



DATE: June 21, 2016

CATEGORY: Consent

DEPT.: Public Works

TITLE: **Final Map Approval, Tract No. 10333,
133-149 Fairchild Drive**

RECOMMENDATION

Adopt a Resolution Approving the Final Map of Tract No. 10333, Accepting Dedications, and Making Findings as Required by the City Code, to be read in title only, further reading waived (Attachment 1 to the Council report).

BACKGROUND

On July 7, 2015, the City Council adopted Resolution No. 17977 conditionally approving a vesting tentative map to subdivide an existing 1.8-acre site at 133-149 Fairchild Drive, creating 35 residential lots, 2 common lots for internal streets and open areas, and 1 lot dedicated as a 0.27-acre public park.

ANALYSIS

The developer has met all conditions of approval relating to the final map (Attachment 2), and the disposition of these conditions (Attachment 3) is as follows:

1. The final map was reviewed and is ready for approval and recordation.
2. The subdivision guarantee, County Tax Collector's letter regarding unpaid taxes for assessment, and subdivision security were submitted to the City.
3. A soils report was prepared and referenced on the final map. The developer, through its registered soils engineer/geologist, has certified that the project complies with the requirements of the State Seismic Hazard Map Act.
4. A copy of the final map is attached to this report (Attachment 2).

5. The developer paid subdivision fees, including the map check fee, plan check fee, construction inspection fee, and water and sewer capacity fees.
6. This development is the second phase of a two-phase development where the developer has offered to dedicate 11,782 square feet of the Phase II project for use as public park land. In Phase I (Tract No. 10277, 18 units), the requirement for park land dedication was 4,704 square feet, and the developer elected to pay a Park Land Dedication In-Lieu Fee of \$203,760. The Phase II requirement for park land dedication is 9,148 square feet, which results in a total required dedication of 13,852 square feet of park land for the combined phases. The Phase II park land dedication of 11,782 square feet falls short of the total dedication requirement by 2,070 square feet, which has an equivalent In-Lieu Fee of \$16,980.

If the final map is approved by Council with the park land dedication, the City would reimburse the developer for the Park Land Dedication In-lieu Fee paid in Phase I (\$203,760) minus the deficient amount (\$16,980) for a total reimbursement amount of \$186,780. Reimbursement to the developer will be made after dedication of the park land.

7. As a condition to the City accepting the public park land, the developer: (1) has provided a written report disclosing all known hazardous materials and contaminants on the park site to the City; (2) has provided written acknowledgement by the Environmental Protection Agency (EPA) for the use of the site as a public park; (3) has prepared a Site Management Plan (SMP) with specific protocols for the park construction, operation, and ongoing maintenance that was reviewed and approved by the EPA and provided funding for the implementation of the SMP on the park site based on a cost estimate prepared by the engineer of the SMP; (4) shall be responsible for removing or remediating hazardous material and contaminants found on the site, as identified in the written report provided to the City and as required by the SMP, so that the site is suitable for use as an open space park site; and (5) has signed an Indemnity Agreement to protect, indemnify, and hold harmless the City, its directors, officers, employees, and agents.
8. The developer has offered to dedicate street easements to widen Fairchild Drive and Evandale Avenue an additional 5'.
9. The developer has offered to dedicate public and private utility easements for the on-site utilities and an emergency vehicle access easement on the map. A private easement for retaining walls is not necessary (no retaining walls are proposed) and therefore not included on the map.

10. The developer has completed the Lot Line Adjustments with Phase I (Tract No. 10277) of the development.
11. Covenants, Conditions, and Restrictions (CC&Rs) have been submitted by the developer and approved by the City Attorney and the Community Development Department.
12. All new and existing electric, telephone, and cable television services shall be placed underground.
13. The developer signed an Improvement Agreement to construct public and private improvements and submitted the required bonds and insurance.
14. The Public Works Department approved the improvement plans for the public and private improvements.
15. The development complies with the relevant provisions of Chapters 27 and 28 of the Mountain View City Code and City's Standard Design Criteria.
16. The map is consistent with the Planned Community Permit and Heritage Tree Removal Permit, Application No. 133-14-PCZA, conditions of approval.
17. The tentative map was approved on July 7, 2015, and the final map is recommended for approval within 24 months of that date, meeting the requirements of the Subdivision Map Act.

FISCAL IMPACT

The developer, MV Viewpoint 2013, Inc., paid \$168,981 in subdivision fees. The City will reimburse the developer \$186,780 for previous Park Land Dedication In-Lieu fees reflecting the developer's subsequent dedication of park land.

ALTERNATIVE

Determine that the tract map is not consistent with the tentative map or applicable codes and do not approve the tract map and dedication.

PUBLIC NOTICING – Agenda posting.

Prepared by:

Arlynn A. Bumanglag
Associate Engineer

Approved by:

Michael A. Fuller
Public Works Director

Daniel H. Rich
City Manager

AAB/TS/7/CAM
908-06-21-16CR-E-1

Attachments: 1. Resolution
2. Final Map
3. Tentative Map Conditions

cc: Josh Vrotsos
MV Viewpoint 2013, Inc.
385 Woodview Avenue, Suite 100
Morgan Hill, CA 95037

ZA, APWD – Solomon, PCE – Arango, RPPA, File (Tract No. 10333, 133-149 Fairchild Drive), Chron, cmvgis@mountainview.gov