



DATE: July 7, 2015

CATEGORY: Public Hearing

DEPT.: Community Development

TITLE: **Planned Community Permit and Vesting Tentative Map for 133-149 Fairchild Drive Residential Project**

RECOMMENDATION

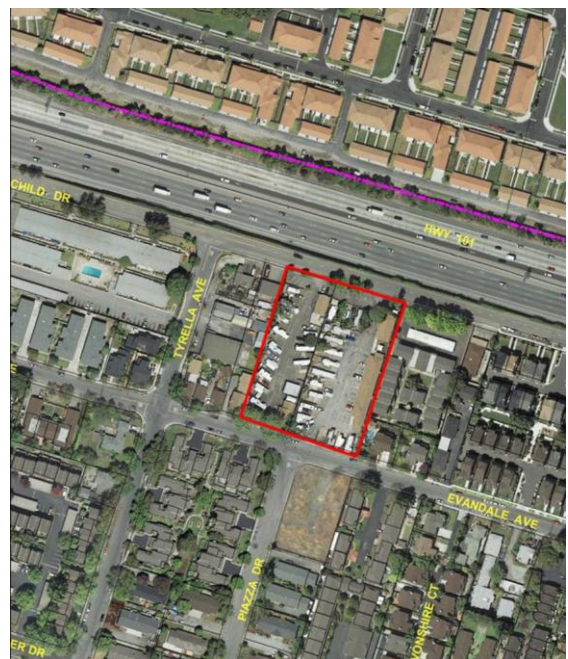
1. Adopt a Mitigated Negative Declaration and Mitigation Monitoring Plan for the 133-149 Fairchild Drive residential project (Attachment 1 to the Council report).
2. Adopt a Resolution Conditionally Approving a Planned Community Permit to Construct a 35-Unit Rowhouse Project Which Includes Adoption of Mobile Home Park Conversion Impact Report Mitigation Measures and a Heritage Tree Removal Permit to Remove Seven Heritage Trees at 133-149 Fairchild Drive, to be read in title only, further reading waived (Attachment 2 to the Council report).
3. Adopt a Resolution Conditionally Approving a Vesting Tentative Map to Create 35 Residential Lots, 2 Common Lots for Internal Streets and Open Areas, and 1 Lot Dedicated as a 0.27-Acre Public Park on a 1.8-Acre Lot at 133-149 Fairchild Drive, to be read in title only, further reading waived (Attachment 3 to the Council report).

BACKGROUND

Site Location and Characteristics

The project site is a through lot with frontage on both Evandale Avenue and Fairchild Drive, just west of North Whisman Road (see aerial map). The neighborhood contains a diverse mix of housing types, including rowhouses, apartments, and single-family homes.

Council approved an 18-unit rowhouse project (Phase I) for the same developer on the abutting



1.0-acre property in January 2014. The 18-unit project is not under review as part of the current application. However, for all practical purposes, the existing 18-unit project would be incorporated into the proposed 35-unit project to create one 53-unit project, based on the current application. On the east side, there is a 2-story apartment building and two 2-story, single-family homes. Across Evandale Avenue to the south are a 3-story rowhouse project and a 2-story townhouse complex. North of the site, across Fairchild Drive, is a large sound wall which separates the neighborhood from Highway 101.

The (Phase II) project site consists of two properties totaling 1.8 acres. The project site currently has the following uses: two recreational vehicle (RV) parks with 30 spaces, office for the RV parks, a vacant 8-room motel, a small commercial building, and two 1-story, single-family homes. The project site and the area adjacent to the site currently has 38 trees, 10 of which are categorized as Heritage trees per the City Code. More information is provided regarding closure of the RV parks later in this report.

The project site is located in the western portion of the Middlefield-Ellis-Whisman (MEW) Superfund site, where industrial contaminants in the groundwater necessitate special considerations for development. More information is provided later in this report.

ANALYSIS

Project Description

The applicant, MV Fairchild Investors, is requesting approval to close the two existing RV parks, demolish the office for the RV parks, demolish the motel, demolish the single-family homes, demolish the commercial building, and to remove seven Heritage trees on the site in order to construct 35 three-story attached rowhouses. The proposal includes a common open area, vehicle access driveways, and dedication of a 0.27-acre public park. The internal driveway and walkways of the project will connect to the driveway and walkways of the 18-unit "Phase I" project approved by City Council in 2014. Primary vehicle access to the project will be from Tyrella Avenue. The applicant's proposal includes 14 units with a tandem parking configuration.

General Plan and Zoning

General Plan

The site's General Plan Designation is Medium-High Density Residential (up to 35 dwelling units per acre), allowing up to 51 dwelling units on this site.

The project is consistent with the following General Plan policies:

- ***LUD 6.1: Neighborhood Character.*** *Ensure that new development in or near residential neighborhoods is compatible with neighborhood character.*

The units facing Evandale Avenue are similar to the recently approved rowhomes across the street on Evandale Avenue. The fronts of the units are designed with patios and porches that are attractive and will be well integrated within the existing neighborhood.

- ***LUD 6.3: Street Presence.*** *Encourage building facades and frontages that create a presence at the street and along interior pedestrian paseos and pathways.*

The facades along public streets, the internal open area, and other major pedestrian routes are varied and interesting. One- and two-story porches and projections help create street presence on these facades.

Zoning

The site is in the Evandale Precise Plan, Area B, which has the following development objectives:

- Strengthen the neighborhood and integrate development into the larger Whisman residential community.
- Encourage residential development of the nonresidential sites.
- Ensure that new residential development is protected from freeway noise.

The Plan allows the development of up to 37 dwelling units on this site consistent with the R3 Zoning District, which allows rowhouses. Rowhouse developments have their own development standards, which are compared to the project in Table 1. The applicant is requesting three minor setback exceptions, which are further detailed later in the report. The project is also consistent with the Rowhouse Guidelines adopted by

the City, except as identified later in this report. Staff initially required the applicant to exclude the park from the site calculation but now, based on Council direction at the May 27 City Council Study Session, has included the park as part of the site calculations. Below are the standards, including and not including the park.

Table 1: Rowhouse Development Standards without the Park Square Footage*

Standard	Requirement (Min. or Max.)	Proposed
Maximum Units	76	53
Floor Area Ratio	1.05	1.02
Front Setback	15' (not including porches)	15'
Side Setbacks	10' for 1st and 2nd floor 15' for 3rd floor	15'
Building Coverage	35%	35%
Height	45'	38'
Open Area	35% 100 sf per unit private 100 sf per unit common	38% 150 sf per unit (avg.) private sf per unit common
Minimum Parking	2-car garages + 20 additional	2-car garages + 20 additional

*For both phases

Table 2: Rowhouse Development Standards with the Park Square Footage*

Standard	Requirement (Min. or Max.)	Proposed
Maximum Units	83	53
Floor Area Ratio	0.90	0.92
Front Setback	15' (not including porches)	15'
Side Setbacks	10' for 1st and 2nd floor 15' for 3rd floor	15'
Building Coverage	35%	31.5%
Height	45'	38'
Open Area	35% 100 sf per unit private 100 sf per unit common	38% 150 sf per unit (avg.) private sf per unit common
Minimum Parking	2-car garages + 20 additional	2-car garages + 20 additional

*For both phases

Phase I of the project was approved prior to submittal of the Phase II application. The Evandale Precise Plan allows a maximum density of 20 to 25 units per acre for lots less than 2.5 acres. Phase I was analyzed using the 20 to 25 units per acre standard. Phase I maximum density was 18 units and the maximum units allowed would have been 23.

Staff analyzed the project using the combined site because the two phases will operate as one cohesive project. Since Council directed staff to include the park land dedication as part of a project's total site square footage, the project's size, including the park land, is approximately 2.79 acres. The Precise Plan allows a higher density (26 to 30 acres per unit) for lots of 2.5 acres or greater, pushing the entire site into an allowable density of 83 units. If Phase II is analyzed (1.8 acres) as its own project, the maximum number of units is 35.

The applicant initially designed the project to exclude the park land dedication. After Council directed staff to include the park land dedication as part of the project's square footage, staff reanalyzed the project with the park land square footage. Including the park land dedication, the overall density of the project is reduced from 20.8 units an acre to 19 units an acre. In addition, the floor area ratio (FAR) for the project is reduced from 1.02 to 0.92. The rowhouse guidelines limit the FAR to 0.90 for projects of less than 20 units to the acre and allows FAR of 1.05 for projects of 20 units to the acre or higher. Since the project is now less than 20 units to the acre, the maximum FAR permitted is 0.90. The project is approximately 2,050 square feet over FAR and an exception will need to be given for the project's FAR. Additional discussion of the exception is included in the exception section of the report.

In addition to these standards, the project complies with additional requirements included in the Precise Plan:

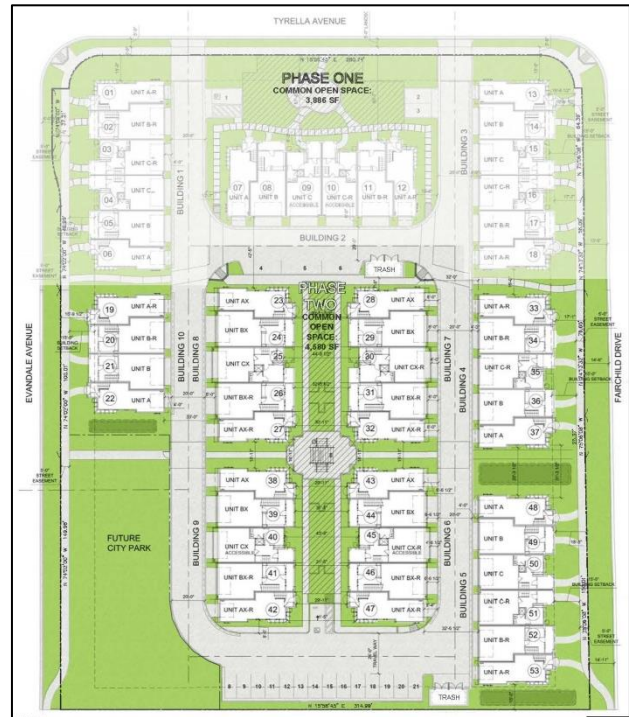
- Units must be attached on the Fairchild Drive half-block.
- Other freeway-buffering and mitigating features.
- A children's play apparatus area.
- Unit design shall have a "positive and open relationship" to the Whisman neighborhood.

The Project Plans are included as Attachment 4 to the Council report. Site calculations are shown on Pages A1.01, A1.02, and C2.0 of the plans.

Project Design

Site Plan

The applicant, MV Fairchild Investors, LLC, is proposing a three-story, 35-unit attached rowhouse project with a loop alleyway system, which provides access to the garages. The loop alleyway system is an extension of the Phase I loop system. The site plan includes a well-connected pedestrian system that connects the internal open space to Tyrella Avenue, Evandale Avenue, and Fairchild Drive. Approximately 4,580 square feet of private common open space is proposed for Phase II between Buildings 6 and 9 and 7 and 8, exceeding the minimum requirement of 3,500 square feet. Overall, the project will have a total of 8,466 square feet of private common open space exceeding the minimum requirement of 5,300 square feet by 3,166 square feet.



Phase II will have 14 tandem parked units. Combined, the project will have 20 tandem units out of 53 units. The Rowhouse Standards and Guidelines allow tandem spaces for up to 50 percent of the units. Combined, the project will have 21 guest parking spaces in excess of the 16 required spaces.

Architecture

The applicant is proposing a Spanish architectural style with stucco siding and tile roofs. The applicant also proposes wood rafters, wood shutters, foam window trim, wood front doors, wood garage doors, and wrought iron pot shelf frames. The neighborhood is a mix of architectural styles, one- and two-story building heights, and unit types (single-family and multi-family units). The Development Review Committee's (DRC) review of the project is discussed later in the report.



Exceptions

The project was reviewed for conformance with the Rowhouse Standards and Guidelines (adopted by the City Council in 2004) and the City Code. The project meets the City's fundamental standards and guidelines, particularly related to front doors facing public streets and centrally located common open space. The applicant is seeking two minor exceptions from the Rowhouse Standards, one exception from the City Code and one exception from the Precise Plan.

First, the applicant proposes driveway pad depths that exceed the 4' maximum prescribed in the Rowhouse Guidelines for Buildings 6 through 9. The driveway pad depths are offset between 4'6" to 8'4" deep. The deeper driveway pad depths are needed for the corner units because those units require the additional setback in order to provide the necessary clearance for the garbage trucks and emergency vehicles to make the turn at the corners. The DRC and Zoning Administrator recommended approval of the deeper driveways because the extra depth allows the applicant to offset the garage walls along the internal street, which benefits the design of the project by breaking up the massing of the garage elevations.

Second, the applicant is proposing 88 square feet of private open space in lieu of the required 100 square feet for 14 units (tandem units). Staff supports the exception because the proposed common open space is almost twice as much as required by the Rowhouse Guidelines and the development proposal includes a new public park. This exception was approved in Phase I of the project.

Third, a FAR exception will be required for the project. As described above, the applicant, at staff's direction, initially designed the project to exclude the park land dedication. Recently, Council provided direction to include the park land dedication as

part of the project's square footage. The FAR limit for rowhouse projects is 0.90 for projects of less than 20 units to the acre and 1.05 for projects of 20 units to the acre or higher. Including the park land dedication as part of the project square footage reduces the density of the project from 20.8 units to the acre to 19 units to the acre. As a result, the project would be limited to 0.90 FAR. The applicant proposes a FAR of 0.92, which is approximately 2,050 square feet over the allowable FAR and thus requiring an exception from the Rowhouse Guidelines. Staff supports the FAR exception because staff initially directed the applicant to exclude the park land (the quality of the project does not change because of the exception) and the City has an opportunity to accept land for a public park.

Fourth, the applicant is proposing an exception to the depth of the garages. The City's City Code (parking section) requires a minimum inside dimension depth of 20' for covered parking spaces. Thus, a tandem space garage with two spaces would need to provide a depth of 40'. However, the applicant proposes a garage depth of 38' instead of the required 40' for the tandem garages. Staff believes the 38' garage depth is sufficient to accommodate two vehicles and supports the exception. This exception was approved in Phase I of the project.

Finally, the Evandale Precise Plan requires children's play apparatus for projects with 12 or more units. Staff supports the applicant's request to not include a children's play apparatus because of the adjacent future public park. Council can choose to require the play apparatus as a condition of approval for the project.

Vesting Tentative Map

This project contains ownership (for-sale) units, so in addition to the project, a vesting tentative map must be approved to subdivide the existing lots. The subdivision would result in 35 individual residential lots, 2 common lots, and a City park of 0.27-acre. Attachment 3—Resolution for Vesting Tentative Map includes the tentative map and conditions of approval for the map.

City Park

A park land dedication of 0.27-acre is proposed to meet the City's park land ordinance requirement instead of payment of the in-lieu fee. The City can require the applicant to dedicate the park land because the overall project is more than 50 units and the Mountain View City Code, Chapter 41, requires the applicant to dedicate the park, pay the Park Land In-Lieu Fee, or provide a combination of both. The City's Parks and

Open Space Plan consider the Evandale Area short of park land. The closest park is Devonshire Park located approximately 0.40 miles away.

The project site is located in the MEW Superfund site. Staff contacted U.S. Environmental Protection Agency (EPA) staff and inquired if the park would pose a risk to park users or City staff who maintain the park. EPA staff advised City staff that using the site as a park should not pose a risk to park users. A Site Management Plan (SMP) for the construction and maintenance of the park will be required. The SMP will detail measures to protect people from exposures to contaminated soils and/or groundwater during excavation activities and park maintenance and use of the park. The plan will be required to be reviewed and approved by the EPA.

To address any environmental liability concerns due to the fact the proposed park is located in the MEW Superfund site, staff has prepared the following condition to establish protocols for construction, maintenance, and use of the park (see full condition in Attachment 5):

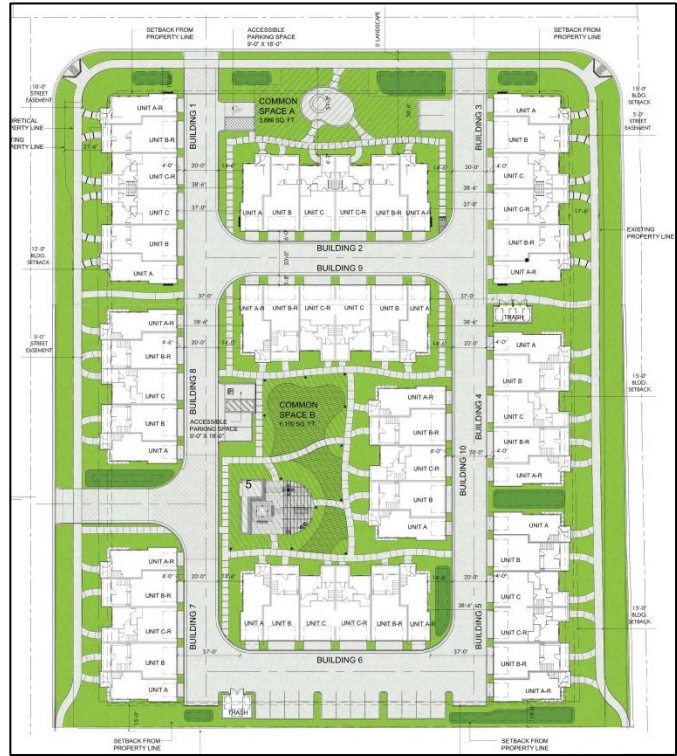
- Provide a written report to disclose all known hazardous materials and contaminants on the park site to the City;
- Provide written approval from the EPA for the use of the site as a public park;
- Prepare and provide funding to the City to implement an SMP with specific protocols for the park construction, operation, and ongoing maintenance that must be reviewed and approved by the EPA. The applicant shall pay a deposit based on a cost estimate prepared by the engineer of the SMP and as approved by the City for implementation of measures identified in the SMP prior to the approval of the final map;
- Be responsible for removing or remediating hazardous material and contaminants found on the site, including any hazardous materials and contaminants found during construction of the park improvements, so that the site is suitable for use as an open space park site; and
- Agree to protect, indemnify, and hold harmless City, its directors, officers, employees, and agents, from and against any environmental liability related to applicant's actions at the property, and any and all claims, demands, judgments, settlements, damages, actions, causes of action, injuries, administrative orders, consent agreements and orders, liabilities, losses, penalties, and costs, including,

but not limited to, any clean-up costs, remediation costs, and response costs, and all expenses of any kind.

Alternative Site Plan

In the event the Council chooses not to accept the park, the applicant has also proposed an alternative site plan (see right). The plan proposes 38 units in lieu of 35 units for Phase II, resulting in a combined total of 56 units instead of 53 units with the park. The alternative site plan meets the density, open space, and parking requirements of the Rowhouse Guidelines. The architecture would not change.

The applicant is requesting the same exceptions to driveway depths of up to 6' for Buildings 2, 6, and 9; 88 square feet in lieu of the 100 square feet for the private open space for the tandem units; and for the garage depths of 38' instead of the City Code 40' for the tandem units.



If Council chooses to approve the alternative site plan, staff would ask that a condition be added to the approval to allow the Zoning Administrator the ability to review and approve the final site plan to ensure that details like the location of trash enclosures and pedestrian walkways meet the City's expectations. Staff has prepared an alternative resolution for the Planned Community Permit (Attachment 6 – Alternative Site Plan Planned Community Permit Resolution) and resolution for the alternative vesting tentative map (Attachment 7 – Alternative Vesting Tentative Map Resolution). With the alternative plan, the City would receive an estimated \$799,200 of Park Land Dedication In-Lieu fees.

Trees

The project site has 10 Heritage trees with 7 proposed for removal. As part of the project, the applicant will be planting 56 replacement trees. Based on the arborist report and the number of replacement trees, staff supports the Heritage Tree Removal Permit.

Existing Canopy	24%
Postconstruction Canopy	1%
5 Years after Construction	13%
10 Years after Construction	30%
Full Maturity	44%

The adjacent table lists the tree canopy percentage over the life of the project.

In the short term, the project will result in a significant reduction of the canopy coverage, but within 10 years, the canopy

will exceed to its current state and eventually grow to cover about 44 percent of the site.

Conversion Impact Report

In December 1997, the City Council adopted the (P-32) Evandale Precise Plan (Attachment 8—Evandale Precise Plan). The Evandale Precise Plan covers parcels adjacent to U.S. 101 between Moffett Boulevard and North Whisman Road. The Precise Plan calls for the amortization of nonconforming uses 20 years from the adoption date of the Precise Plan. The RV parks became nonconforming uses with the adoption of the Precise Plan. During the Precise Plan adoption update, all the property owners within the Precise Plan boundaries were notified of the proposed zoning change.

Two RV parks occupy the existing site—the 17-space Bayair RV Park (149 Fairchild Drive) and the 13-space Bayshore RV Park (133 Fairchild Drive). The State of California has issued a license to operate 13 mobile home units at 133 Fairchild Drive and 17 mobile home units at 149 Fairchild Drive. Under the State of California law, operating license allows the parks to be operated as a mobile home park but the license allows the parks to be used as either mobile homes or RV parks.

However, aside from one mobile unit located at Bayair RV Park, the remaining park spaces have been rented out to RV owners for the past 45 years. Under State law, if a park has two or more mobile homes located in the park, it is considered a mobile home park. A mobile home under State law includes RVs when they have been located in the park in excess of nine continuous months. For both these parks, the park owners have allowed the RV owners to stay on a long-term basis, in excess of nine months. As a result, the parks are considered mobile home parks for the purpose of State law and City Code. As of February 1, 2015, the parks have 22 full- and part-time households, including 10 households that are low-income or below.

Since the project proposes to convert 133-149 Fairchild Drive from a mobile home park use to a residential use, the project is subject to the requirements of Chapter 28, Article X (Mobile Home Park Conversion or Cessation of Use) of the Mountain View City Code and California Civil Code 798.56.

The Mountain View City Code requires a consultant to prepare a Conversion Impact Report (CIR) (see Attachment 9—Conversion Impact Report) prior to conversion of the parks to another use. The City hired the Law Office of Margaret Ecker Nanda (Consultant) to prepare the CIR. The CIR analyzed the impacts of the proposed land use change on the displaced residents. The CIR also provides recommended mitigations for the displaced residents (Attachment 10—Summary of Tenant Mitigations). Pursuant to City Code, the City Council is to review the CIR and determine mitigation measures to address the impacts identified in the CIR caused by the conversion.

The recommended mitigation measures were modeled after the City's Tenant Relocation Assistance Ordinance. Staff and the Consultant recommend relocation assistance based upon two income categories: (1) households that are low-income or below;¹ and (2) households that are moderate-income and above.² Similar to the Tenant Relocation Assistance Ordinance, the mitigations are focused on providing the most assistance to lower-income tenants. A firm specializing in relocation assistance services has been hired to facilitate payment of relocation benefits and help residents find replacement housing or available RV spaces.

Two public meetings attended by staff, the Consultant, and the applicant were held with the residents of the parks. The first meeting was held on October 21, 2014. The purpose of this meeting was to explain the closure process. A second meeting was held on April 16, 2015 to answer questions about the CIR, which had been delivered to the residents for the park well in advance of the meeting. At the second meeting, staff, the Consultant, and the applicant answered questions and reviewed the recommended categories for mitigation assistance. The Consultant also provided each tenant an individualized letter explaining their recommended mitigation assistance if the project, including the CIR, is approved by the City Council.

¹ Low-income households are those households with income that does not exceed eighty percent (80%) of the area median household income for Santa Clara County as adjusted for household size according to the U.S. Department of Housing and Urban Development.

² Moderate-income households are those households income between eighty percent (80%) and one hundred and twenty percent (120%) of the area median household income for Santa Clara County as adjusted for household size according to the U.S. Department of Housing and Urban Services.

Single-Family Homes

The project site has two single-family units on-site. The City's Tenant Relocation Assistance Ordinance applies to sites where four or more residential rental units are being vacated. Since the site only has two rental units, the Ordinance does not apply and the City cannot require the developer to provide Tenant Relocation Assistance for the residents of the single-family homeowners. However, the applicant did indicate at the Zoning Administrator hearing they would be willing to provide relocation assistance to households that would otherwise be eligible per the Tenant Relocation Ordinance.

Previous Meetings and Public Comment

Neighborhood Meetings

As described above, two neighborhood meetings were held to describe the CIR and RV park closure process to the residents and to explain the proposed mitigations. The first meeting the tenants had questions about the process and potential mitigations. While at the second meeting, some tenants expressed concerns about the adequacy of the mitigations and finding appropriate replacement housing in the City.

Development Review Committee (DRC)

The project was reviewed by the DRC on October 1, 2014, and the DRC recommended approval of the site plan and architecture. The DRC supported the continuation of the internal street system and the architecture. The DRC has not reviewed the "alternative plan"; however, the site plan and architecture do not change dramatically.

ZA/Subdivision Committee

On May 13, 2015, a joint Zoning Administrator/Subdivision Committee public hearing was held, in which the Zoning Administrator recommended adoption of the Mitigated Negative Declaration, approval of the Planned Community Permit, and approval of the Heritage Tree Removal Permit. The Subdivision Committee unanimously recommended approval of the vesting tentative map.

The following comments were provided at the hearing:

- Applicant expressed concern requiring the park land be conveyed to the City as an easement instead of dedication because the future homeowners association would be responsible to defend future liability claims for the public park.
- A representative from The Advocates for the Affordable Housing stated the 8-unit motel should be part of the CIR analysis and tenant relocation mitigations should be extended to past motel tenants.
- A resident from one of the single-family homes expressed concern the single-family homes were not included with the CIR or recommended for tenant relocation mitigation. Because the single-family homes on the property seem to fall between the City's Tenant Relocation Ordinance and the RV Park CIR, the Zoning Administrator asked the applicant if they would be willing to provide relocation assistance to the single-family residents. The applicant replied they are willing, as long as the residents qualify for relocation assistance as defined by the City's Tenant Relocation Assistance Ordinance.

Other Public Comment

The City received a comment letter from the tenant of the property expressing concern about the mitigation package offered and the likelihood he and his family will need to relocate out of Mountain View because they will not be able to find alternative housing in the City. The City also received a comment letter from the League of Women Voters. The comment letters are attached to the Council report (Attachment 11—Public Comment Letters).

Environmental Review

Initial Study and Mitigated Negative Declaration

Consistent with the California Environmental Quality Act, an Initial Study and Mitigated Negative Declaration has been completed and circulated (see Attachment 12—Initial Study). The Initial Study identified impacts to air quality, biology, cultural resources, hazards and hazardous materials, and noise. Mitigations have been identified to reduce the impacts to less than significant. The mitigation measures have been incorporated into the conditions of approval for the project. A Mitigation Monitoring Plan has been created to ensure compliance with conditions of project

approval during project implementation (see Attachment 3—Mitigation Monitoring Plan).

Middlefield-Ellis-Whisman Superfund Area

The project site is located in the western portion of the MEW Superfund site. This area is comprised of three EPA “Superfund” sites and contains a groundwater contamination plume of primarily Trichloroethylene (TCE), an industrial solvent, stretching from south of East Middlefield Road north into Moffett Field. The health risk of TCE is primarily from inhalation of groundwater vapors that accumulate in indoor spaces.

The primary contaminants of concern in the MEW are TCE and other Volatile Organic Compounds (VOCs) in soil and groundwater. The primary exposure pathway addressed by the EPA’s remedial action is the potential migration from those sources to indoor air in overlying buildings through vapor intrusion. Vapor intrusion is the migration of volatile chemicals from contaminated groundwater or soil into overlying buildings. Vapor intrusion into buildings can occur through utility conduits and cracks in foundations and floors. The EPA recommends a number of measures can be incorporated into new building design to reduce potential impacts of vapor intrusion to a less-than-significant level, including the use of vapor barriers and subslab ventilation systems with the ability to be made active to prevent vapor intrusion to protect indoor air quality. These measures are included as mitigation measures and condition of approval for the project.

The proposed public park will be over the shallow subsurface of the TCE contamination. City staff contacted EPA staff to inquire if additional mitigation beyond what is required for the proposed project would be required for the public park. The EPA noted a vapor barrier would not be required for the public park. The EPA did state the same procedures to be prescribed in the soil management plan would need to be followed for the construction (trenching, excavating, etc.) monitoring of the workers constructing the park, and ultimately maintenance of the public park. This has the potential to increase park construction and maintenance costs, but the degree of any costs are unknown at this time. As the EPA enforcement action is still in progress, the responsible parties have not been identified. As the property owner, the City could be responsible for implementing the requirements in the soil management plan. The soil management plan will be prepared after approval of the project but prior to the issuance of building permits and will outline the reasonable steps to be taken to properly construct and maintain the park in light of the groundwater contamination.

FISCAL IMPACT

The subject site has a total current assessed value of approximately \$324,000. The City's share of the property tax is currently approximately \$500 per year. If the site were developed, the City would receive approximately \$61,000 per year.

Since this is a for sale project, the Ordinance requires the applicant to either provide 10 percent of the units as below-market-rate (BMR) units or pay a fee that is 3 percent of the sales price of each unit. For projects with an estimated sales price over a certain threshold, the fee is generally paid. The applicant proposes to pay the BMR fee, which is estimated to be \$1,155,000.

If the Council does not accept the park land dedication, the estimated Park Land Dedication In-Lieu Fee will be approximately \$732,600 (or \$22,200 per net new unit) in accordance with Chapter 41 of the City Code, to be paid prior to the issuance of building permits. As the property owner, the City does risk some future liability exposure from accepting the park land over the MEW.

CONCLUSION

The Zoning Administrator recommends approval of the proposed Planned Community Permit and Heritage Tree Removal Permit. The Subdivision Committee recommended approval (3-0) of the vesting tentative map. The project supports General Plan policies for neighborhood character and stress presence, and is consistent with the General Plan Land Use Designation of Medium Density Residential. The project is consistent with the purpose and development standards of the Evandale Precise Plan and the standards of the Rowhouse Guidelines by providing a project that is compatible with the surrounding neighborhood, provides large amounts of open space, and provides a public park.

ALTERNATIVES

1. Approve the project with modified conditions.
2. Approve the alternative site plan without the park.
3. Deny the project and/or deny the vesting tentative map.

PUBLIC NOTICING

The Council's agenda is advertised on Channel 26, and the agenda and this report appear on the City's website. All property owners within a 300' radius and other interested stakeholders were notified of this meeting.

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Approved by:

Randal Tsuda
Community Development Director

Daniel H. Rich
City Manager

SP-GB/7/CAM
804-07-07-15CR-E

- Attachments:
1. Mitigated Negative Declaration and Mitigation Monitoring Plan
 2. Resolution – Project
 3. Resolution – Vesting Tentative Map
 4. Project Plans
 5. Park Land Dedication Condition
 6. Alternative Site Plan Planned Community Permit Resolution
 7. Alternative Vesting Tentative Map Resolution
 8. Evandale Precise Plan
 9. Conversion Impact Report
 10. RV Tenant Mitigations
 11. Public Comment Letters
 12. Initial Study