

CITY OF MOUNTAIN VIEW  
RESOLUTION NO.  
SERIES 2019

A RESOLUTION APPROVING A TENTATIVE PARCEL MAP  
TO SUBDIVIDE THE EXISTING LOT LOCATED AT  
777 WEST MIDDLEFIELD ROAD TO CREATE TWO LOTS

WHEREAS, an application was received from FortBay, LLC for a Tentative Subdivision Map to create two (2) lots at 777 West Middlefield Road (Application No. PL-2017-096); and

WHEREAS, on April 29, 2019, at a duly noticed public hearing, the Environmental Planning Commission considered this request and recommended the Tentative Subdivision Map be approved subject to the attached conditions of approval; and

WHEREAS, on May 21, 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;

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

1. That an Environmental Impact Report (EIR) was prepared for the project in conformance with the California Environmental Quality Act (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 High-Density Residential of the City, including all required elements therein applicable to said property.

3. That the Tentative Subdivision Map for creation of two (2) lots at 777 W Middlefield Road is hereby approved subject to the subdivider's compliance with all of those conditions of approval as required by the City Council 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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DP/6/RESO  
807-05-21-19r-2

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

SUBDIVISION CONDITIONS  
APPLICATION NO.: PL-2018-096  
777 WEST MIDDLEFIELD ROAD

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 Sections 28.27.b and 28.19.b of the City Code per the rates in effect at time of payment.

An initial map plan check fee based on the Public Works 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 FEE:** Prior to issuance of any building permits and prior to approval of the parcel map as applicable, the applicant shall pay the Park Land Dedication Fee (approximately \$20,000 to \$40,000 per unit) for each new residential unit in accordance with Chapter 41 of the City Code prior to the issuance of the building permit. Provide the most current appraisal or escrow closing statement of the property with the following information to assist the City in determining the current market value of the land: (1) a brief description of the existing use of the property; (2) square footage of the lot; and (3) size and type of each building located on the property at the time the property was acquired.

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 as required by the Public Works Director, on the face of the map to widen Middlefield Road an additional 8' to replace the existing roadway and utility easement. Dedicate a public street in fee as required by the Public Works Director, to widen Shoreline Boulevard an additional 9' to allow for the future cycle track construction.
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 ACCESS EASEMENT, COVENANTS, AND DEED RESTRICTIONS (CONNECTIONS THROUGH SITES):** Prior to issuance of any building permits or approval of the parcel map, the owner shall dedicate a 24' wide public access easement (PAE), covenants, agreements, and deed restrictions on private property. The dedication shall indicate that the property owner shall maintain the sidewalk improvements within this PAE to be Americans with Disabilities Act (ADA)-compliant and in good order, condition, and repair. All other improvements within the PAE shall also be maintained by the property owner.
  - a. Public access shall be granted for nonautomotive use;
  - b. Owner shall maintain, inspect, and monitor the PAE improvements in good order, condition, and repair and in compliance with the ADA;
  - c. The PAE shall run with the land and be binding upon any successors;
  - d. If Owner shall fail to abide by the PAE, Owner agrees to pay all reasonable costs and expenses incurred by City in enforcing the performance of such obligations; and
  - e. Owner agrees to defend, and hold City, its officers, employees, agents, and volunteers harmless from any liability for damage or claims for damage for personal injury, including, but not limited to, death and/or property damage caused by negligent acts, errors, or omissions in performance of services or operations under the Dedication, including maintenance operations performed on the PAE by Owner or Owner's contractors, subcontractors, agents, or employees.
13. **PUBLIC UTILITY EASEMENT (PUE) DEDICATION:** Dedicate a 5' wide public utility easement (PUE) along Shoreline Boulevard; an 8' wide PUE along Middlefield Road, and a 10' wide PUE along project street frontage(s) for such use as sanitary sewer, water, storm drains, and other public utilities, including gas, electric, communication, and cable television facilities, as required by the Public Works Director. The property owner or Home Owners Association (HOA) shall maintain the surface improvements over the easement, and must not

modify or obstruct the easement area in a manner contrary to the intent of the easement. The dedication statement shall specify that the PUE be kept free and clear of buildings and other permanent structures/facilities, including, but not limited to, the following:

- Garages, sheds, carports, and storage structures;
- Balconies and porches;
- Retaining walls;
- C.3 bioretention systems; and
- Private utility lines running longitudinally within the PUE.

Exceptions to these PUE requirements may be considered by the Public Works Director in conjunction with the review and approval of the off-site improvement plans and building permit plans for the project.

14. **STORM DRAIN EASEMENT:** The subdivider shall provide a private irrevocable storm drain easement over the Lot 2 parcel in favor of the Lot 1 parcel.
15. **SHARED PARKING AND ACCESS AGREEMENT:** Owners shall sign and be a party to an agreement (or amendment of an existing agreement), subject to the City's approval and recorded to run with the land, which provides for easements, covenants, and conditions relating to applicable parking, vehicle access, pedestrian access, utility use, and other uses between the subject properties. The agreement, together with all attachments, must be submitted to and approved by the Community Development Department and City Attorney's Office prior to the approval of the parcel map.
16. **TRAFFIC SIGNAL PAYMENT AGREEMENT:** Prior to the approval of the parcel map, sign a traffic signal payment agreement for the construction of a new traffic signal or modifications to an existing signal at the intersection of the proposed driveway and Middlefield Road. The agreement shall require the owner to pay the City for 25 percent of the total cost for the traffic signal improvements. The cost of the traffic signal improvements shall include all design, construction, inspection, testing, and administration costs.
17. **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 storm, sewer, and water connections for the new buildings, new curb, gutter, and sidewalk on Middlefield Road, new ADA-compliant driveway on Shoreline Boulevard, new intersection-style driveway on Middlefield Road, and replace existing streetlights.
  - 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](http://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.

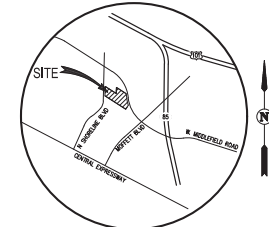
18. **OFF-SITE IMPROVEMENT PLANS:** Prepare off-site public improvement plans in accordance with Chapter 28 of the City Code, the City's Standard Design Criteria, Submittal Checklist, Plan Review Checklist, and the conditions of approval of the project. The plans are to be drawn on 24"x36" sheets at 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.
19. **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.
20. **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.)
21. **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.
22. **UTILITY MAINTENANCE:** On-site water, sanitary sewer, and storm drainage facilities shall be privately maintained.
23. **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.
24. **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.
25. **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.

26. **CONSISTENCY WITH OTHER APPROVALS:** This map shall be consistent with all requirements of the Planned Community 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 parcel 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.

# 777 WEST MIDDLEFIELD ROAD

CITY OF MOUNTAIN VIEW SANTA CLARA COUNTY CALIFORNIA

## TENTATIVE PARCEL MAP



VICINITY MAP  
NOT TO SCALE

**CONTACTS:**

- OWNER/DEVELOPER:** FORTBAY, INC.  
22 S. SANTA CRUZ AVENUE, FLOOR 2  
LOS GATOS, CA 95030  
(408) 600-0368  
PERRY HARRIS / LANCE TATE
- CIVIL ENGINEER:** CARLSON, BARREE & GIBSON, INC.  
2633 CAMINO RAMON, SUITE 350  
SAN RAMON, CALIFORNIA 94583  
(925) 866-0322  
COLY ALVERNAZ, RCE 75740

**LEGEND**

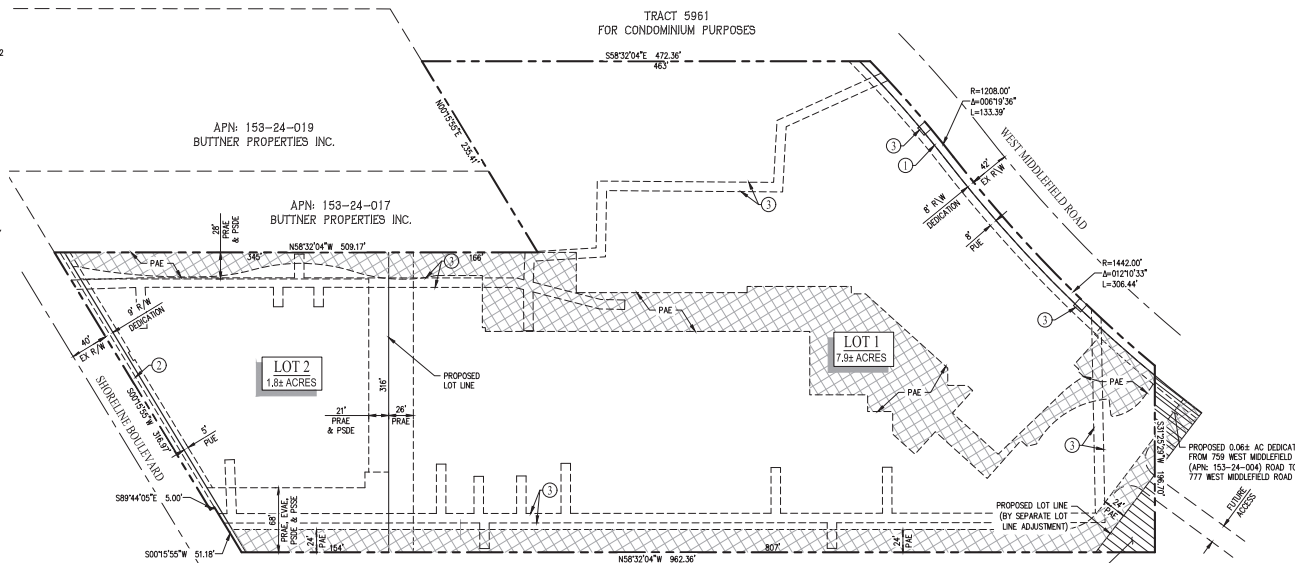
EXISTING	PROPOSED	DESCRIPTION
		SUBDIVISION BOUNDARY
		RIGHT-OF-WAY
		LOT LINE
		EASEMENT
		BUILDING
		PUBLIC ACCESS EASEMENT

**ABBREVIATIONS**

AC	ACRES
APN	ASSESSOR'S PARCEL NUMBER
BD	BOUNDARY
CL	CENTERLINE
EX	EXISTING
FC	FACE OF CURB
L	LENGTH
LS	LANDSCAPE
PAC	PUBLIC ACCESS EASEMENT
PRAE	PRIVATE ACCESS EASEMENT
PSE	PRIVATE STORM DRAIN EASEMENT
PSSE	PRIVATE SANITARY SEWER EASEMENT
PUE	PUBLIC UTILITY EASEMENT
R	RADIUS
R/W OR RW	RIGHT-OF-WAY
SW	SIDEWALK

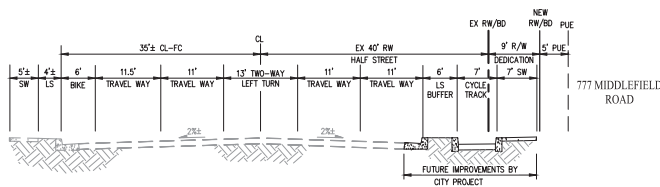
**EXISTING EASEMENTS**

- STREET, UTILITY AND INCIDENTAL PURPOSE EASEMENT, 8474 OR 8 (TO REMAIN)
- STREET, UTILITY AND INCIDENTAL PURPOSE EASEMENT, 8474 OR 13 (TO REMAIN)
- ELECTRICAL FACILITIES AND INCIDENTAL PURPOSE EASEMENT, 8725 OR 155 (TO BE REMOVED)

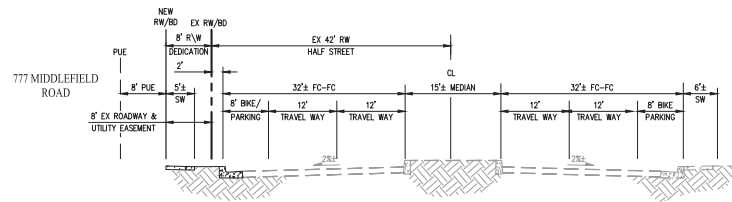


**GENERAL NOTES**

- ASSESSOR'S PARCEL NO. 153-24-005
- SITE ADDRESS: 777 W. MIDDLEFIELD ROAD, MOUNTAIN VIEW, CA 94043
- SITE AREA: GROSS: 9.8 AC±  
NET: 9.7 AC±
- DWELLING UNITS: 716
- SITE DENSITY: 73.7 DU/AC (NET)
- EXISTING GENERAL PLAN: MEDIUM-DENSITY RESIDENTIAL (13-25 DU/AC)  
PROPOSED GENERAL PLAN: HIGH-DENSITY RESIDENTIAL (36-80 DU/AC)
- EXISTING ZONING: R3 - RESIDENTIAL-MULTIPLE-FAMILY  
PROPOSED ZONING: P - PLANNED COMMUNITY
- EXISTING LAND USE: MULTIPLE-FAMILY RESIDENTIAL  
PROPOSED LAND USE: MULTIPLE-FAMILY RESIDENTIAL
- BENCHMARK: THE CITY OF MOUNTAIN VIEW BM NO. II-61  
ELEVATION 46.0497 (NAVD 88)
- BASIS OF BARINGS: THE NORTHEASTERN LINE OF THE SUBJECT PROPERTY, BEING S88°32'04\"/>



SHORELINE BOULEVARD  
(LOOKING NORTH)



WEST MIDDLEFIELD ROAD  
(LOOKING NORTH)