

CITY OF MOUNTAIN VIEW  
RESOLUTION NO. 18218  
SERIES 2018

A RESOLUTION CONDITIONALLY APPROVING A VESTING TENTATIVE MAP  
TO CREATE 11 ROWHOUSE LOTS AND FOUR COMMON LOTS  
ON A 2.15-ACRE SITE AT 535 AND 555 WALKER DRIVE,  
619 AND 629 ALAMO COURT, AND 640 TAYLOR COURT

WHEREAS, an application was received from SummerHill Homes for a Vesting Tentative Subdivision Map to create 11 rowhouse lots and four common lots on a 2.15-acre site at 535 and 555 Walker Drive, 619 and 629 Alamo Court, and 640 Taylor Court (Application No. PL-2017-284); and

WHEREAS, on May 9, 2018, at a duly noticed public hearing, the Subdivision Committee considered this request and recommended the Vesting Tentative Subdivision Map be approved subject to the attached conditions of approval; and

WHEREAS, on June 12, 2018, 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. The approval of the project is in compliance with the California Environmental Quality Act (CEQA) because the project qualifies as categorically exempt under Section 15332 ("Infill Development Projects") of the CEQA Guidelines. The project is an infill development in an existing residential neighborhood which is consistent with the applicable General Plan and Zoning designation and regulations; is on a project site of less than five acres; contains no value as habitat for endangered, rare, or threatened species; would not result in any significant effects relating to traffic, noise, air quality, or water quality; and the site can adequately be served by all required utilities and public services. A Phase II investigation identified elevated levels of arsenic in shallow soil samples on the site and recommended removal and replacement of the affected soils. The developer has incorporated removal of surface soils into their grading plans as part of the project description and has entered into a voluntary remedial action agreement with the Santa Clara County Department of Environmental Health (SCCDEH) for regulatory oversight of these efforts. The project site is not on a list of hazardous waste sites, does not contain any known or potential historic resources, and is not located on or near any highway officially designated as a State scenic highway. Due to the nature and limited extent of the soil contamination, and the developer's inclusion of voluntary remediation in the project description, no significant effects on residents or the environment are expected. The project is not expected to result in any cumulatively significant effects of successive projects of the same type in the same place over time, nor are any of the features of the project, its setting, or any other circumstances surrounding the project considered "unusual." As a result, the project qualifies for a categorical exemption under Section 15332.

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 Subdivision Map to create 11 rowhouse lots and four common lots 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 Regular Meeting of the City Council of the City of Mountain View, duly held on the 12th day of June 2018, by the following vote:

AYES: Councilmembers Abe-Koga, Clark, McAlister, Showalter, Vice Mayor Matichak, and Mayor Siegel

NOES: None

RECUSED: Rosenberg

ABSENT: None

ATTEST:

APPROVED:



LISA NATUSCH  
CITY CLERK



LEONARD M. SIEGEL  
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 12th day of June 2018, by the foregoing vote.



City Clerk  
City of Mountain View

MH/2/RESO  
802-06-12-18r-E

Exhibits: A. Subdivision Conditions of Approval, PL-2017-284  
B. Vesting Tentative Map

CONDITIONS OF APPROVAL  
APPLICATION NO.: PL-2017-284  
535-555 WALKER DRIVE

The applicant is hereby notified, as part of this application, that (s)he is required to meet the following conditions in accordance with the City Code of the City of Mountain View and the State of California. The lead department is identified on each condition where necessary. Where approval by the Community Development Director, City Engineer, Public Works Director, City Attorney, Chief Building Official, or Fire Department is required, that review shall be for compliance with all applicable conditions of approval, adopted policies and guidelines, ordinances, laws and regulations, and accepted practices for the item(s) under review. The applicant is hereby notified that (s)he is required to comply with all applicable codes or ordinances of the City of Mountain View and the State of California that pertain to this development and are noted herein.

This approval is granted for a Vesting Tentative Map to create 11 rowhouse lots and four common lots on a 2.15-acre site, located on Assessor Parcel Nos. 160-04-005, 160-04-006, 160-04-007, 160-04-008, and 160-04-009, and a determination the project is categorically exempt pursuant to Section 15332 ("In-Fill Development Projects") of the CEQA Guidelines. Development shall be substantially as shown on the project materials listed below, except as may be modified by conditions contained herein:

- a. Vesting Tentative Map prepared by Carlson, Barbee & Gibson, Inc. ("cbg") for SummerHill Homes dated April 19, 2018.

**THIS REQUEST IS GRANTED SUBJECT TO THE FOLLOWING CONDITIONS:**

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. **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 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 final map.

7. **PARK LAND DEDICATION FEE:** Prior to issuance of any building permits and prior to approval of the final 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. No credits against the Park Land Dedication Fee will be allowed for the private open space and recreational facilities. 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 final map.

9. **PUBLIC UTILITY EASEMENT:** Dedicate a public utility easement for the proposed public Dry utilities. The easement shall have a width of 10' along Walker Drive and 5' along Taylor Court and Alamo Court. Encroachments into the PUE should not preclude or unreasonably interfere with the City's ability to use the easement for the intended purposes. The PUE must be kept free and clear of buildings and other permanent structures. Examples of structures that are not allowed within the PUE include, but are not limited to, the following:

- Garages, sheds, carports, and storage structures;
- Any projections/overhang such as balconies, porches, building overhangs, cantilevers, or bay windows;
- Retaining walls;
- C.3 bioretention systems; and
- Private utility lines running longitudinally within the PUE.

The property owner should not modify or obstruct the easement area in a manner contrary to the intent of the easement. The property owner retains the maintenance responsibility for surface improvements.

10. **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.

11. **RIGHT-OF-WAY ABANDONMENT:** Submit an application to vacate all existing public easements that are or will no longer be needed or conflict with the proposed buildings and structures. All vacations shall be completed and recorded prior to the issuance of a building permit. Per the City's Legal Description and Plat Requirements, submit an 8.5"x11" plat (drawing) and legal description prepared by a registered civil engineer or land surveyor of the easement to be abandoned, request letter signed by the owner(s) of the property, and processing fee for the easement abandonment to the Public Works Department, Land Development Section.
12. **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.
13. **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."
14. **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.
15. **CC&Rs, GARBAGE PICKUP:** The Covenants, Conditions, and Restrictions (CC&Rs) shall include a provision stating that the homeowners are responsible for bringing their garbage cans, totes, and recycling containers to the curb along the private street on garbage collection days. An exhibit indicating the location of the bins on pick-up day shall be included. A copy of the CC&Rs with this provision marked or highlighted shall be submitted to the Public Works Department for review and approval.
16. **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.
17. **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 curb, gutter and sidewalk on Walker Drive, Alamo Court, and Taylor Court; storm, sanitary sewer, domestic water, irrigation water, and fire water connections for the site; storm drain main extension; joint trench and street trees.
  - 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](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 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.
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 final map. CAD files shall meet the City's Digital Data Submission Standards.
19. **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.
20. **INFRASTRUCTURE QUANTITIES:** Submit a completed construction cost estimate form indicating the quantities of the improvements with the initial 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.

21. **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.)
22. **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.
23. **UNDERGROUNDING OF OVERHEAD STREET FRONTAGE LINES:** Underground existing overhead telephone, electric, and cable television facilities fronting the property along Walker Drive. 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, the poles along the rear of the property are to remain. 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.
24. **UTILITY MAINTENANCE:** On-site water, sanitary sewer, and storm drainage facilities shall be privately maintained.
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. **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).
27. **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.

NOTE: Zoning permits may be extended for up to an additional two years after public hearing review by the Zoning Administrator in compliance with the procedures described in the Zoning Ordinance. An application for extension must be filed with the Planning Division of the Community Development Department, including appropriate fees, prior to the original expiration date of the permit.

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 of this development. The fees, dedications, reservations, or other exactions are described in the approved plans, conditions of approval, and/or the adopted City fee schedule.

