

CITY OF MOUNTAIN VIEW
RESOLUTION NO.
SERIES 2024

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF MOUNTAIN VIEW
CONDITIONALLY APPROVING A VESTING TENTATIVE TRACT MAP TO CREATE A SINGLE LOT FOR
70 RESIDENTIAL CONDOMINIUM UNITS AT 2645-2655 FAYETTE DRIVE

WHEREAS, the California legislature adopted the Housing Accountability Act (HAA) to “significantly increase the approval and construction of new housing for all economic segments of California’s communities by meaningfully and effectively curbing the capability of local governments to deny, reduce the density for, or render infeasible housing development project. . .”; and

WHEREAS, “[i]t is the policy of the state that the [HAA] be interpreted and implemented in a manner to afford the fullest possible weight to the interest of, and the approval and provision of, housing”; and

WHEREAS, the “Builder’s Remedy” is a provision of the HAA that is applicable to qualifying housing development projects when a preliminary application is submitted before the City adopted a substantially compliant Housing Element; and

WHEREAS, on April 10, 2023, Emeric McDonald of Octane Fayette, LLC (Applicant) submitted a preliminary application (Application No. PL-2023-169) for a Planned Community Permit and Development Review Permit to construct a seven-story, 70-unit condominium development, replacing six dwelling units and a 6,900 square foot commercial building above a subterranean parking garage, a Provisional Use Permit for a roof deck, and a Heritage Tree Removal Permit to remove nine Heritage trees on a 0.67-acre project site located at 2645-2655 Fayette Drive (project site); and

WHEREAS, on the same date, the Applicant submitted an application (Application No. PL-2023-170) for a Vesting Tentative Tract Map for condominium purposes at the project site; and

WHEREAS, the preliminary application was submitted before the City adopted a substantially compliant Housing Element, and 20 percent of the total units will be affordable to lower income households. Therefore, the project qualifies as a Builder’s Remedy project; and

WHEREAS, consistent with its intent to facilitate the approval of housing, the HAA limits the City’s ability to deny or condition approval of a housing development project for very low, low-, or moderate-income households in a manner that renders the project infeasible for affordable housing development; and

WHEREAS, the Builder’s Remedy provision of the HAA also prohibits the City from relying on inconsistency with zoning and general plan standards as a basis for denial of a housing development project for very low, low-, or moderate-income households; and

WHEREAS, the subject property has a General Plan land use designation of High-Density Residential; and

WHEREAS, the subject property is located in the “Residential Only” Use Restricted Area within the P(40) San Antonio Precise Plan zoning district; and

WHEREAS, the General Plan sets a goal for an expanded and enhanced park and open space system to meet current City needs for parks and open space based on population growth arising from new residential development. New residential subdivisions have a significant impact on the use and availability of park and recreation space and facilities; and

WHEREAS, the HAA states, “nothing in [the HAA] shall be construed to prohibit a local agency from imposing fees and other exactions otherwise authorized by law that are essential to provide necessary public services and facilities to the development project. . .”; and

WHEREAS, this project is a new residential subdivision and therefore subject to the City’s Park Land Dedication Ordinance (Chapter 41 of the Mountain View City Code (City Code)), which requires dedication of park land in the amount of 3 acres per 1,000 residents or payment of an in-lieu fee; and

WHEREAS, in lieu fees are based on park land dedication acreage required per dwelling unit, the number of new dwelling units (excluding affordable housing), and the fair market value per acre of land per Section 41.9 of the City Code. The fair market value per acre of land is adopted by resolution and set by the Master Fee Schedule (MFS) each fiscal year (FY). The fair market value per acre of land in effect at the time of preliminary application submittal (based on the FY 2022-2023 MFS) ranged between \$11.8 million to \$13.5 million. The fair market value per acre of land in effect as of the date of this hearing (based on FY 2024-2025 MFS) ranges between \$11.3 million to \$13.0 million; and

WHEREAS, a parkland dedication or payment of a park land dedication in-lieu fee is critical to provide needed park facilities for the occupants of this project because it is located in the San Antonio Planning Area identified in the 2014 *Parks and Open Space Plan*, which is an area having a deficiency of 14.94 acres of parkland for existing residents of the area based on the General Plan standard of 3.0 acres of parkland per 1,000 residents. The San Antonio Planning Area is currently developed with 26.91 acres of parkland where 41.85 acres of parkland is required to serve the current population. Therefore, there currently are not adequate parkland facilities available for occupants of this project, and additional park facilities are necessary; and

WHEREAS, the project as currently proposed is inconsistent with numerous arguably “objective, quantifiable, written development standards, conditions, and policies appropriate to, and consistent with, meeting the [City’s] share of the regional housing need”; and

WHEREAS, the City and the Applicant have different positions regarding the applicability of many of these arguably objective standards to the project, including portions of the City’s inclusionary housing ordinance, but the Applicant has asserted that complying with these standards make the project “infeasible”; and

WHEREAS, on October 16, 2024, the Environmental Planning Commission conducted a duly noticed public hearing and recommended the City Council conditionally approve a Vesting Tentative Map for the project site and a Planned Community Permit, Development Review Permit, Provisional Use Permit, and Heritage Tree Removal Permit; and

WHEREAS, following the Environmental Planning Commission hearing, the City and the Applicant continued to engage in discussions and meetings regarding their different positions on the applicability of State housing laws, including the Builder’s Remedy provisions of the HAA. To avoid the delay, expense, and uncertainty of litigation over Builder’s Remedy law, the City and the Applicant reached a settlement agreement; and

WHEREAS, the City is applying the lowest fair market value per acre of land identified in the FY 2024-2025 MFS and reducing the fee by 60%, consistent with the terms of the settlement agreement; and

WHEREAS, the City Council held a duly noticed public hearing on November 19, 2024 on said application and received and considered all evidence presented at said hearing, including the recommendation from the Environmental Planning Commission, the City Council report, and project materials, and determined that the Vesting Tentative Tract Map is consistent with the applicable zoning and subdivision requirements in the General Plan, San Antonio Specific Plan, and the City Code; and

WHEREAS, on that same date, the City Council adopted a companion Resolution to adopt the Addendum to the previously adopted Initial Study/Mitigated Negative Declaration for the 2645-2655 Fayette Drive Residential Project and conditionally approve a Planned Community Permit, Development Review Permit, Provisional Use Permit, and Heritage Tree Removal Permit for the proposed project; and

WHEREAS, subdivision of the property will facilitate the development of the project site consistent with applicable provisions of the General Plan and San Antonio Specific Plan; now, therefore, be it

RESOLVED: that the City Council of the City of Mountain View has considered the Addendum to the previously adopted Initial Study/Mitigated Negative Declaration for the 2645-2655 Fayette Drive Residential Project (attached as Exhibit 5 to the City Council staff report and incorporated

herein by reference as though fully set forth herein) prior to making a decision on the proposed project; and be it

FURTHER RESOLVED: that the City Council hereby makes the following findings regarding the Vesting Tentative Tract Map (Application No. PL-2023-170):

1. **The proposed subdivision, together with the provisions for its design and improvement, is consistent with applicable general and specific plans. (Gov. Code, §§ 66473.5, 66474.)** The Builder’s Remedy provisions of the Housing Accountability Act prohibit local agencies from relying on inconsistency with zoning and general plan standards as a basis for denial of a housing development project for very low, low-, or moderate-income households. The proposed Builder’s Remedy project is consistent with some provisions of the San Antonio Precise Plan (SAPP) and General Plan, and where the project is inconsistent with the SAPP and General Plan, said inconsistencies are not a basis for disapproval of the project. The subdivision is consistent with the site’s High-Density Residential General Plan land use designation and applicable development standards in the San Antonio Precise Plan (SAPP). The subdivision allows a high density residential development on a single parcel for condominium purposes, and is compatible with a number of General Plan policies. Specifically, the project supports General Plan policies LUD 3.1 (Land use and transportation), LUD 3.9 (Parcel assembly), LUD 6.1 (Neighborhood character), and LUD 10.9 (Sustainable roofs). The subdivision provides for the improvement of the 0.67 acre site with frontage improvements including curb, gutter, sidewalk and utility connections.
2. **The site is physically suitable for the type and density of development. (Gov. Code, § 66474.)** The subdivision facilitates development of the project site consistent with the San Antonio Precise Plan, and is intended to provide 70 mixed income residential units (56 market rate units and 14 units affordable to lower-income households) to alleviate housing and affordability problems. The site is physically suitable for the type and density of development. The site is flat and surrounded by existing residential multi-family buildings, a San Francisco Public Utilities Commission (SFPUC) open space area (Fayette Greenway), and a City park (Fayette Park) and is located within one-half mile of a major transit stop. The proposed subdivision of the approximately 0.67 acre site will not exceed a maximum development of 70 units.
3. **The proposed design of the subdivision and the improvements, as conditioned, will not cause environmental damage or substantially and avoidably injure fish or wildlife or their habitat. (Gov. Code, § 66474.)** An addendum to the previously adopted Initial Study/Mitigated Negative Declaration (IS/MND) for the 2645-2655 Fayette Drive Residential Project was prepared in compliance with the California Environmental Quality Act (CEQA), which documents that with implementation of the applicable SAPP standards and guidelines, City Code requirements, standard conditions of approval, state and federal regulations, and mitigation measures, the proposed project would avoid or reduce to a less-than-significant level any environmental impacts through the incorporation of mitigation measures.

4. **The design of the subdivision and its improvements will not cause serious public health problems. (Gov. Code, § 66474.)** The design of the subdivision and the type of improvements are not likely to cause serious public health problems because the project will be consistent with applicable policies in the General Plan, San Antonio Precise Plan, and the City Code, and will be subject to standard conditions of approval to protect public health, safety, convenience, and welfare. Proposed public (off-site) improvements are designed to meet applicable City design standards and the City Code. Additionally, the project will be further reviewed for compliance with Building and Fire Codes to ensure on-site improvements comply with applicable codes for safe habitation.
5. **The design of the subdivision and its improvements will not conflict with easements, acquired by the public at large, for access through or use of property within the subdivision. (Gov. Code, § 66474.)** There are no easements for the access through or use of property within the proposed subdivision.
6. **For a proposed subdivision with more than five hundred (500) dwelling units, water will be available and sufficient to serve the proposed subdivision in accordance with Section 66473.7 of the Subdivision Map Act. (Gov. Code, § 66473.7.)** This finding does not apply because the project proposes 70 dwelling units.
7. **The discharge of waste from the proposed subdivision into the sewer system will not violate regional water quality control regulations. (Gov. Code, § 66474.6.)** The subdivision will not result in the discharge of waste into the sewer system that would violate regional water quality control regulations.
8. **The design of the subdivision provides, to the extent feasible, for future passive or natural heating or cooling opportunities. (Gov. Code, § 66473.1.)** The subdivision provides, to the extent feasible, for future passive or natural heating or cooling opportunities. The project includes a cool roof to reflect sunlight and absorb less energy to reduce energy consumption.
9. **The City has considered the effects on housing needs of the region in which the local jurisdiction is situated and balanced these needs against the public service needs of its residents and available fiscal and environmental resources. (Gov. Code, § 66412.3.)** In approving the vesting tentative tract map, the City Council has considered its effect upon the housing needs of the region, balanced with the public service needs of Mountain View residents and available fiscal and environmental resources; and be it

FURTHER RESOLVED: that the City Council hereby finds the Vesting Tentative Tract Map to be consistent with the applicable zoning and subdivision requirements in the General Plan, San Antonio Specific Plan, and the City Code; and be it

FURTHER RESOLVED: that the City Council hereby approves the Vesting Tentative Tract Map (Application No. PL-2023-170), subject to the subdivider's compliance with and fulfillment of all

of the conditions of approval, which are attached hereto as Exhibit A and incorporated by reference as though set forth fully herein; and be it

FURTHER RESOLVED: that the City Council hereby approves a 60 percent reduction in park land dedication in lieu fees based on the lowest fair market value per acre of land identified in the FY 2024-2025 MFS as noted in Condition of Approval No. 12, consistent with the terms of the settlement agreement.

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.

NOTICE. The conditions of project approval set forth herein include certain fees and other exactions. Pursuant to Government Code Section 66020(d)(1), these conditions constitute written notice of a statement of the amount of such fees, and a description of the dedications, reservations and exactions. The applicant is hereby further notified that the 90-day appeal period, in which the applicant may protest these fees and other exactions, pursuant to Government Code section 66020(a) has begun. If the applicant fails to file a protest within this 90-day period complying with all requirements of section 66020, the applicant will be legally barred from later challenging such fees or exactions.

- Exhibits: A. Subdivision Conditions of Approval
B. Vesting Tentative Tract Map

SUBDIVISION CONDITIONS
APPLICATION NO.: PL-2023-170
2645 FAYETTE DRIVE

FINAL MAP

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(ies) within the subdivision. All existing and proposed easements are to be shown on the map. Submit the map for review concurrent with all items on the Map Checklist and the Off-Site Improvement Plans to the Public Works Department. All required materials shall be submitted electronically (i.e., flattened, reduced-size PDFs).
2. **PRELIMINARY TITLE REPORT:** At first submittal of a final map to the Public Works Department, the applicant shall provide a current preliminary title report indicating the exact name of the current legal owners of the property(ies), their type of ownership (individual, partnership, corporation, etc.), and legal description of the property(ies) involved (dated within six months of the submission). The title report shall include all easements and agreements referenced in the title report. Depending upon the type of ownership, additional information may be required. The applicant shall provide an updated title report to the Public Works Department upon request. All required materials shall be submitted electronically (i.e., flattened, reduced-size PDFs).
3. **SOILS REPORT:** Soils and geotechnical reports prepared for the subdivision shall be indicated on a final map. Submit a copy of the report with the first submittal of a final map. All required materials shall be submitted electronically (i.e., flattened, reduced-size PDFs).

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 the applicant's 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. **MAP DOCUMENTS:** Prior to the approval and recordation of the map, submit a subdivision guarantee, Santa Clara County Tax Collector's letter regarding unpaid taxes or assessments, and subdivision security if there are unpaid taxes or special assessments. All required materials shall be submitted electronically (i.e., flattened, reduced-size PDFs).
5. **FINAL MAP APPROVAL:** A final map shall be signed and notarized by the owner and engineer/surveyor and submitted with an 8.5" x 11" reduction of the map and a PDF to the Public Works Department. In order to place the approval of a final map on the public hearing 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 date. After City Council approval, the City Engineer will sign the map. The applicant's title company shall have the Santa Clara County Recorder's Office record the original and shall provide a Xerox Mylar copy of the map to be endorsed by the Santa Clara County Recorder's Office. The endorsed Xerox Mylar copy and a PDF shall be returned within one week after recording the map to the Public Works Department.

RIGHTS-OF-WAY

6. **PEDESTRIAN ACCESS EASEMENT (SIDEWALK):** Dedicate a pedestrian access easement on the face of the map along Fayette Drive to maintain a continuous 6' wide public sidewalk along the project frontage, as required by the Public Works Director.
7. **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 when the water meters are placed on private property, as required by the Public Works Director.

ASSESSMENTS, FEES, AND PARK LAND

8. **SUBDIVISION FEES:** Pay all subdivision fees due in accordance with the rates in effect at the time of payment prior to the approval of a final map.
9. **MAP PLAN CHECK FEE:** Prior to issuance of any building permits OR prior to approval of a 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. The map plan check fee shall be paid at the time of initial map plan check submittal per the adopted fee in effect at time of payment.
10. **PLAN CHECK AND INSPECTION FEE:** Prior to issuance of any building permits OR prior to approval of a 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.

11. **TRANSPORTATION IMPACT FEE:** Prior to issuance of a final certificate of occupancy, the applicant shall pay the transportation impact fee for the development per the Fiscal Year 2024-25 Master Fee Schedule. 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.
12. **PARK LAND DEDICATION FEE:** Prior to issuance of a final certificate of occupancy, the applicant shall pay the Park Land Dedication In-Lieu Fee as described below.

The total amount of Park Land Dedication In-Lieu Fees for this project is \$3,796,800, or \$67,800 for each net new market-rate residential unit (\$11.3 million/acre land valuation, 56 units x \$67,800/unit = \$3,796,800). No credit against the Park Land Dedication In-Lieu Fee is allowed for private open space and recreational facilities.

In a good-faith effort to reduce constraints on housing development projects for lower-income households, and to avoid protracted and expensive litigation over Builder's Remedy law, the City is applying the lowest fair-market value per acre identified in the Fiscal Year 2024-25 Master Fee Schedule (\$11.3 million per acre) and reducing the fee by 60%. The total discounted Park Land Dedication In-Lieu Fee to be paid as a condition of approval for this project is \$1,518,720, or \$27,120 for each net new market-rate residential unit.

13. **STORM DRAINAGE FEE:** Prior to issuance of any building permits and prior to approval of a final map, the applicant shall pay the off-site storm drainage fee per Section 28.51(b) and with the rates in effect at time of payment.

STREET IMPROVEMENTS

14. **UTILITY PAYMENT AGREEMENT:** Prior to the approval of the final map, the applicant shall 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 (HOA), but still made payable to the City, when the HOA is formed for the subdivision.

15. **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 public improvements include, as shown on Sheet C2.0, new curb, gutter, and 6' sidewalk for the entire frontage, new Americans with Disabilities Act (ADA)-compliant driveway; new domestic, fire, and irrigation water services, meters, and apparatus; new sanitary sewer connection; and new storm drain connection.
- a. **Improvement Agreement:** Prior to the approval of a final map, the property owner must sign a Public Works Department improvement agreement for the installation of the public improvements.
 - b. **Bonds/Securities:** Prior to the approval of a final map, the property owner must sign a Public Works Department faithful performance bond (100%) and materials/labor bond (100%) or provide a letter of credit (150%) or cash security (100%) 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:** Prior to the approval of a final map, the property owner must provide a Certificate of Insurance and endorsements for the Commercial General Liability and Automobile Liability naming the City as an additional insured from the entity that will sign the improvement agreement. 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) Contractor's Pollution Liability, and One Million Dollars (\$1,000,000) Workers' Compensation. The insurance requirements are available from the Public Works Department.
16. **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.
17. **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. Construction management plans: Locations of on-site parking for construction equipment and construction workers and on-site material storage areas must be submitted for review and approval and shall be incorporated into the off-site improvement plans and identified as "For Reference Only."

Off-site improvement plans, 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 and a final map. All required materials shall be submitted electronically (i.e., flattened, reduced-size PDFs).

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, two full-size and two half-size black-line sets, one PDF of the signed/stamped plan set, and a USB flash drive with CAD file and PDF must be submitted to the Public Works Department prior to the approval of a final map. CAD files shall meet the City's Digital Data Submission Standards.

18. **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.

UTILITIES

19. **ON-SITE UTILITY MAINTENANCE:** On-site water, sanitary sewer, and storm drainage facilities shall be privately maintained by the property owner(s).
20. **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 in the least visible location from the street or to the general public, as approved by the Community Development and Public Works Departments.
21. **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. Appropriate horizontal and vertical clearances in accordance with PG&E requirements shall be provided between gas transmission lines, gas service lines, overhead utility lines, street trees, streetlights, and building structures. 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 a final map.

GRADING AND DRAINAGE IMPROVEMENTS (ON-SITE)

22. **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.
23. **STORM DRAIN HOLD HARMLESS AGREEMENT:** As portions of the site are or will be lower than the adjacent public street or the surface grade over the City's storm mains, the owner shall sign an agreement to hold the City harmless against storm surcharges or blockages that may result in on-site flooding or damage prior to approval of a final map.
24. **SANITARY SEWER HOLD HARMLESS AGREEMENT:** 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, before approval of the building permit, the owner shall sign an agreement to hold the City harmless against sewer surcharges or blockages that may result in on-site damage prior to approval of a final map.

COVENANTS, CONDITIONS, AND RESTRICTIONS (CC&Rs)

25. **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. 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.

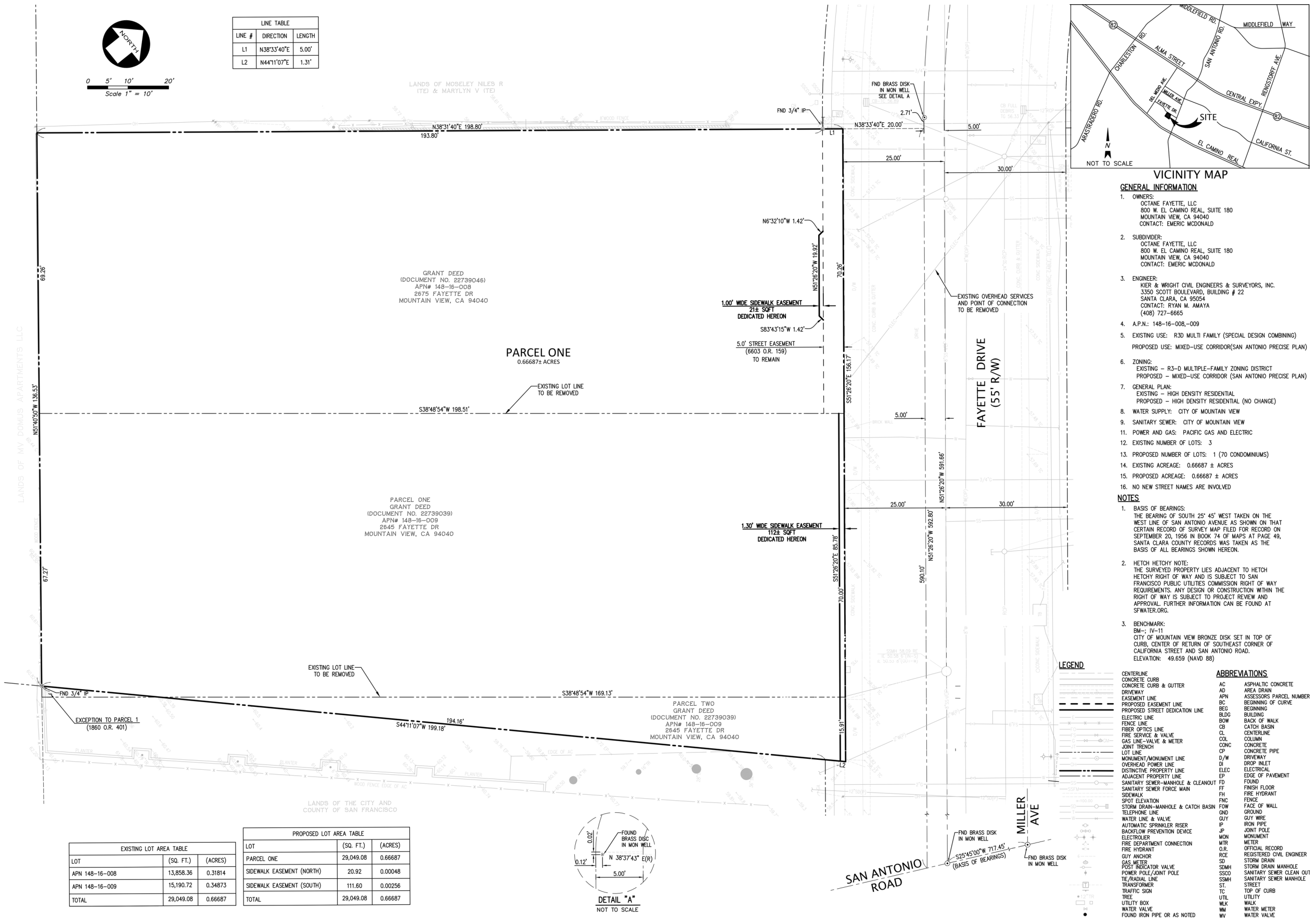
OTHER APPROVALS AND EXPIRATION

26. **CONSISTENCY WITH OTHER APPROVALS:** This map shall be consistent with all requirements of the development review permit, Application No. PL-2023-169. All conditions of approval imposed under that application shall remain in full force and effect and shall be met prior to approval of a final map.

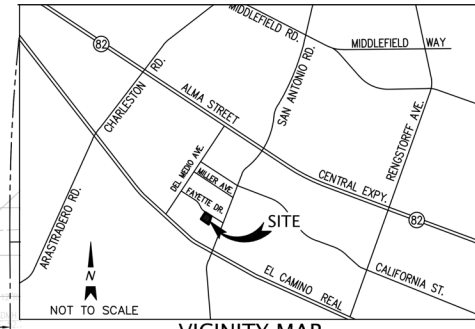
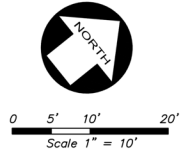
27. **APPROVAL EXPIRATION:** If the map is not completed within 24 months from the date of this approval, this map shall expire. The map is eligible for an extension of an additional 24 months, provided the application for extension is filed with the Planning Division by the applicant prior to the expiration of the original map. Upon filing a timely application for extension, the map shall automatically be extended for 60 days or until the application for the extension is approved, conditionally approved, or denied, whichever occurs first. Notwithstanding any automatic extension period authorized in the Subdivision Map Act, the City may, upon the subdivider's application filed before the Vesting Tentative Map expiration date, extend its life in accordance with state law and Section 28.19.75 of the Municipal Code.

NOTE: As required by California Government Code Section 66020, the applicant is hereby notified that the 90-day period has begun as of the date of approval of this application, in which the applicant may protest any fees, dedications, reservations, or other exactions imposed by the City as part of this approval or as a condition of approval. The fees, dedications, reservations, or other exactions are described in the approved plans, conditions of approval, and/or the adopted City fee schedule.

DRAFT



LINE TABLE		
LINE #	DIRECTION	LENGTH
L1	N38°33'40"E	5.00'
L2	N44°11'07"E	1.31'



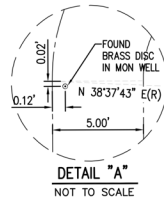
- GENERAL INFORMATION**
- OWNERS:
OCTANE FAYETTE, LLC
800 W. EL CAMINO REAL, SUITE 180
MOUNTAIN VIEW, CA 94040
CONTACT: EMERIC McDONALD
 - SUBDIVIDER:
OCTANE FAYETTE, LLC
800 W. EL CAMINO REAL, SUITE 180
MOUNTAIN VIEW, CA 94040
CONTACT: EMERIC McDONALD
 - ENGINEER:
KIER & WRIGHT CIVIL ENGINEERS & SURVEYORS, INC.
3350 SCOTT BOULEVARD, BUILDING # 22
SANTA CLARA, CA 95054
CONTACT: RYAN M. AMAYA
(408) 727-6665
 - A.P.N.: 148-16-008, -009
 - EXISTING USE: R3D MULTI FAMILY (SPECIAL DESIGN COMBINING)
PROPOSED USE: MIXED-USE CORRIDOR (SAN ANTONIO PRECISE PLAN)
 - ZONING:
EXISTING - R3-D MULTIPLE-FAMILY ZONING DISTRICT
PROPOSED - MIXED-USE CORRIDOR (SAN ANTONIO PRECISE PLAN)
 - GENERAL PLAN:
EXISTING - HIGH DENSITY RESIDENTIAL
PROPOSED - HIGH DENSITY RESIDENTIAL (NO CHANGE)
 - WATER SUPPLY: CITY OF MOUNTAIN VIEW
 - SANITARY SEWER: CITY OF MOUNTAIN VIEW
 - POWER AND GAS: PACIFIC GAS AND ELECTRIC
 - EXISTING NUMBER OF LOTS: 3
 - PROPOSED NUMBER OF LOTS: 1 (70 CONDOMINIUMS)
 - EXISTING ACREAGE: 0.66687 ± ACRES
PROPOSED ACREAGE: 0.66687 ± ACRES
 - NO NEW STREET NAMES ARE INVOLVED

- NOTES**
- BASIS OF BEARINGS:
THE BEARING OF SOUTH 25° 45' WEST TAKEN ON THE WEST LINE OF SAN ANTONIO AVENUE AS SHOWN ON THAT CERTAIN RECORD OF SURVEY MAP FILED FOR RECORD ON SEPTEMBER 20, 1956 IN BOOK 74 OF MAPS AT PAGE 49, SANTA CLARA COUNTY RECORDS WAS TAKEN AS THE BASIS OF ALL BEARINGS SHOWN HEREON.
 - HETCH HETCHY NOTE:
THE SURVEYED PROPERTY LIES ADJACENT TO HETCH HETCHY RIGHT OF WAY AND IS SUBJECT TO SAN FRANCISCO PUBLIC UTILITIES COMMISSION RIGHT OF WAY REQUIREMENTS. ANY DESIGN OR CONSTRUCTION WITHIN THE RIGHT OF WAY IS SUBJECT TO PROJECT REVIEW AND APPROVAL. FURTHER INFORMATION CAN BE FOUND AT SF.WATER.ORG.
 - BENCHMARK:
BM-; IV-11
CITY OF MOUNTAIN VIEW BRONZE DISK SET IN TOP OF CURB, CENTER OF RETURN OF SOUTHEAST CORNER OF CALIFORNIA STREET AND SAN ANTONIO ROAD.
ELEVATION: 49.659 (NAVD 88)

LEGEND		ABBREVIATIONS	
[Symbol]	CENTERLINE	AC	ASPHALTIC CONCRETE
[Symbol]	CONCRETE CURB	AD	AREA DRAIN
[Symbol]	CONCRETE CURB & GUTTER	APN	ASSESSORS' PARCEL NUMBER
[Symbol]	DRIVEWAY	BC	BACK OF CURVE
[Symbol]	EASEMENT LINE	BEG	BEGINNING
[Symbol]	PROPOSED EASEMENT LINE	BLDG	BUILDING
[Symbol]	PROPOSED STREET DEDICATION LINE	BOW	BACK OF WALK
[Symbol]	ELECTRIC LINE	CB	CATCH BASIN
[Symbol]	FENCE LINE	CL	CENTERLINE
[Symbol]	FIBER OPTICS LINE	COL	COLUMN
[Symbol]	FIRE SERVICE & VALVE	CONC	CONCRETE
[Symbol]	GAS LINE-VALVE & METER	CP	CONCRETE PIPE
[Symbol]	JOINT TRENCH	D/W	DRIVEWAY
[Symbol]	LOT LINE	DI	DROP INLET
[Symbol]	MONUMENT/MONUMENT LINE	ELEC	ELECTRICAL
[Symbol]	OVERHEAD POWER LINE	EP	EDGE OF PAVEMENT
[Symbol]	DISTINCTIVE PROPERTY LINE	FD	FOLDING
[Symbol]	ADJACENT PROPERTY LINE	FT	FINISH FLOOR
[Symbol]	SANITARY SEWER-MANHOLE & CLEANOUT	FW	FACE OF WALL
[Symbol]	SANITARY SEWER FORCE MAIN	FN	FIRE HYDRANT
[Symbol]	SIDEWALK	FNC	FENCE
[Symbol]	SPOT ELEVATION	FW	FACE OF WALL
[Symbol]	STORM DRAIN-MANHOLE & CATCH BASIN	GND	GROUND
[Symbol]	TELEPHONE LINE	GUY	GUY WIRE
[Symbol]	WATER LINE & VALVE	IP	IRON PIPE
[Symbol]	AUTOMATIC SPRINKLER RISER	JP	JOINT POLE
[Symbol]	BACKFLOW PREVENTION DEVICE	MON	MONUMENT
[Symbol]	GUY ANCHOR	MTR	METER
[Symbol]	POST INDICATOR VALVE	O.R.	OFFICIAL RECORD
[Symbol]	POWER POLE/JUNCTION POLE	RCE	REGISTERED CIVIL ENGINEER
[Symbol]	THE RADIAL LINE	SD	STORM DRAIN
[Symbol]	TRANSFORMER	SMH	STORM DRAIN MANHOLE
[Symbol]	TRAFFIC SIGN	SSOD	SANITARY SEWER CLEAN OUT
[Symbol]	TREE	SMH	SANITARY SEWER MANHOLE
[Symbol]	UTILITY BOX	ST	STREET
[Symbol]	WALK	TC	TOP OF CURB
[Symbol]	WATER VALVE	UTL	UTILITY
[Symbol]	FOUND IRON PIPE OR AS NOTED	WM	WATER METER
		WV	WATER VALVE

EXISTING LOT AREA TABLE		
LOT	(SQ. FT.)	(ACRES)
APN 148-16-008	13,858.36	0.31814
APN 148-16-009	15,190.72	0.34873
TOTAL	29,049.08	0.66687

PROPOSED LOT AREA TABLE		
LOT	(SQ. FT.)	(ACRES)
PARCEL ONE	29,049.08	0.66687
SIDEWALK EASEMENT (NORTH)	20.92	0.00048
SIDEWALK EASEMENT (SOUTH)	111.60	0.00256
TOTAL	29,049.08	0.66687

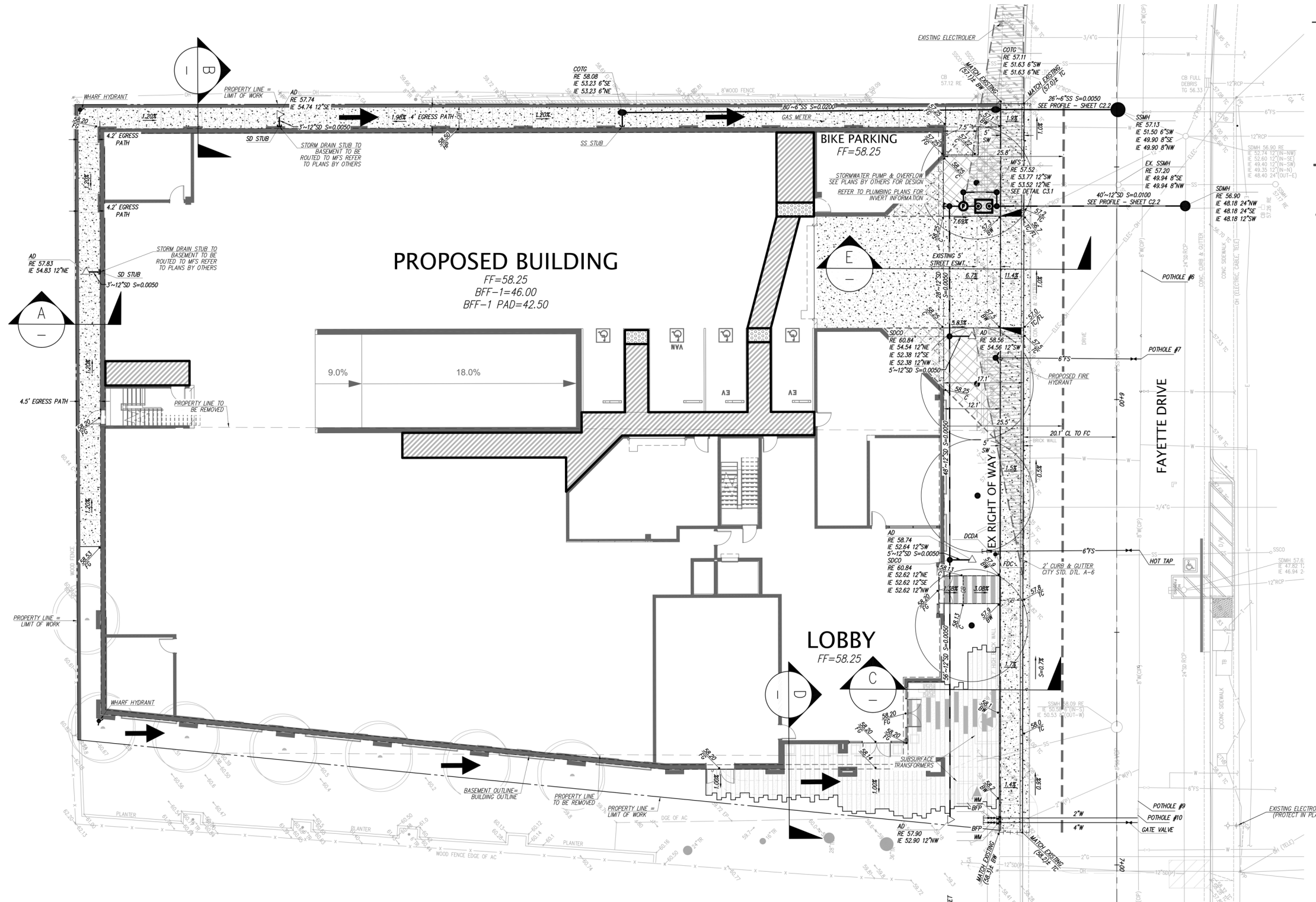


OCTANE FAYETTE

VESTING TENTATIVE MAP

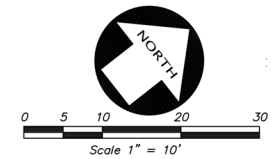
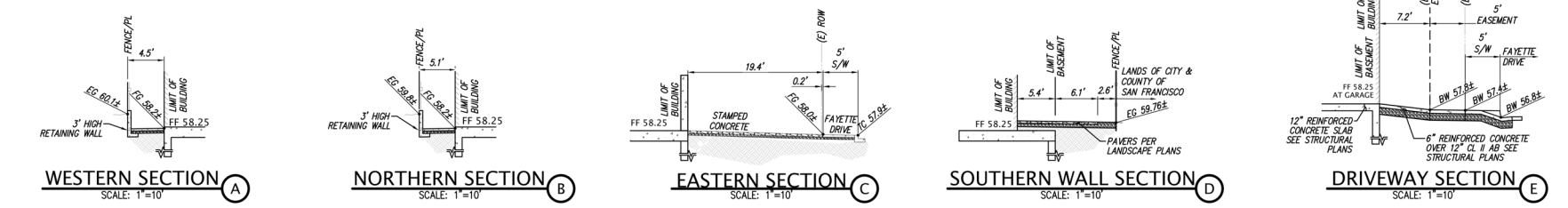
OCTOBER 03, 2024

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LEGEND

- ASR AUTOMATIC SPRINKLER RISER
- BW BACK OF WALK
- BFF BASEMENT FINISH FLOOR
- C CONCRETE
- CB CATCH BASIN
- EX EXISTING
- G GAS
- RE RIM ELEVATION
- TC TOP OF CURB
- WS WATER SERVICE
- WL WATER LEVEL
- FL FLOW LINE
- FF FINISH FLOOR
- PR PROPOSED
- PV PAVEMENT
- RE RIM ELEVATION
- 23.8 SPOT ELEVATION
- SD STORM DRAIN LINE
- TS TOP OF STAIRS
- EXISTING UTILITY TO BE ABANDONED BY REMOVAL
- FS FIRE SERVICE
- SS SANITARY SEWER
- COTG CLEANOUT TO GRADE
- SDM STORM DRAIN LINE
- AD AREA DRAIN
- SDM STORM DRAIN CATCH BASIN
- SDM STORM DRAIN JUNCTION BOX
- SDM STORM DRAIN MANHOLE
- BFP BACK FLOW PREVENTION DEVICE
- SDM STORM DRAIN MANHOLE
- SDM FIRE DEPARTMENT CONNECTION
- SDM FIRE HYDRANT & VALVE
- SDM POST INDICATOR VALVE
- SDM SANITARY SEWER MANHOLE
- SDM SINGLE CHECK VALVE
- SDM STORM DRAIN MANHOLE
- SDM WATER METER
- SDM VEHICULAR TRIANGLE OF SAFETY PER CITY STD. DTL. A-22, SHEET C2.2 (25 MPH)
- SDM PEDESTRIAN TRIANGLE OF SAFETY PER CITY STD. DTL. A-22, SHEET C2.2 (25 MPH)



Z.2

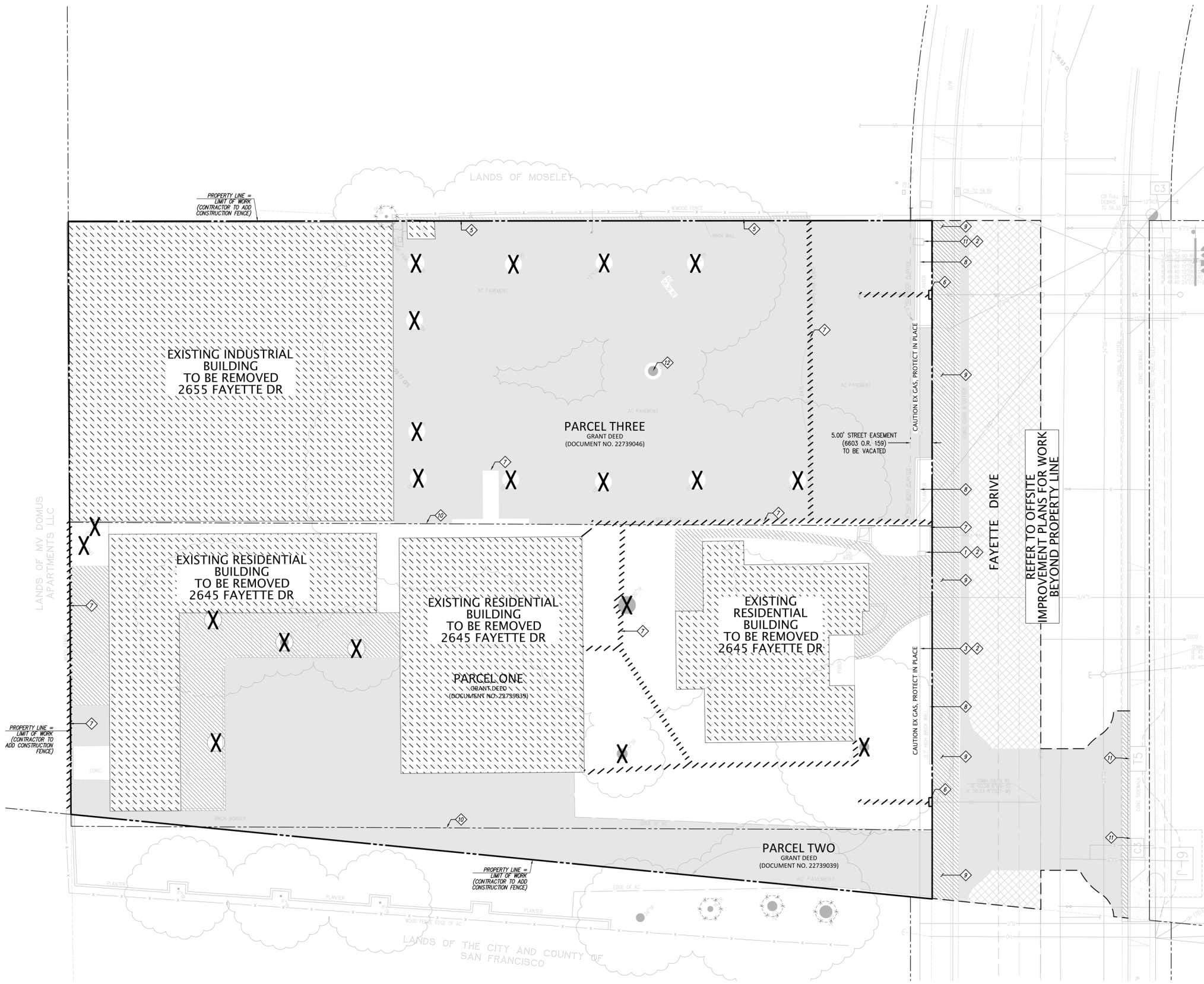


OCTANE FAYETTE

VESTING TENTATIVE MAP

OCTOBER 03, 2024

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DEMOLITION NOTES

1. ALL BACKFILLING OF THE FOOTING, EXCAVATION, TRENCHING, HOLES, OVER EXCAVATION, ETC. DURING CONSTRUCTION SHALL BE BACKFILLED AND RECOMPACTED TO 90% RELATIVE COMPACTION PER ASTM D-1557, LATEST EDITION, AND SHALL BE IN ACCORDANCE WITH THE PROJECT GEOTECHNICAL ENGINEER'S RECOMMENDATIONS AND APPROVAL. THE COMPACTION OF ALL EXCAVATIONS GREATER THAN 5 FEET IN DEPTH SHALL BE 95% RELATIVE COMPACTION OR PER THE GEOTECHNICAL ENGINEER'S REQUIREMENTS.
2. ANY UTILITIES TO BE REMOVED SHALL BE DISCONNECTED AND REMOVED PER THE REQUIREMENTS OF THE RESPECTIVE UTILITY COMPANY AND AS APPROVED BY THE CITY OF MOUNTAIN VIEW STANDARDS AND REQUIREMENTS.
3. IT IS THE CONTRACTOR'S RESPONSIBILITY TO NOTIFY THE GEOTECHNICAL ENGINEER 48 HOURS IN ADVANCE OF ANY GRADING AND FILLING OF THE SITE RELATING TO ANY DEMOLITION OR REMOVAL OF SITE FEATURES. ALL A.C. PAVEMENT, CONCRETE AND BASE ROCK SHALL BE CRUSHED, SALVAGED AND STOCKPILED FOR USE ON-SITE AS FILL MATERIAL. ALL REMOVAL, CRUSHING AND STOCKPIILING SHALL BE INSPECTED, TESTED AND APPROVED BY THE PROJECT GEOTECHNICAL ENGINEER.
4. IN GENERAL, FILL MATERIAL SHALL NOT CONTAIN CLUMPS LARGER THAN 6 INCHES IN ITS GREATEST DIMENSION WITH NO MORE THAN 15% LARGER THAN 2.5 INCHES.
5. IT IS THE CONTRACTOR'S RESPONSIBILITY TO PROTECT FROM DAMAGE THROUGHOUT THE COURSE OF CONSTRUCTION OF ALL BUILDINGS AND SITE FEATURES ITEMS SUCH AS, BUT NOT LIMITED TO, CATCH BASINS, CONDUIT, TELEPHONE AND POWER POLES, FENCING, RETAINING WALLS, GAS LINES, OIL LINES, GASOLINE LINES, FIRE AND WATER SERVICE ASSEMBLIES, CONCRETE CURB, GUTTER AND SIDEWALK, TREES, BUSHES AND PLANT MATERIAL, ETC. BOTH ON-SITE AND OFF-SITE. THE CONTRACTOR SHALL PROVIDE ALL REPAIRS, MAINTENANCE, SHORING, SUPPORT, ETC. TO MAINTAIN ALL FEATURES DESIGNATED TO REMAIN IF DAMAGED. NOTIFY ARCHITECT/ENGINEER IF ANY DISCREPANCIES EXIST OR IF CLARIFICATIONS ARE REQUIRED.
6. NO BURNING SHALL BE ALLOWED WITHOUT THE PERMISSION OF THE AIR POLLUTION CONTROL DISTRICT. DISPOSE OF ALL MATERIAL IN ACCORDANCE WITH ACCEPTED SAFETY STANDARDS DESCRIBED BY AUTHORITIES HAVING JURISDICTION. NO PILING OR BURNING OF ANY MATERIAL WILL BE PERMITTED WITHIN AREAS OF 90% COMPACTION.
7. COMPLY WITH ALL APPLICABLE REGULATIONS AND SAFETY ORDERS IN EFFECT AT THE CONSTRUCTION SITE. PROTECT OPEN EXCAVATION, TRENCHES, ETC. WITH FENCES, COVERS, OR RAILINGS AS REQUIRED TO MAINTAIN SAFE PEDESTRIAN AND VEHICLE TRAFFIC. MAINTAIN DESIGNATED SITE ACCESS FOR VEHICLE AND PEDESTRIAN TRAFFIC.
8. WHEN DUST CONDITIONS EXIST, DAMPEN THE AREAS TO PREVENT THE TRANSPORTATION OF DEBRIS INTO THE BUILDINGS AND ONTO ADJACENT PROPERTY.
9. THE CONTRACTOR IS RESPONSIBLE FOR THE FINISHED CONDITION OF HIS WORK. BEFORE WORKING OVER BACKFILL OR SIMILAR WORK COMPLETED BY OTHER CONTRACTORS, VERIFY THAT SUCH WORK HAS BEEN PROPERLY BACKFILLED AND COMPACTED. NOTIFY THE ARCHITECT PROMPTLY IN WRITING IF ANY CONDITIONS DO NOT MEET THE PROPER STANDARDS. WITHOUT EXTRA COST TO THE OWNER, ALL FEATURES DAMAGED IN THE PERFORMANCE OF ALL WORK SHALL BE RESTORED TO THE SATISFACTION OF THE OWNER AND AUTHORITIES HAVING JURISDICTION.
10. THE GEOTECHNICAL INVESTIGATION FOR THIS SITE HAS BEEN PREPARED BY SILICON VALLEY SOIL ENGINEERING, PROJECT NO. SV1368A, DATED APRIL 11, 2022. THIS REPORT REMAINS THE RESPONSIBILITY OF THE GEOTECHNICAL ENGINEER AND IS INCLUDED IN THE BID DOCUMENTS FOR THIS PROJECT. THE GEOTECHNICAL REPORT SHALL BE READ BY THE CONTRACTOR BEFORE SUBMISSION OF HIS BID. ALL SITE WORK SHALL BE IN ACCORDANCE WITH THE REQUIREMENTS OF THE GEOTECHNICAL REPORT. THE OWNER WILL RETAIN THE GEOTECHNICAL ENGINEER TO INSURE CONFORMANCE WITH THE GEOTECHNICAL REPORT.
11. CONTRACTOR ACKNOWLEDGES THAT HE HAS THOROUGHLY INFORMED HIMSELF REGARDING REQUIREMENTS OF DRAWINGS, DOCUMENTS, AND APPLICABLE REGULATIONS PERTAINING TO THE PROJECT. DOCUMENTS, APPLICABLE REGULATIONS, AND DRAWINGS ARE COMPLEMENTARY. WHAT IS CALLED BY ONE IS AS BINDING AS IF CALLED FOR BY ALL. THE CONTRACTOR IS TO FAMILIARIZE HIMSELF WITH THE SITE AND COMPARE REQUIREMENTS OF THE DRAWINGS, DOCUMENTS, AND APPLICABLE REGULATIONS, WITH WORK TO BE PERFORMED BY THE CONTRACTOR, INCLUDING TOPOGRAPHY, APPROACHES AND IMPROVEMENTS ON OR ABOUT THE SITE.
12. THE ARCHITECT SHALL NOT HAVE CONTROL OR CHARGE OF, AND SHALL NOT BE RESPONSIBLE FOR, THE MEANS, METHODS, TECHNIQUES, SEQUENCES OR PROCEDURES OF DEMOLITION WORK, OR FOR THE SAFETY PRECAUTIONS AND PROGRAMS IN CONNECTION WITH THE WORK. ANY ACTS OR OMISSIONS OF THE CONTRACTOR, SUBCONTRACTOR, OR ANY OTHER PERSON PERFORMING ANY OF THE WORK, OR FOR THE FAILURE OF ANY OF THEM TO CARRY OUT THE WORK OR TO MEET THEIR SCHEDULE WILL BE THE SOLE AND COMPLETE RESPONSIBILITY OF THE CONTRACTOR.
13. CONTRACTOR TO PROVIDE ALL CONSTRUCTION BARRICADES REQUIRED BY GOVERNING AGENCIES AND APPLICABLE REGULATIONS.
14. NO TRENCHING DEEPER THAN 5 FEET SHALL BE ALLOWED WITHOUT THE CONTRACTOR OBTAINING A PERMIT FROM OSHA.

DEMOLITION LEGEND

- EXISTING BUILDING TO BE DEMOLISHED
- UNDERGROUND UTILITIES OR EXISTING FENCE TO BE REMOVED
- EXISTING AC PAVEMENT TO BE REMOVED
- EXISTING CONCRETE TO BE REMOVED
- 2" AC HALF STREET GRIND AND OVERLAY
- SAWCUT
- PLUG AND CAP END
- TREE TO BE REMOVED
- EXISTING TREE TO BE PROTECTED IN PLACE

DEMOLITION KEYNOTES

- ALL EXISTING ON-SITE UTILITIES WITHIN THE DEVELOPED AREA INCLUDING WATERLINES, STORM DRAIN, SANITARY SEWER, ELECTRIC, GAS AND COMMUNICATION UTILITIES TO BE REMOVED FROM SITE AND CAPPED AT PROJECT BOUNDARY IN CONFORMANCE WITH THE RESPECTIVE UTILITY PURVEYOR REQUIREMENTS UNLESS SPECIFICALLY STATED OTHERWISE. IT SHALL BE THE CONTRACTOR'S RESPONSIBILITY TO COORDINATE WITH THE RESPECTIVE UTILITY PURVEYORS AND ARRANGE FOR THE TERMINATION OF ALL REQUIRED UTILITIES THAT SERVICE THE SITE.
- CONTRACTOR TO PROTECT IN PLACE ALL EXISTING IMPROVEMENTS WITHIN THE PUBLIC RIGHT OF WAY UNLESS NOTED OTHERWISE. DEMOLITION OF EXISTING IMPROVEMENT WITHIN PUBLIC RIGHT OF WAY TO BE DONE UNDER SEPARATE ENCROACHMENT PERMIT.
- EXISTING JOINT TRENCH/FIBER OPTIC (CABLE TV, ELECTRIC, GAS TELEPHONE, ETC...) TO REMAIN. CONTRACTOR TO PROTECT IN PLACE AT ALL TIMES DURING DEMOLITION PROCESS. SEE JOINT TRENCH PLANS FOR DISPOSITION.
- EXISTING NEIGHBORING PROPERTIES UTILITIES TO BE PROTECT IN PLACE.
- PROTECT STRUCTURE/UTILITY IN PLACE
- CUP, CAP, & INSTALL WITNESS MARKER SEE DETAIL 1 ON SHEET C1.2
- REMOVE STRUCTURE OR UTILITY
- REMOVE PLANTER BOXES
- SIDEWALK & DRIVEWAY IN THE PUBLIC RIGHT OF WAY TO BE REMOVED
- REMOVE PROPERTY LINE
- EXISTING UTILITY BOX (CABLE TV, ELECTRIC, GAS TELEPHONE, ETC...) TO BE RELOCATED IF LOCATED IN PROPOSED SIDEWALK & ADJUSTED TO GRADE.
- TREE TO BE RELOCATED. REFER TO LANDSCAPE PLANS.