed within twenty-four (24) months from the date of this approval, this map shall expire.

