

CITY OF MOUNTAIN VIEW  
RESOLUTION NO.  
SERIES 2020

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF MOUNTAIN VIEW  
APPROVING A TENTATIVE MAP TO ALLOW A ONE-LOT CONDOMINIUM  
SUBDIVISION FOR 15 RESIDENTIAL CONDOMINIUM UNITS  
AT 325-339 FRANKLIN STREET

WHEREAS, an application was received from Johnny DaRosa of DaRosa & Associates for a Tentative Map to create a one-lot condominium subdivision for 15 residential condominium units on a 0.52-acre site at 325-339 Franklin Street (Application No. 417-15-TM); and

WHEREAS, on November 10, 2020, the Subdivision Committee held a duly noticed public hearing on said subdivision application and recommended conditional approval of the Tentative Map subject to the attached conditions of approval; and

WHEREAS, on December 8, 2020, the City Council held a public hearing on said subdivision application, and received and considered all evidence presented at said hearing, including the attached conditions of approval; and

WHEREAS, the Tentative Map would not be detrimental to the public interest, health, safety, convenience, or welfare of the community because the project is consistent with the policies included in the General Plan, and the Tentative Map facilitates the construction of new residential development and associated improvements in a transit-proximal location that can be fully served by the physical infrastructure and services provided within the City of Mountain View;

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

1. 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, including all required elements applicable to said property as the project will create new ownership housing on the project site. The proposed project density of 29 dwelling units per acre is within the range accommodated under the Medium High-Density Residential (26 to 35 dwelling units per acre) Land Use

Designation; the proposed two- to three-story project height is also consistent with the General Plan-allowed maximum height of up to three stories; and the subdivider would implement all applicable conditions of approval recommended by the Subdivision Committee to ensure compliance with applicable City regulations and procedures.

2. Pursuant to Subsection (c) of Government Code Section 66474, the site is physically suitable for the proposed residential development and improvements, as the site size matches the minimum site area required for proposed residential units pursuant to the Downtown Precise Plan sliding density scale; adequately accommodates vehicle, pedestrian, and bicycle circulation to meet requirements for life-safety, City services, and residents of the project; provides direct pedestrian access between on-site units and public sidewalk areas, and common open space for future residents; and the proposed subdivision facilitates the construction of a new, ownership residential development and associated improvements in a transit-proximal location that can be fully served by the physical infrastructure and services provided within the City of Mountain View.

3. Pursuant to Subsection (d) of Government Code Section 66474, the site is physically suitable for the proposed density of residential development because the project density of 29 dwelling units per acre is consistent with the Medium High-Density Residential General Plan Land Use Designation and all required General Plan elements therein applicable to said property.

4. Pursuant to Subsection (e) of Government Code Section 66474, the design of the subdivision or proposed improvements would not result in environmental damage or unavoidable injury to fish and wildlife habitats, as approval of the subdivision qualifies as categorically exempt pursuant to Section 15332 ("In-Fill Development Projects") of the California Environmental Quality Act (CEQA) Guidelines, which applies to this project because it is consistent with the applicable General Plan and Zoning designations and regulations; occurs within the City limits; is located on a project site of no more than five acres; is substantially surrounded by urban uses; contains no known habitat for endangered, rare, or threatened species; can be served by all required utilities and public services; and would not result in any significant impacts relating to traffic, noise, or air quality.

5. Pursuant to Subsection (f) of Government Code Section 66474, the design of the subdivision and proposed improvements would not cause serious public health problems or be detrimental to the public interest, health, safety, convenience, or welfare of the community as the proposed subdivision is intended to assist in condominium ownership of the multi-family project and would not by itself create any public health impacts, and because the project improvements have been reviewed for consistency with City health and safety codes and with applicable General Plan policies.

6. Pursuant to Subsection (g) of Government Code Section 66474, the design of the subdivision and 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 as no public access easements currently exist on the site, or are required of the proposed development under applicable City regulations, and new easements will be acquired for public utility improvements and connections through the site that are needed to support, and do not otherwise conflict with, proposed on-site development.

BE IT FURTHER RESOLVED by the City Council of the City of Mountain View that the Tentative Map to create a one-lot condominium subdivision for 15 residential condominium units, incorporated herein by reference as Exhibit A, is hereby approved subject to the subdivider's fulfillment of all of the conditions recommended by the Subdivision Committee, and attached hereto as Exhibit B and incorporated herein by reference.

TIME FOR JUDICIAL REVIEW

The time within which judicial review of this document must be sought is governed by California Code of Procedure Section 1094.6, as established by Resolution No. 13850 adopted by the City Council on August 9, 1983.

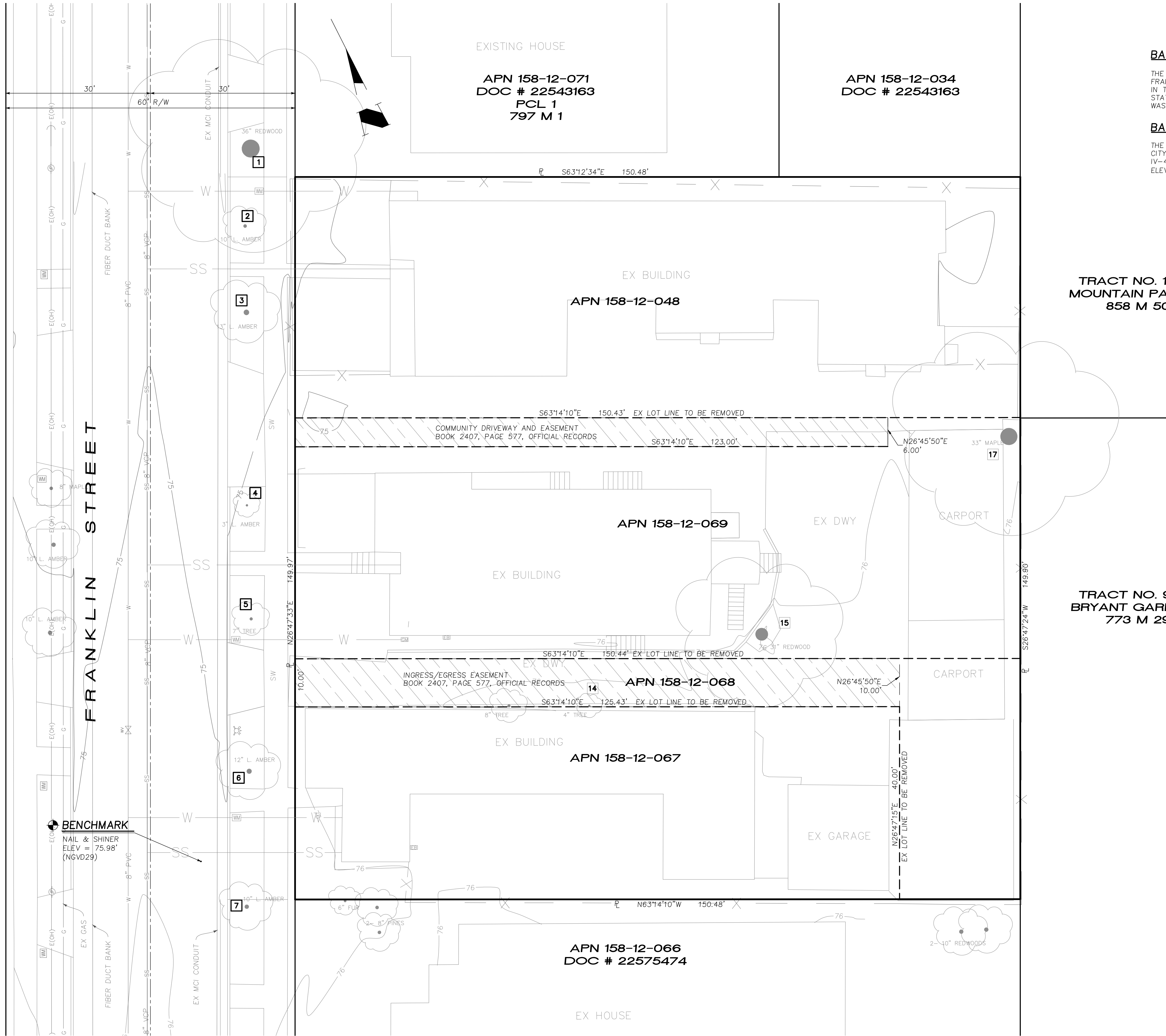
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RS/1/RESO  
803-12-08-20r-1

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







**BASIS OF BEARINGS:**

THE BEARING, S26°47'20"W, OF THE MONUMENT LINE OF FRANKLIN STREET, AS SHOWN ON THAT CERTAIN MAP FILED IN THE OFFICE OF THE RECORDER OF SANTA CLARA COUNTY, STATE OF CALIFORNIA, IN BOOK 781 OF MAPS AT PAGE 21, WAS USED AS THE BASIS OF BEARINGS SHOWN ON THIS MAP.

**BASIS OF ELEVATION:**

THE ELEVATIONS SHOWN ON THIS MAP ARE BASED ON THE CITY OF MOUNTAIN VIEW VERTICAL CONTROL BENCH MARK IV-41 LOCATED TOI DANA STREET AND SHORELINE BLVD. ELEVATION = 74.043 (NGVD29)

TRACT NO. 10147  
MOUNTAIN PACIFIC  
858 M 50

TRACT NO. 9243  
BRYANT GARDENS  
773 M 29

**ENGINEERING**  
598 E Santa Clara St., #270  
San Jose, CA 9512  
Phone: (408) 806-7187  
Fax: (408) 583-4006

TOPOGRAPHIC SURVEY  
CENTRAL DEVELOPMENT INC  
325-333-339 FRANKLIN STREET  
APN 158-12-048, 069 AND 067

California

Mountain View



APPLICANT : CENTRAL DEVELOPMENT INC

ROAD NAME : FRANKLIN STREET

CITY FILE NO :

DESIGNED	DATE	06/25/15	PT	06/25/15	NO.
DRAWN	DATE	06/25/15	PT	06/25/15	NO.
CHECKED	DATE	06/25/15	PT	06/25/15	NO.
BY	DATE	06/25/15	PT	06/25/15	NO.
APPD	DATE	06/25/15	PT	06/25/15	NO.
REVISIONS	DATE	06/25/15	PT	06/25/15	NO.

SUBDIVISION CONDITIONS  
APPLICATION NO.: 417-15-TM  
325-339 FRANKLIN STREET

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:** 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" x 11" 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 \$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.
11. **STORM DRAINAGE FEE:** Prior to issuance of any building permits and prior to approval of the final map, the applicant shall pay the off-site storm drainage fee per Section 28.51(b) and with the rates in effect at the time of payment.
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 (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 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.

The planning application documents shall be revised to include the required PUE prior to initial submittal of the building permit plans and to the satisfaction of the Public Works Director.

13. **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.

14. **CC&Rs:** Covenants, Conditions, and Restrictions (CC&Rs) for the HOA, 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.
15. **CC&Rs, SPECIAL PAVEMENT MAINTENANCE:** The HOA 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.
16. **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."
17. **CC&Rs, PRIVATE UTILITY MAINTENANCE PLAN AND SANITARY SEWER OVERFLOW PLAN:** The Covenants, Conditions, and Restrictions (CC&Rs) shall include a provision that the HOA 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.
18. **CC&Rs, RETAINING WALLS:** Retaining walls shall have a maximum height of 18", unless an exception is granted by the Community Development and Public Works Departments. A private easement for the retaining walls shall be shown on the final map. Retaining walls along the perimeter of the subdivision shall be maintained by the HOA. The maintenance of the retaining walls shall be included 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.
19. **CC&Rs, GARBAGE PICKUP (SHARED SERVICE):** The Covenants, Conditions, and Restrictions (CC&Rs) shall include a provision stating the homeowners are responsible for the removal of all the trash and refuse from the Owner's Lot to the central trash collection point. The HOA shall be responsible for the maintenance of the central trash collection point and for the periodic removal therefrom. 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.
20. **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 new curb, gutter, sidewalk, driveway, and conforms along project frontage; new streetlights, park strip landscaping and irrigation; new water, sewer, and storm facilities, including mains, services/laterals, water meters, water service manifolds, cleanouts, manholes, and any related appurtenances; electric and gas utility improvements; curb and roadway striping; and half-street grind and overlay along the project frontage on Franklin



Street.

21. **PUBLIC AND PRIVATE COMMON IMPROVEMENTS:**

- 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 final map.
- b. **BONDS/SECURITIES:** Sign a Public Works Department Faithful Performance Bond (100 percent) and Materials and 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 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.
- c. **INSURANCE:** Provide a Certificate of Insurance and endorsements for the Commercial General Liability endorsement, and Automobile Liability endorsement 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.

22. **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.

23. **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.

24. **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.)

25. **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.
26. **UTILITY PAYMENT AGREEMENT:** Prior to the approval of the final map, sign a utility payment agreement and post a security deposit made payable to the City as security if each unit or building does not have separate sewer connections and water meters in accordance with Section 35.38 of the City Code. The utility payment agreement shall include provisions to have the security transferred from the applicant to the HOA (but still made payable to the City) when the Homeowners Association is formed for the subdivision.
27. **UTILITY MAINTENANCE:** On-site water, sanitary sewer, and storm drainage facilities shall be privately maintained.
28. **RETAINING WALL:** Retaining walls shall have a maximum height of 18", unless an exception is granted by the Community Development and Public Works Departments. A private easement for the retaining walls shall be shown on the final map. Retaining walls along the perimeter of the subdivision shall be maintained by the HOA. The maintenance of the retaining walls shall be included 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.
29. **SURFACE WATER RELEASE:** Provide a surface stormwater release for the lot and driveway 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.
30. **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 final map.
31. **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 final map.
32. **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.
33. **CONSISTENCY WITH OTHER APPROVALS:** This map shall be consistent with all requirements of the Planned Community Permit and Development Review Permit, Application No. 497-14-PCZA. 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.
34. **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.