CITY OF MOUNTAIN VIEW RESOLUTION NO. 18601 SERIES 2021

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF MOUNTAIN VIEW CONDITIONALLY APPROVING A VESTING TENTATIVE MAP TO CREATE 11 LOTS AND SEVEN COMMON LOTS FOR CONDOMINIUM PURPOSES, AND FINDING THE PROJECT TO BE EXEMPT FROM REVIEW UNDER THE CALIFORNIA ENVIRONMENTAL QUALITY ACT PURSUANT TO CEQA GUIDELINES SECTION 15332 ("INFILL DEVELOPMENT PROJECTS") AT 570 SOUTH RENGSTORFF AVENUE

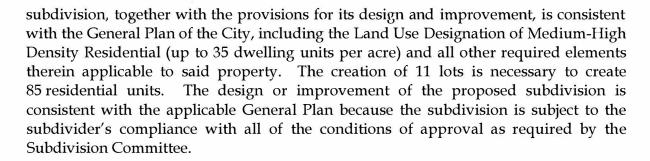
WHEREAS, an application (Application No. PL-2020-185) was received from DeNardi Wang Homes, on behalf of Richard and Catherine Spieker, for a Vesting Tentative Map to create 11 lots and seven common lot(s) on a 4.07-acre lot located at 570 South Rengstorff Avenue; and

WHEREAS, the Subdivision Committee held a duly-noticed public hearing on August 11, 2021 on said application and recommended the City Council conditionally approve the Vesting Tentative Map subject to the findings and conditions of approval attached hereto; and

WHEREAS, the City Council held a public hearing on September 14, 2021 on said application and received and considered all evidence presented at said hearing, including the recommendation from the Subdivision Committee, City Council report, project materials, testimony, and written materials submitted;

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

- 1. That the approval of the Vesting Tentative Map is categorically exempt from review under the California Environmental Quality Act (CEQA) per Section 15332 ("In-Fill Development") because the project is an infill development in an existing residential neighborhood that is consistent with the applicable General Plan and Zoning Designation; is on a project site of less than five acres; contains no value as endangered, rare, or threatened species habitat; would not result in any significant effects relating to traffic, noise, air quality, or water quality; and the site can be adequately served by all required utilities and public services.
- 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 proposed



- 3. That pursuant to Subsection (c) of Government Code Section 66474, the site is physically suitable for the proposed type of development because the site layout is configured to provide on-site vehicle access to individual units, direct street access from both South Rengstorff Avenue and Latham Street, shared drive along the western property to adjacent private property, and open space, and the subdivision does not involve any additional proposed development.
- 4. That pursusant to Subsection (d) of Government Code Section 66474, the site is physically suitable for the proposed density of the development because it is consistent with the General Plan of the City, including the Land Use Designation of Medium-High Density Residential (up to 36 dwelling units per acre) and all other required elements therein applicable to said property.
- 5. That pursusant to Subsection (e) of Government Code Section 66474, the design of the subdivision or the proposed improvements are not likely to cause substantial environmental damage or substantially and avoidably injure fish or wildlife or their habitats because the subdivision does not involve any additional improvements on the site, nor does it grant any development rights.
- 6. That the City has determined the project is categorically exempt in compliance with CEQA per Section 15332 ("In-Fill Development") because the project is an infill development in an existing residential neighborhood that is consistent with the applicable General Plan and Zoning Designation; is on a project site of less than five acres; contains no value as endangered, rare, or threatened species habitat; would not result in any significant effects relating to traffic, noise, air quality, or water quality; and the site can be adequately served by all required utilities and public services.
- 7. That pursusant to Subsection (f) of Government Code Section 66474, the design of the subdivision or the type of improvements is not likely to cause serious public health problems because the subdivision does not involve any additional improvements on the site, nor does it grant any development rights. The 11 lots proposed as part of the subdivision are intended to assist in the development of 85 residential units. No public health impacts will result from the proposed subdivision.

8 That pursusant to Subsection (g) of Government Code Section 66474, the design of the subdivision or the type of improvements will not conflict with easements, acquired by the public-at-large, for access through or use of property within the proposed subdivision.

BE IT FURTHER RESOLVED by the City Council of the City of Mountain View that the Vesting Tentative Map is hereby approved subject to the subdivider's fulfillment of all the conditions which are attached hereto as Exhibit A 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 14th day of September 2021, by the following vote:

AYES:

Councilmembers Abe-Koga, Matichak, Showalter, and Mayor

Kamei

NOES:

Councilmembers Hicks, Lieber, and Vice Mayor Ramirez

ABSENT:

None

ATTEST:

APPROVED:

CITY CLERK

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 14th day of September 2021, by the foregoing vote.

City Clerk

City of Mountain View

CF/6/RESO 809-09-14-21r-1

Exhibits: A.

Subdivision Conditions

В. Tentative Map

Exhibit A

SUBDIVISION CONDITIONS

APPLICATION NO.: PL-2019-185 570 SOUTH RENGSTORFF 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.
- MAP DOCUMENTS: Prior to the approval and recordation of the map, 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.
- 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 first submittal of 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. **SUBDIVISION FEES:** Pay all subdivision fees due in accordance with the rates in effect at the time of payment prior to the approval of the final map.
- 6. **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 adopted fee schedule shall be paid at the time of initial map plan check submittal.
- 7. **PLAN CHECK AND INSPECTION FEE:** Prior to issuance of any building permits and prior to approval of the 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.

- 8. **TRANSPORTATION IMPACT FEE:** Prior to issuance of any building permits and prior to approval of the final map, as applicable, the applicant shall pay the transportation impact fee for the development. 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.
- 9. **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.
- 10. 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 \$66,000 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.
- 11. **TRAFFIC SIGNAL FEE:** Prior to issuance of any building permits and prior to approval of the final map, the applicant shall pay the City for a new traffic signal or modifications to an existing signal at the intersection of South Rengstorff Avenue and Latham Street to help address the project's adverse effects on pedestrian and bicycle operations. The fee amount shall represent 25% of the total estimated cost of the traffic signal. The total cost of the signal includes, but is not limited to, all design, construction, inspection, testing, and administrative costs.
- 12. **FRONTAGE PUBLIC UTILITY EASEMENT DEDICATION:** Dedicate a 10' wide public utility easement (PUE) along project street frontage(s) on the face of the map 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 homeowners association 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 the PUE shall 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.
- 13. **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, as required by the Public Works Director.
- 14. **PUBLIC SERVICE EASEMENT:** Dedicate a public service easement (PSE) on the face of the map to the utility company(ies) for the proposed electric, gas, and telecommunication conduits and vaults serving the project.





- 15. 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, A1&1 (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.
- 16. **PRIVATE UTILITY AND ACCESS EASEMENTS:** Dedicate private utility and/or access easements on the face of the map, as necessary, for the common private street and utility improvements.
- 17. **EASEMENT VACATIONS AND QUITCLAIMS:** All existing easements that are or will no longer be needed or conflict with the proposed buildings and structures shall be vacated or quitclaimed. Easements in conflict with the proposed building shall be vacated prior to issuance of the building permit. The recording number of the easement vacation and quitclaim document(s) shall be included in the final map.
- 18. 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 final map.
- 19. 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.
- 20. 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 Community Development Department for review and approval by the Public Works Department.
- 21. CC&Rs, PARKING RESTRICTION: 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). A copy of the CC&Rs with this provision highlighted shall be submitted to the Community Development Department for review and approval by the Public Works Department. The common driveway shall be signed and/or striped as "No Parking" or "No Parking—Fire Lane."
- 22. 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 elements such as, but not limited to, 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 HOA 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. A copy of the CC&Rs with this provision marked or highlighted shall be submitted to the Community Development Department for review and approval by the Public Works Department.



- 23. CC&Rs, CART PLACEMENT: Containers must be set out a minimum distance of 1' in front of the garage door and must not block the 20' wide drive aisle and/or sidewalk on collection day. Carts must be set a minimum of 2' away from all gas/water lines or meters. Show set-out location of individual trash, recycle, and compost carts on collection day consistently on all civil, architectural, and landscape plans. Units with tandem garages, in Buildings 1 and 2 on Alley B, must use indicated staging areas for waste collection. These requirements shall be stated in the Covenants, Conditions, and Restrictions (CC&Rs) along with an Exhibit clearly showing cart placement and staging areas. A copy of the CC&Rs with these provisions and exhibit marked or highlighted shall be submitted to the Community Development Department for review and approval by the Public Works Department.
- 24. CC&Rs, CART STORAGE: Storage space inside garage must be a minimum of 7′ wide x3′ deep in order to accommodate trash, recycling, and compost containers. Carts will be required to be stored inside garage at all times with the exception of 24 hours prior to and 24 hours after designated collection day when carts may be set out in front of garage. 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 Community Development Department for review and approval by the Public Works Department.
- 25. PUBLIC AND PRIVATE COMMON IMPROVEMENTS: Install or reconstruct standard public and private common improvements required for the subdivision and as required by Chapters 27 and 28 of the City Code. The public improvements include, but are not limited to, the reconstruction of curb, gutter, driveways, and detached sidewalk with minimum 5' clearance per City and Americans with Disabilities Act (ADA) standards, the installation of street trees and landscaping, the installation of red curb along the full project frontage, the undergrounding of all existing overhead utilities and poles, the construction of new water, sewer, and storm services and appurtenances, a minimum 2" half-street grind and overlay along the South Rengstorff Avenue and Latham Street project frontages, and the installation of new streetlights and appurtenances per City Standard at each driveway along the project frontages. The private common improvements include, but are not limited to, sewer, water and storm utilities, and appurtenances.
 - a. **IMPROVEMENT AGREEMENT:** The property owner must sign a Public Works Department improvement agreement for the installation of the public and on-site common improvements prior to the approval of the final map.
 - b. BONDS/SECURITIES: 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 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 sureties approved available through the is 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:** Provide a Certificate of Insurance and endorsements for Commercial General Liability and Automobile Liability naming the City as 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, One Million Dollars (\$1,000,000) Automobile Liability, One Million Dollars (\$1,000,000) Pollution Insurance, and One Million Dollars (\$1,000,000) Workers' Compensation. The insurance requirements are available from the Public Works Department.
- 26. **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. Locations of on-site parking for construction equipment and construction workers and on-site material storage areas must be submitted for review and approval. Off-site 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 off-site plans must be approved and signed by the Public Works Department. After the plans have been signed by the Public Works Department, 10 full-size and 2 half-size 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.

- 27. **PRIVATE 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" x 36" 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 and final map. 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 full-size and two half-size 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.
- 28. **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.
- 29. **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 or not visible from the street or to the general public, as approved by the Community Development and Public Works Departments.)
- 30. **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. 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 the final map.
- 31. UNDERGROUNDING OF OVERHEAD LINES: Underground existing overhead electric and telecommunication facilities fronting the property along South Rengstorff Avenue and/or within the division of land, unless waived by the City Council after consideration of the recommendation of the Public Works Director due to unusual or impractical circumstances. The undergrounding work shall be constructed in conjunction with any applicable offsite improvements and completed prior to issuance of a Certificate of Occupancy for any new unit. All poles fronting





- the property and/or within the division of land shall be removed. If the undergrounding requirement is waived, subdivider shall fulfill whatever substitute conditions the City shall impose prior to final map approval.
- 32. UTILITY MAINTENANCE: On-site water, sanitary sewer, and storm drainage facilities shall be privately maintained.
- 33. **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.
- 34. **LOT 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).
- 35. **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.
- 36. **CONSISTENCY WITH OTHER APPROVALS:** This map shall be consistent with all requirements of the Planned Unit Development Permit and Development Review Permit, Application No. PL-2019-182. 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.
- 37. **APPROVAL EXPIRATION:** If the map is not completed within twenty-four (24) months from the date of this approval, this map shall expire. The map is eligible for an extension of an additional twelve (12) months, provided the request for extension is filed 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 sixty (60) days or until the application for the extension is approved, conditionally approved, or denied, whichever occurs first.

