

CITY OF MOUNTAIN VIEW  
RESOLUTION NO.  
SERIES 2026

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF MOUNTAIN VIEW  
CONDITIONALLY APPROVING A VESTING TENTATIVE MAP FOR CONDOMINIUM PURPOSES  
WITH ONE COMMON LOT ON A 1.69-ACRE SITE LOCATED AT  
922-950 SAN LEANDRO AVENUE (APN 153-18-026 AND 153-18-031)

WHEREAS, on December 15, 2023, Kian Malek, on behalf of City Ventures, submitted a formal application (Application No. PL-6773) for a Vesting Tentative Map for condominium purposes with one common lot on a 1.69-acre site located at 922-950 San Leandro Avenue (APN 153-18-026 and 153-18-031); and

WHEREAS, the applicant submitted a deemed-complete Senate Bill (SB) 330 Preliminary Application (Application No. PL-2024-004) on January 19, 2024, with limited SB 330 vesting provisions effectuating on that date. The formal application (Application No. PL-6773) was submitted on December 15, 2023 and deemed complete on October 10, 2024; and

WHEREAS, on the same date, the applicant submitted an application for a General Plan Map Amendment for the property from General Industrial to Medium-Density Residential, a Zoning Map Amendment for the property from the MM (General Industrial) Zoning District to the R3-1.5 (Multiple Family Residential) Zoning District, a Planned Unit Development Permit and Development Review Permit to construct a 38-unit rowhouse development and related site improvements, utilizing State Density Bonus Law, replacing a multi-tenant industrial building and two single-family homes, and a Heritage Tree Removal Permit to remove five Heritage trees at 922-950 San Leandro Avenue; and

WHEREAS, the subject property has an existing General Plan Land Use Designation of General Industrial and a proposed General Plan Land Use Designation of Medium-Density Residential; and

WHEREAS, the subject property is currently located in the MM (General Industrial) Zoning District and proposed to be rezoned to the R3-1.5 (Multiple Family Residential) Zoning District; and

WHEREAS, as authorized by the Quimby Act, Government Code Section 66477, the City of Mountain View has adopted a standard of providing parks and recreational facilities to its residents at a ratio of three acres per 1,000 residents. Increases in population due to new residential development place additional burdens on City parks and recreational facilities and negatively impact the City's standard of providing parks and recreational facilities to its residents at a ratio of three acres per 1,000 residents; and

WHEREAS, this development project is located within the Stierlin Planning Area. Currently, approximately 9,748, or 11%, of the approximately 86,121 residents of Mountain View live within the Stierlin Planning Area. To meet the City's three-acres-per-thousand-residents standard, the City must provide approximately 258 acres of parks and recreational facilities for the entire City, with approximately 29 acres located within the Stierlin Planning Area. Currently, the Stierlin Planning Area has only 20.86 acres of parks and recreational facilities, which means there is an 8.14-acre deficit; and

WHEREAS, in accordance with the City-adopted density formula, this 38-unit residential rowhouse development will add 26 net new units (which includes a credit for the two existing residential units on the subject property and excludes the 10 proposed units provided to satisfy the City's Below-Market-Rate (BMR) Ordinance) to the Stierlin Planning Area. Applying the exemption for the provision of affordable housing as required by the City Code and using the 0.0060-acreage-per-dwelling-unit factor adopted by the City, the applicant is required to dedicate 0.16 acre of land (rounded) or pay a fee in lieu thereof to offset the burden the project's additional residents will place on the City's parks and recreational facilities. Because this applicant is not dedicating the land necessary to offset the impact of the approximately 72 new residents this project will bring, the current 8.14 acre park and recreational facility deficit within the Stierlin Planning Area will increase to 8.30 acres; and

WHEREAS, based on a fair-market land value of \$10,400,000 per acre, as established in Chapter 41 of the City Code, it will now cost the City \$86,278,400 to provide parks and recreational facilities at a ratio of three acres per 1,000 residents within the Stierlin Planning Area. Because the additional residents generated by this project will make up approximately 1% of the population within the Stierlin Planning Area, the applicant's proportional share of the total cost the City will now incur to provide parks and recreational facilities at a ratio of three acres per 1,000 residents within the Stierlin Planning Area is \$862,784; and

WHEREAS, the fair-market land value of \$10,400,000 per acre represents the lowest price per acre in the range of values for Medium-Density (13 to 25 dwelling units per acre) development per the Fiscal Year 2023-24 City of Mountain View Master Fee Schedule in effect on the date the preliminary application was submitted; and

WHEREAS, the City has established that the Park Land Dedication In-Lieu Fee has an "essential nexus" to the City's legitimate interest of providing parks and recreational facilities necessary to serve new growth, and the amount of the fee is roughly proportionate to the City's costs of providing park and recreational facilities at the three acres per 1,000 residents ratio to serve new development. The Park Land Dedication In-Lieu Fee will not exceed the estimated reasonable cost of providing park and recreational facilities for which the fees are imposed; and

WHEREAS, the Environmental Planning Commission held a duly noticed public hearing on February 18, 2026 on said application and recommended the City Council conditionally approve the Vesting Tentative Map, based on the findings contained herein and conditions of approval

attached hereto. On the same date, the Environmental Planning Commission also recommended that the City Council adopt the Initial Study/Mitigated Negative Declaration (IS/MND) and Mitigation Monitoring and Reporting Program (MMRP) prepared for the project and approve the related General Plan Amendment, Zoning Map Amendment, Planned Unit Development Permit, Development Review Permit utilizing State Density Bonus Law, and Heritage Tree Removal Permit; and

WHEREAS, the City Council held a duly noticed public hearing on \_\_\_\_\_ on said application and received and considered all evidence presented at said hearing, including the recommendation from the Environmental Planning Commission, the City Council report, project materials, testimony, and written materials submitted, and determined that the Vesting Tentative Map is consistent with the applicable zoning and subdivision requirements in the General Plan and the City Code; and

WHEREAS, on the same date, the City Council adopted a companion resolution adopting the IS/MND and MMRP for the application; and

WHEREAS, on the same date, the City Council adopted a companion resolution approving a General Plan Amendment to modify the General Plan Land Use Map from General Industrial to Medium-Density Residential for the subject property; and

WHEREAS, on the same date, the City Council introduced a companion ordinance to approve a Zoning Map Amendment for the subject property from the MM (General Industrial) Zoning District to the R3-1.5 (Multiple Family Residential) Zoning District; and

WHEREAS, on that same date, the City Council adopted a companion resolution conditionally approving a Planned Unit Development Permit, Development Review Permit utilizing State Density Bonus Law, and a Heritage Tree Removal Permit for the project; and

WHEREAS, subdivision of the property will facilitate the development of the project site consistent with applicable provisions of the General Plan; now, therefore, be it

RESOLVED: that the above recitals are correct and are material to this Resolution and are incorporated into this Resolution as findings of the City Council; and be it

FURTHER RESOLVED: that the City Council hereby makes the following findings regarding the Vesting Tentative Map (Application No. PL-6773):

1. **The proposed subdivision, together with the provisions for its design and improvement, is consistent with applicable general and specific plans (Gov. Code §§ 66473.5, 66474).** The proposed subdivision, together with the provisions for its design and improvement, is consistent with the Medium-Density Residential General Plan Land Use, including all requirements therein applicable to said property. More specifically, the subdivision provides for the improvement of the 1.69-acre site consistent with the proposed medium-density residential

development and with required frontage improvements, including new utility connections, landscaping, curb, and sidewalks necessary to support the residential rowhouse development (proposed pursuant to provisions of State Density Bonus Law). The project is also consistent with General Plan policies aimed at ensuring adequate and safe utility services, such as Policies INC 1.3 (Utilities for new development) and INC 1.5 (Utility service), as well as policies for incorporating new sidewalks and improvements to prioritize pedestrian circulation; and INC 3.4 (Right-of-way regulations) as the proposed development includes improvements addressing all circulation and utility needs of the project;

**2. The site is physically suitable for the type and density of development (Gov. Code § 66474).** The site is physically suitable for the type and intensity of the land use being proposed since it complies with allowed uses and applicable development standards for rowhouse developments in the R3-1.5 (Medium-Density Residential) Zoning District and the Medium-Density Residential General Plan Land Use Designation, which support this type of residential development. The proposed site design adequately accommodates and/or makes improvements to vehicle, pedestrian, and bicycle circulation to meet or exceed requirements for life safety, City services, and the needs of existing/future residents. Specifically, the property is a relatively flat lot with planned improvements for all required utility services, on-site, and public street improvements that provide for improved on-/off-site pedestrian and bicycle circulation and necessary personal vehicle and City service access. Further, the site is large enough with suitable dimensions to accommodate the proposed project in compliance with all applicable development standards. Additionally, per the Utility Impact Study (UIS) Memorandum for the project, there is sufficient capacity in the City's utility system to accommodate the proposed development and future cumulative conditions, including fire flows at and around the project site;

**3. The proposed design of the subdivision and improvements, as conditioned, will not cause environmental damage or substantially and avoidably injure fish or wildlife or their habitat (Gov. Code § 66474).** The design of the subdivision and the proposed improvements has been assessed in the IS/MND entitled "922-950 Residential Project" prepared for the project, which determined there is no substantial evidence that the project, with implementation of Mountain View City Code requirements, standard City conditions of approval, and mitigation measures disclosed in the IS/MND and MMRP (per Attachment 1 – Draft Resolution—IS/MND and MMRP to the City Council staff report and incorporated herein by reference as though fully set forth herein), would have a significant effect on the environment, pursuant to California Environmental Quality Act (CEQA) Guidelines Sections 15064(f)(3) and 15070(b). As such, the subdivision is not likely to cause environmental damage. The analysis found the project site would have a less-than-significant impact on wildlife with implementation of the City's standard condition of approval requiring a preconstruction nesting bird survey as the site is in an urban infill area, provides minimal dispersal habitat for native wildlife, and does not function as a wildlife movement corridor. Additionally, there are no riparian or wetland habitats on or immediately adjacent to the site. However, Stevens Creek is 400' east of the site and could be utilized by migrating bird species. To reduce potential impacts to birds who may utilize the trees on-site for nesting, the project would implement the City standard condition of approval

highlighted above to protect nesting birds, if present during construction. Based on the above, the project would not substantially interfere with the movement of fish or wildlife species nor interfere with established corridors or wildlife nursery sites. Further the project will comply with all applicable health and safety codes and regulations intended to manage potential environmental damage from development, including, but not limited to, basic construction measures recommended by the Bay Area Air Quality Management District (BAAQMD) to reduce fugitive dust emissions and any airborne toxins generated by project construction, construction noise management requirements and standard conditions of approval of the City, and water quality regulations established per the Santa Clara Valley Urban Runoff Pollution Prevention Program (SCVURPPP). The project will also implement good forestry practices aimed at maintaining or enhancing habitat by incorporating measures to preserve off-site trees that could be impacted by project construction, planting more trees than will be removed to allow construction of the proposed project, and by proposing a plant palette where the majority of the plants will be California-native. Also, proposed off-site improvements are designed to meet City design standards and adopted City Codes;

**4. The design of the subdivision and its improvements will not cause serious public health problems (Gov. Code § 66474).** The design of the subdivision and the proposed improvements are not likely to cause serious health problems because the project will be consistent with the applicable policies included in the General Plan, as summarized in Finding 1 (above), and the City Code and will be subject to standard conditions of approval to protect public health, safety, convenience, and welfare, which include compliance with applicable Building and Fire codes to ensure on-site improvements provide for safe habitation. The proposed plans, as conditioned, also meet applicable requirements for emergency and solid waste service, and proposed public (off-site) improvements are designed to meet applicable City design standards and City Code requirements intended to manage and avoid public health impacts;

**5. The design of the subdivision and its improvements will not conflict with easements, acquired by the public at large, for access through or use of property within the subdivision (Gov. Code § 66474).** The subdivision and improvements, as conditioned, will not conflict with existing easements. Also, the proposed subdivision includes new public access easements providing circulation through and use of the property;

**6. For a proposed subdivision with more than five hundred (500) dwelling units, water will be available and sufficient to serve the proposed subdivision in accordance with Section 66473.7 of the Subdivision Map Act (Gov. Code § 66473.7).** This finding does not apply because the project proposes only 38 dwelling units;

**7. The discharge of waste from the proposed subdivision into the sewer system will not violate regional water quality control regulations (Gov. Code § 66474.6).** The subdivision will not result in the discharge of waste into the sewer system that would violate regional water quality control regulations;

8. **The design of the subdivision provides, to the extent feasible, for future passive or natural heating or cooling opportunities (Gov. Code § 66473.1).** The subdivision provides, to the extent feasible, for future passive or natural heating or cooling opportunities; and

9. **The City has considered the effects on housing needs of the region in which the local jurisdiction is situated and balanced these needs against the public service needs of its residents and available fiscal and environmental resources (Gov. Code § 66412.3).** In approving the Vesting Tentative Map, the City Council has considered its effect upon the housing needs of the region balanced with the public service needs of Mountain View residents and available fiscal and environmental resources; and be it

FURTHER RESOLVED: that the City Council hereby finds the Vesting Tentative Map to be consistent with the applicable zoning and subdivision requirements in the General Plan and the City Code; and be it

FURTHER RESOLVED: that the City Council hereby approves the Vesting Tentative Map, attached hereto as Exhibit B and incorporated herein by reference, based on the findings above and subject to the subdivider's compliance with and fulfillment of all of the conditions of approval, which are attached hereto as Exhibit A and incorporated herein by reference; and be it

FURTHER RESOLVED: that this resolution shall be effective upon the effective date of the General Plan Map Amendment Resolution and Zoning Map Amendment Ordinance. In the event that the General Plan Map Amendment Resolution and Zoning Map Amendment Ordinance do not become effective, the Vesting Tentative Map shall not be deemed approved. In the event the General Plan Map Amendment Resolution and Zoning Map Amendment Ordinance are challenged, the Vesting Tentative Map shall not be deemed approved unless and until the General Plan Map Amendment Resolution and Zoning Map Amendment Ordinance are in full force and effect.

#### 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.

NOTICE

The conditions of project approval set forth herein include certain fees, dedication requirements, reservation requirements, and other exactions. Pursuant to Government Code Section 66020(d)(1), these conditions constitute written notice of a statement of the amount of such fees and a description of the dedications, reservations, and other exactions. The applicant is hereby further notified that the 90-day appeal period in which the applicant may protest these fees, dedications, reservations, and other exactions pursuant to Government Code Section 66020(a) has begun as of the date this Resolution is adopted. If the applicant fails to file a protest within this 90-day period complying with all requirements of Section 66020, the applicant will be legally barred from later challenging such fees, dedications, reservations, or other exactions.

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CDD/EM-02-18-26r-2

- Exhibits: A. Subdivision Conditions  
B. Vesting Tentative Map

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**SUBDIVISION CONDITIONS  
APPLICATION NO.: PL-6773  
922-950 SAN LEANDRO AVENUE**

The applicant is hereby notified, as part of this application, that the applicant is required to meet the following conditions in accordance with the Mountain View City Code and the State of California. Where approval by a City Department Director or Official is required, that review shall be for compliance with all applicable conditions of approval, adopted policies and guidelines, ordinances, laws, regulations, and accepted practices for the item(s) under review. The applicant is hereby notified that the applicant 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 hereby granted for a Vesting Tentative Map for condominium purposes with one common lot on a 1.69-acre site located at 922-950 San Leandro Avenue, located on Assessor's Parcel Nos. 153-18-026 and 153-18-031, based on the findings below and subject to the applicant's fulfillment of all the conditions of approval. Development shall be substantially as shown on the project materials listed below and for the associated Planned Unit Development, Development Review, and Heritage Tree Removal Permits, except as may be modified by conditions contained herein, which are kept on file in the Planning Division of the Community Development Department:

- a. Vesting Tentative Map prepared by Lea and Braze Engineering, Inc., dated June 12, 2025.

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

FINAL MAP

1. **MAP SUBMITTAL:** File a final map for approval and recordation in accordance with the City Code Chapter 28, Article IV, Parcel Maps and Final Maps, 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 the map for review concurrent with all items on the Map Checklist and the Off-Site Improvement Plans to the Public Works Department. All required materials shall be submitted electronically (i.e., flattened, reduced-size PDFs).
2. **PRELIMINARY TITLE REPORT:** At first submittal of a final map to the Public Works Department, the applicant shall submit to the Public Works Department a current preliminary title report or land deed (dated within six months of the first submittal) indicating the exact name of the current legal owners of the property(ies), their type of ownership (individual, partnership, corporation, etc.), and legal description of the property(ies) involved in compliance with Section 27.60 of the City Code. The title report shall include all easements and agreements referenced in the title report as links or separate submitted documents. Depending upon the type of ownership, additional information may be required. The applicant shall provide an updated title report to the Public Works Department upon request.
3. **SOILS REPORT:** Soils and geotechnical reports prepared for the subdivision shall be indicated on a final map. Submit a copy of the report with the first submittal of a final 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. **MAP DOCUMENTS:** Prior to the approval and recordation of the map, submit a subdivision guarantee, Santa Clara County Tax Collector's letter regarding unpaid taxes or assessments, and subdivision security if there are unpaid taxes or special assessments.

5. **FINAL MAP APPROVAL:** A final map shall be signed and notarized by the owner and engineer/surveyor and submitted to the Public Works Department. In order to place the approval of a final map on the public hearing 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 date. After City Council approval, the City Engineer will sign the map. The applicant's title company shall have the Santa Clara County Recorder's Office record the original and shall provide a Xerox Mylar copy of the map to be endorsed by the Santa Clara 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.

RIGHTS-OF-WAY

6. **STREET DEDICATION:** As shown in the approved plans and Vesting Tentative Map, the project shall dedicate a public street in easement on the face of the map to widen San Leandro Avenue an additional 30' along the project frontage at 944 San Leandro (APN 153-18-031) and an additional approximately 2.71' along the project frontage at 922 San Leandro Avenue (APN 153-18-026) to maintain a continuous 30' right-of-way from the centerline of the street, in accordance with Sections 27.59 and 27.61 of the City Code.
7. **PUBLIC ACCESS EASEMENTS (CONNECTIONS THROUGH SITES):** Prior to issuance of any building permits and prior to approval of a final map, the owner shall dedicate a 12.5' wide public access easement (PAE) on private property. The dedication shall indicate that:
  - a. Public access shall be granted for nonautomotive use at all times;
  - 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; and
  - e. The owner agrees to indemnify, defend and hold the City and the City's 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 the owner's property and 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.

8. **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, and in compliance with Section 28.9.05 (Easements) of the City Code. Utility boxes and vaults are not allowed to encroach into the public sidewalk and must fit either entirely within the landscape strip or within the PUE. 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. This supersedes Sheet L-4 of the plan set showing a retaining wall in the PUE. Retaining walls shall not be located in the PUE.

9. **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.
10. **UTILITY EASEMENT AND APPROVALS:** Dedicate utility easements, as required for the project and by the utility companies. All street and public service easement dedications are to be shown on a 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 a final map.

#### ASSESSMENTS, FEES, AND PARK LAND

11. **SUBDIVISION FEES:** Pay all subdivision fees due, in accordance with the rates in effect at the time of final map approval, prior to the approval of a final map or California Government Code Section 65589.5(o) if applicable.
12. **MAP PLAN CHECK FEE:** Prior to issuance of any building permits OR prior to approval of a final map, as applicable, the applicant shall pay the map plan check fee in accordance with Sections 28.7.b and 28.26.b of the City Code per the rates in effect at time of payment. The 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.
13. **PLAN CHECK AND INSPECTION FEE:** Prior to issuance of any building permits OR prior to approval of a 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.

14. **TRANSPORTATION IMPACT FEE:** Prior to the issuance of any building permits or prior to the approval of the final map, the applicant shall pay the transportation impact fee for the development based on the Fiscal Year 2023-24 Master Fee Schedule in accordance with Chapter 43 (Citywide Transportation Impact Fee) of the City Code and California Government Code Section 65589.5(s). If the project qualifies under California Government Code Section 66007(c)(4), the project may request the deferral of the payment of this fee until final inspection granting occupancy.
15. **PARK LAND DEDICATION FEE:** Prior to the final inspection that grants occupancy, the applicant shall pay a Park Land Dedication In-Lieu Fee in the amount of \$862,784 for the 26 net new residential units subject to the fee. This fee is based on a land value of \$10,400,000 per acre, as established in Chapter 41 of the City Code, and represents the project's proportional share of the cost of providing three acres of park and recreational space per 1,000 residents.

#### STREET IMPROVEMENTS

16. **UTILITY PAYMENT AGREEMENT:** Prior to the approval of the final map, the applicant shall 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 homeowners association (HOA), but still made payable to the City, when the HOA is formed for the subdivision.
17. **PUBLIC IMPROVEMENTS:** Install or reconstruct standard public improvements required for the project and as required by Chapters 27 and 28 of the City Code. These public improvements include, but are not limited to: new curb, gutter, and detached sidewalk; driveway approach; street trees; streetlights; joint utility services; relocation of existing utility boxes,

appurtenances, and streetlights out of new sidewalk; water, sewer, and storm drain services; grading/drainage improvements; C.3 storm water treatment; pavement overlay; signage and striping along the project street frontages; and bike ramp with splitter island, unless otherwise approved by the City Engineer.

- a. **Improvement Agreement:** Prior to the approval of a final map, the property owner must sign a Public Works Department improvement agreement for the installation of the public improvements.
  - b. **Bonds/Securities:** Prior to the approval of a final map, the property owner must sign a Public Works Department faithful performance bond (100% of Infrastructure Quantities) and materials/labor bond (100% of Infrastructure Quantities), or provide a cash deposit (100% of Infrastructure Quantities), or provide a letter of credit (150% of Infrastructure Quantities) securing the installation and warranty of the off-site improvements in a form approved by the City Attorney's Office in accordance with Section 27.36 of the City Code. 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](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.
  - c. **Insurance:** Prior to the approval of a final map, the property owner must provide a Certificate of Insurance and endorsements for the Commercial General Liability and Automobile Liability naming the City as an additional insured from the entity that will sign the improvement agreement. 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) Contractor's Pollution Liability, and One Million Dollars (\$1,000,000) Workers' Compensation. The insurance requirements are available from the Public Works Department.
18. **INFRASTRUCTURE QUANTITIES:** Submit with the first submittal of the building permit and improvement plans a construction cost estimate indicating the quantities of street and utility improvements. A separate construction cost estimate shall also be submitted with the first submittal of the building permit and improvement plans for private common street and utility improvements for Common Green and Townhouse-Type Condominium developments. The construction cost estimate is used to estimate the cost of street and utility improvements and to determine the Public Works plan check and inspection fees. The construction cost estimate shall be prepared by the civil engineer preparing the improvement plans.
19. **OFF-SITE IMPROVEMENT PLANS:** Prepare off-site public improvement plans in accordance with Chapter 28 of the City Code, Section 27.60 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. Construction management plans: Locations of on-site parking for construction equipment and construction workers and on-site material storage areas must be submitted for review and approval and shall be incorporated into the off-site improvement plans and identified as "For Reference Only."

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 a final map.

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, two full-size and two half-size black-line sets, one PDF of the signed/stamped plan set, and a USB flash drive with CAD file and PDF must be submitted to the Public Works Department prior to the approval of a final map. CAD files shall meet the City's Digital Data Submission Standards.

20. **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.

#### UTILITIES

21. **ON-SITE UTILITY MAINTENANCE:** On-site water, sanitary sewer, and storm drainage facilities shall be privately maintained by the property owner(s).
22. **UNDERGROUNDING OF OVERHEAD SERVICES:** All new electric and telecommunication facilities serving the site are to be placed underground, including transformers. The undergrounding of the new overhead electric and telecommunication lines is to be completed prior to the issuance of a Certificate of Occupancy for any new buildings within the site. Aboveground transformers, power meters, and pedestals shall be located so they are screened in the least visible location from the street or to the general public.
23. **JOINT UTILITY PLANS:** Upon first submittal of the building permit and improvement plans, the improvement plans shall include 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. Appropriate horizontal and vertical clearances in accordance with PG&E requirements shall be provided between gas transmission lines, gas service lines, overhead utility lines, street trees, streetlights, and building structures. 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 utility easements that are necessary for the common utility on the final map. During joint trench design, the applicant shall provide advance written notification(s) to owners and tenants of adjacent and affected properties describing the nature of the proposed improvements and estimated project duration, as determined necessary by the Public Works Department. The notice(s) must be approved by the City prior to distribution.

#### GRADING AND DRAINAGE IMPROVEMENTS (ON-SITE)

24. **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.
25. **RETAINING WALL:** Retaining walls shall have a maximum height of 36" 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 homeowners association. 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.

#### OTHER APPROVALS AND EXPIRATION

26. **CONSISTENCY WITH OTHER APPROVALS:** This map shall be consistent with all requirements of the Development Review Permit, Application No. PL-6773. All conditions of approval imposed under that application shall remain in full force and effect and shall be met prior to approval of a final map.
27. **APPROVAL EXPIRATION:** If the map is not completed within 24 months from the date of this approval, this map shall expire. The map is eligible for an extension of an additional 24 months, provided the application for extension is filed with the Planning Division 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 60 days or until the application for the extension is approved, conditionally approved, or denied, whichever occurs first. Notwithstanding any automatic extension period authorized in the Subdivision

Map Act, the City may, upon the subdivider's application filed before the Vesting Tentative Map expiration date, extend its life in accordance with state law and Section 28.19.75 of the Municipal Code.

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