

CITY OF MOUNTAIN VIEW
RESOLUTION NO. 18303
SERIES 2019

A RESOLUTION CONDITIONALLY APPROVING A VESTING TENTATIVE MAP TO
CREATE 33 LOTS AND 2 COMMON LOTS ON A 1.85-ACRE LOT AT 1950
MONTECITO AVENUE

WHEREAS, an application was received from Dividend Homes, for a Tentative Subdivision Map to create 33 residential lots and 2 common lots at 1950 Montecito Avenue (Application No. PL-2018-106); and

WHEREAS, on February 27, 2019, 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 March 26, 2019, 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, the City has determined that this project is categorically exempt from the California Environmental Quality Act (CEQA) pursuant to Section 15332 ("Infill Development");

NOW, THEREFORE, BE IT RESOLVED, pursuant to the Subdivision Map Act and Section 28.8 of the Mountain View City Code, that the City Council of the City of Mountain View finds:

1. The project conforms with CEQA because the project is categorically exempt pursuant to Section 15332 ("Infill Development") of the CEQA Guidelines.
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 Density Residential (up to 25 dwelling units per acre) of the City, including all required elements therein applicable to said property.
3. That the Tentative Map for 1950 Montecito Avenue 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.

The foregoing Resolution was regularly introduced and adopted at a Regular Meeting of the City Council of the City of Mountain View, duly held on the 26th day of March 2019, by the following vote:

AYES: Councilmembers Clark, Hicks, Kamei, McAlister, Ramirez, Vice Mayor Abe-Koga, and Mayor Matichak

NOES: None

ABSENT: None

ATTEST:

APPROVED:



LISA NATUSCH
CITY CLERK



LISA MATICHAK
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 Regular Meeting held on the 26th day of March 2019, by the foregoing vote.



City Clerk
City of Mountain View

DP/3/RESO
807-03-26-19r-1

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

SUBDIVISION CONDITIONS
APPLICATION NO.: PL-2018-106
1950 Montecito Avenue

1. **MAP SUBMITTAL:** File a final map for approval and recordation in accordance with the City Code and the California Subdivision Map Act prior to the issuance of any building permit for the property within the subdivision. All existing and proposed easements are to be shown on the map. Submit two black-line copies of the map to the Public Works Department for review together with 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 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. Indicate the location (page number) within the geotechnical report of where this certification is located or provide a separate letter stating such.
4. **FINAL MAP APPROVAL:** The final map shall be signed and notarized by the owner and engineer/surveyor and submitted to the Public Works Department with an 8.5"x11" reduction of the map. In order to place the approval of the final map on the agenda for the City Council, all related materials and agreements must be completed, signed, and received by the Public Works Department 40 calendar days prior to the Council meeting. After City Council approval, the City will sign the map and provide a Xerox Mylar copy. The applicant's title company shall have the County Recorder's Office record the original and endorse the Xerox Mylar copy. The endorsed Xerox Mylar copy and PDF shall be returned to the Public Works Department within one week after recording the map.
5. **TRANSPORTATION IMPACT FEE:** This project is subject to a Transportation Impact Fee which was adopted on September 25, 2018. More information about the calculation of the fee can be found in Chapter 43 of the City Code.
6. **MAP PLAN CHECK FEE:** Prior to issuance of any building permits and prior to approval of the final map as applicable, the applicant shall pay the map plan check fee in accordance with 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.
7. **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.
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 final map.

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, SPECIAL PAVEMENT MAINTENANCE:** The homeowners association shall be responsible for replacing any special pavers or textured/colored concrete that is removed by the City to repair, replace, or maintain any City underground utilities located within private streets, driveways, or easement areas. This requirement shall be stated in the Covenants, Conditions, and Restrictions (CC&Rs). A copy of the CC&Rs with this provision marked or highlighted shall be submitted to the Public Works Department for review and approval.
13. **CC&Rs, PRIVATE UTILITY MAINTENANCE PLAN, AND SANITARY SEWER OVERFLOW PLAN:** The Covenants, Conditions, and Restrictions (CC&Rs) shall include a provision that the homeowners association prepare a private utility maintenance plan for on-site water, sanitary sewer, and storm drainage facilities. The maintenance plan shall include such elements as flushing of the sanitary sewer and storm lines, cleaning of storm drain inlets and grates, and inspection of the water system (including flushing and exercising of valves and blowoffs). The CC&Rs shall also include a provision that the homeowners association prepares a sanitary sewer overflow plan, which includes elements such as 24-hour contact information, response times, confinement, and methods to contain and remediate spills.
14. **PUBLIC AND COMMON IMPROVEMENTS:** Install or reconstruct standard public and private improvements that are required for the subdivision and as required by Chapters 27 and 28 of the City Code. These improvements include but not limited to, new sidewalk, curb, and gutter; new sanitary sewer connection; new ADA-compliant driveway; new domestic, fire, and irrigation water services, meters, and apparatus; new storm drain connection; underground all existing overhead services and joint poles; a new riser pole installation at property line; and half-street overlay improvements.
 - a. **IMPROVEMENT AGREEMENT:** The property owner must sign a Public Works Department improvement agreement for the installation of the public and private improvements prior to the approval of the final map. Sign a Public Works Department faithful performance bond (100 percent) and materials/labor bond (100 percent) or provide 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 deposits 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 final map. The insurance coverage amounts are a minimum of Two Million Dollars (\$2,000,000) Commercial General Liability, Automobile Liability, and Workers' Compensation. The insurance requirements are available from the Public Works Department.
15. **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 final map. CAD files shall meet the City's Digital Data Submission Standards.
16. **COMMON IMPROVEMENT PLANS:** Prepare on-site common improvement plans consisting of the proposed demolition, fill, grading, retaining walls, drainage, private streets, common driveways, common utilities, public utilities, and other applicable improvements in accordance with Chapter 28 of the City Code, the Standard Design Criteria for Common Green and Townhouse-Type Condominiums, and the conditions of approval of the subdivision. The plans are to be drawn on 24"x36" sheets at a minimum scale of 1" = 20'. The improvement plans (10 sets), 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 improvement 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 final map. CAD files shall meet the City's Digital Data Submission Standards. Where both public and common improvement plans are required, the plans shall be combined into one set of plans.
17. **INFRASTRUCTURE QUANTITIES:** Submit a completed construction cost estimate form indicating the quantities of the improvements with the submittal of the improvement plans. The construction cost estimate is used to estimate the cost of improvements and to determine the Public Works plan check and inspection fees. The construction cost estimate is to be prepared by the civil engineer preparing the improvement plans and stamped and signed.
18. **UNDERGROUNDING OF OVERHEAD SERVICES:** All new and existing electric, telephone, and cable television services serving the subdivision are to be placed underground (including transformers). The undergrounding of the new and existing electric, telephone, and cable television services are to be completed prior to issuance of a Certificate of Occupancy for any new buildings within the subdivision. (Aboveground transformers shall be located so they are screened or not visible from the street or to the general public as approved by the Community Development and Public Works Departments.)

19. **JOINT UTILITY PLANS:** Submit joint utility plans showing the location of the proposed electric, gas, telephone, and cable television conduits and vaults. These plans shall be combined with and made part of the improvement plans. Dedicate public utility easements that are necessary for the common utility on the final map. The new riser pole shall be set at property line.
20. **UNDERGROUNDING OF OVERHEAD LINES:** Underground existing overhead telephone, electric, and cable television facilities fronting the property along Montecito Avenue. 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. A proposed riser pipe shall be set at the front property line corner. 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.
21. **UTILITY MAINTENANCE:** On-site water, sanitary sewer, and storm drainage facilities shall be privately maintained.
22. **SURFACE DRAINAGE RELEASE:** Provide a surface stormwater release for the lots, driveways, alleys, and private streets that prevents the residential buildings from being flooded in the event the storm drainage system becomes blocked or obstructed.
23. **SURFACE DRAINAGE:** Each residential lot shall be designed to drain toward the streets, alleys, common driveways, or common areas. The drainage paths for the privately owned lots shall be designed such that the drainage paths do not cross the common property lines unless an exception is approved by the Public Works Department due to unavoidable circumstances (such as to provide drainage to an existing Heritage tree).
24. **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.
25. **CONSISTENCY WITH OTHER APPROVALS:** This map shall be consistent with all requirements of the Planned Unit Development and The Development Review Permit, Application No. PL-2018-105. 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.
26. **APPROVAL EXPIRATION:** If the map is not completed within twenty-four (24) months from the date of this approval, this map shall expire. Upon application of the subdivider, an extension of time not to exceed an additional twelve (12) months may be granted by the Subdivision Committee. Prior to the expiration of an approved or conditionally approved tentative map or preliminary parcel map, upon the application by the subdivider to extend that map, 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.

