

CITY OF MOUNTAIN VIEW
RESOLUTION NO.
SERIES 2022

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF MOUNTAIN VIEW
APPROVING A PRELIMINARY PARCEL MAP TO COMBINE FIVE LOTS INTO ONE LOT;
AND FINDING THE PROJECT TO BE CATEGORICALLY EXEMPT PURSUANT TO CEQA GUIDELINES,
SECTION 15332 ("IN-FILL DEVELOPMENT PROJECTS") AT 590 CASTRO STREET

WHEREAS, an application (Application No. PL-2021-258) was received from The Sobrato Organization for a Preliminary Parcel Map to combine five lots into one lot on a project site at 590 Castro Street; and

WHEREAS, the Subdivision Committee held a duly noticed public hearing on February 23, 2022 on said application and recommended the City Council approve the Preliminary Parcel Map subject to the attached findings and conditions of approval; and

WHEREAS, the City Council held a public hearing on April 12, 2022 on said application and received and considered all evidence presented at said hearing, including, but not limited to, the City Council report, recommendation of the Subdivision Committee, project materials, oral testimony, and written comments submitted;

NOW, THEREFORE, BE IT RESOLVED, pursuant to the Chapter 28 of the Mountain View City Code and the Subdivision Map Act, that the City Council of the City of Mountain View finds that:

1. 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 because the subdivision complies with the General Plan goals and policies of the Downtown Precise Plan and the Downtown Mixed-Use Land Use Designation.

2. Pursuant to Subsections (c) and (d) of Government Code Section 66474, the proposed subdivision is physically suitable for the proposed mixed-use development because the site design and improvements would require combining all the five lots, as proposed, to adequately accommodate the proposed mixed-use development and improvements with a Floor Area Ratio (FAR) of 2.55, and the site adequately accommodates vehicle, pedestrian, and bicycle circulation to meet requirements for life safety, City services, and occupants of the project. Additionally, the proposed Vesting Preliminary Parcel Map facilitates the construction of a new office development that can be fully served by the physical infrastructure and services provided within the City of Mountain View.

3. That pursuant 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 as the project is categorically exempt under CEQA Guidelines Section 15332, meeting all required criteria to qualify for the exemption: the project is consistent with the General Plan land use designation and policies and all zoning regulations and designations; it occurs within the City limits, is located on a project site of no more than five acres and is substantially surrounded by urban uses; the site has no known habitat for endangered, rare, or threatened species; the project would not result in any significant impacts relating to traffic, noise, or air quality; and the site can be served by all required utilities and public services.

4. That pursuant to Subsection (f) of Government Code Section 66474, the design of the subdivision and proposed improvements would not be detrimental to the public interest, health, safety, convenience, or welfare of the community because the project will be consistent with the policies included in the General Plan and the Subdivision Ordinance.

5. That pursuant 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.

NOW, THEREFORE, 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.

DP/4/RESO
807-04-12-22r-1

- Exhibits: A. Conditions of Approval
B. Preliminary Parcel Map

SUBDIVISION CONDITIONS
APPLICATION NO.: PL-2021-258
590 CASTRO STREET]

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(ies) 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:** 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 parcel map. Submit a copy of the report with the first submittal of the parcel map.

As required by the State Seismic Hazards Mapping Act, a project site-specific geotechnical investigation shall be conducted by a registered soils/geologist identifying any seismic hazards and recommending mitigation measures to be taken by the project. The applicant, through the applicant's registered soils engineer/geologist, shall certify the project complies with the requirements of the State Seismic Hazards Mapping Act. Indicate the location (page number) within the geotechnical report of where this certification is located, or provide a separate letter stating such.

4. **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 for the City Engineer to sign the map. The applicant's title company shall have the County Recorder's Office record the original and shall provide a Xerox Mylar copy of the map to be endorsed by the County Recorder's Office. The endorsed Xerox Mylar copy and a PDF shall be returned within one week after recording the map to the Public Works Department.
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 parcel map.
6. **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 shall be paid at the time of initial map plan check submittal per the adopted fee in effect at time of payment.
7. **PLAN CHECK AND INSPECTION FEE:** Prior to issuance of any building permits and prior to approval of the parcel 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 parcel 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. Separate capacity charges apply for different types of residential categories to 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, 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 adopted fees in effect prior to Public Works approving the parcel map.
10. **PUBLIC ACCESS EASEMENT, COVENANTS, AND DEED RESTRICTIONS (CONNECTIONS THROUGH SITES):** Prior to issuance of any building permits and prior to approval of the building permit and/or parcel map, the owner shall dedicate a 50' wide public access easement (PAE), covenants, agreements, and deed restrictions on private property. The dedication shall indicate that:
 - a. Public access shall be granted for nonautomotive use;
 - b. The owner shall maintain, inspect, and monitor the PAE improvements in good order, condition, and repair and in compliance with the Americans with Disabilities Act (ADA);
 - c. The PAE shall run with the land and be binding upon any successors;
 - d. If the owner shall fail to abide by the PAE, the owner agrees to pay all reasonable costs and expenses incurred by the City in enforcing the performance of such obligations.
 - e. The owner agrees to defend and hold the City and the City's officials, officers, employees, and agents 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 the performance of services or operations under the dedication, including maintenance operations performed on the PAE by the owner or the owner's contractors, subcontractors, agents, or employees.

A legal description (metes and bounds) and plat map (drawing) of: (1) the owner's property; and (2) the PAE area shall be prepared by the owner in accordance with the City's Legal Description and Plat Requirements and submitted to the Public Works Department for review and approval. The legal description and plat must be prepared and stamped by a California-registered civil engineer or land surveyor. Associated improvements within the PAE (PAE Improvements) shall be constructed by the owner and approved by the City.

11. **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.
12. **EASEMENT ABANDONMENT:** Prior to approval of the parcel map, the easement for ingress and egress (6169 OR 398) over the paseo shall be quitclaimed by the applicant.
13. **EASEMENT AMENDMENT:** Prior to approval of the parcel map, the applicant shall obtain an easement or amendment to the existing easement for ingress and egress (5140 OR 483) over the drive aisle between the applicant and the City to include rights to use a portion of the area for temporary staging of trash receptacles for collection and as an off-street loading area/zone.

14. **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.
15. **PUBLIC IMPROVEMENTS:** Install or reconstruct standard public improvements that are required for the subdivision and as required by Chapters 27 and 28 of the City Code. These improvements include, but are not limited to: storm drain connection, sewer connection, domestic, fire and future recycled water connections, new curb, gutter, and sidewalk on Church Street, new sidewalk on Castro Street, undergrounding of overhead electric on Church Street, two new post-top streetlights on Church Street and full street overlay on Church Street, new full-depth asphalt, storm drainage, curb, and gutter for the ingress/egress easement area, and new parking stalls.
 - a. **Improvement Agreement:** The property owner must sign a Public Works Department improvement agreement for the installation of the public improvements prior to the issuance of the building permit.
 - b. **Bonds/Securities:** Sign a Public Works Department faithful performance bond (100%) and materials/labor bond (100%), or provide a cash deposit (100%), or provide a letter of credit (150%) securing the installation and warranty of the off-site improvements in a form approved by the City Attorney's Office. The surety (bond company) must be listed as an acceptable surety on the most current Department of the Treasury's Listing of Approved Sureties on Federal Bonds, Department Circular 570. This list of approved sureties is available 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.
 - 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 issuance of the building permit. 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 Legal Liability, and One Million Dollars (\$1,000,000) Workers' Compensation. The insurance requirements are available from the Public Works Department.
16. **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, an initial plan check fee and map plan check fee based on the Public Works fee schedule, Improvement Plan Checklist, and items noted within the Checklist must be submitted together as a separate package concurrent with the first submittal of the building plans and parcel map. All required materials shall be submitted electronically, i.e., flattened PDFs. The off-site plans must be approved and signed by the Public Works Department. After the plans have been signed by the Public Works Department, 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 parcel map. CAD files shall meet the City's Digital Data Submission Standards.
17. **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.

18. **UNDERGROUNDING OF OVERHEAD SERVICES:** All new and existing electric and telecommunication facilities serving the subdivision are to be placed underground (including transformers). The undergrounding of the new and existing overhead electric and telecommunication lines is to be completed prior to issuance of a Certificate of Occupancy for any new buildings within the subdivision. If allowed by the City, aboveground transformers shall be located so they are screened in the least visible location from the street or to the general public, as approved by the Community Development and Public Works Departments.
19. **UNDERGROUNDING OF OVERHEAD LINES:** Underground existing overhead electric and telecommunication facilities fronting the property along Church Street 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 off-site 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, the subdivider shall fulfill whatever substitute conditions the City shall impose prior to parcel map approval.
20. **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 parcel map.
21. **UTILITY MAINTENANCE:** On-site water, sanitary sewer, and storm drainage facilities shall be privately maintained by the property owner(s).
22. **STORM DRAIN HOLD HARMLESS AGREEMENT:** As portions of the site are or will be lower than the adjacent public street or the surface grade over the City's storm mains, the owner shall sign an agreement to hold the City harmless against storm surcharges or blockages that may result in on-site flooding or damage prior to approval of the parcel map.
23. **SANITARY SEWER HOLD HARMLESS AGREEMENT:** If the sanitary sewer connection(s) inside the structure(s) is/are less than 1' above the rim elevation of the upstream sanitary sewer manhole, before approval of the building permit, the owner shall sign an agreement to hold the City harmless against sewer surcharges or blockages that may result in on-site damage prior to approval of the parcel map.
24. **CONSISTENCY WITH OTHER APPROVALS:** This map shall be consistent with all requirements of the Planned Community Permit, Application No. PL-2020-065. 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.
25. **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.