AGENDA: June 24, 2003

5.1

CATEGORY: Public Hearing

DEPT.: Community Development

TITLE: Planned Unit Development Permit and Tentative Map for a 10-Unit Townhome Project at 465 Sierra Vista Avenue

RECOMMENDATION

1. Review the Initial Study and approve the Mitigated Negative Declaration of Environmental Impact in accordance with the California Environmental Quality Act.

2. Adopt A RESOLUTION CONDITIONALLY APPROVING A PLANNED UNIT DEVELOPMENT PERMIT, DEVELOPMENT REVIEW PERMIT, HERITAGE TREE REMOVAL PERMIT AND VARIANCE AT 465 SIERRA VISTA AVENUE, to be read in title only, further reading waived.

3. Adopt A RESOLUTION CONDITIONALLY APPROVING A TENTATIVE MAP TO SUBDIVIDE AN EXISTING 0.91-ACRE SITE AT 465 SIERRA VISTA AVENUE, to be read in title only, further reading waived.

4. Direct the applicant to return to the Development Review Committee to comply with:

    a. Two-car driveway aprons in front of each garage.

    b. Fifty percent or more of the front facades to be living areas.

FISCAL IMPACT

The applicant will pay the one-time below-market-rate (BMR) housing in-lieu fee of 3 percent of the sales price or appraised value of each townhome. For the proposed project's estimated sales prices of $525,000 to $575,000 for each of the 10 townhomes, the BMR in-lieu fee will total approximately $157,500 to $172,500. The applicant will also pay one-time development fees to the City such as building plan check and permit fees, the park and recreation in-lieu fee, subdivision fees, etc. Additionally, the proposed project would provide revenue to the City on an annual basis through the revised property tax assessment.

BACKGROUND AND ANALYSIS

Location

The project site consists of one parcel totaling 0.91 acre (39,450 square feet) located on the east side of Sierra Vista Avenue, between San Ramon Avenue and San Luis Avenue, in the Multiple-Family Residential (R3-2.2) Zoning District (see Attachment 1 for Location Map and Project Site Photos). The project site is vacant. Adjacent uses include fourplexes to the north, a 15-unit condominium development to the south, single-family homes to the east (the rear of the site across Permanente Creek) and 11- and 28-unit condominiums to the west (across Sierra Vista Avenue). The project neighborhood is a mix of multiple-family developments, duplexes and single-family homes. The proposed 10-unit townhome development equates to 12 units per acre, while the surrounding residential neighborhood averages 6 to 16 units per acre. The proposed development is compatible with the surrounding neighborhood in both style and density (see Attachment 2 for Surrounding Neighborhood).

Environmental Conditions

The project site was originally occupied by several pest and termite control companies between 1963 and 1985. These companies handled and stored pesticides on the site. A residential project was started and discontinued in 1986 after discovery of soil contamination from pesticide chemicals. The pesticides in the soil include chlordane, dieldrin, hexachloro-benzene, dichloro-diphenyltrichloroethane (DDT), dichloro-diphenyldichloroethane (DDD) and dichloro-diphenyldichloroethylene (DDE). (Of note is that trichloroethene (TCE) was not present at the site because TCE is a solvent that is widely used by industry as a cleaning and degreasing agent. TCE is not a pesticide.) None of these pesticides readily decompose and they strongly adhere to soil, thereby substantially limiting the threat to groundwater.

Since the discovery of the pesticides in the soil, the applicant has worked with the State Department of Toxic Substances Control (DTSC) (part of the California Environmental Protection Agency) to establish a trust fund for the cleanup of the site. In 1997, the DTSC and the trust entered into a voluntary clean-up agreement resulting in a removal action work plan for remediation of the soil. The work plan included excavation and consolidation and encapsulation of contaminated soils within the site. The DTSC determined that this remedial action would improve the environmental quality at the site and would have no residual adverse environmental impacts. The final encapsulation and final "approval" from the DTSC occurred this year with the execution of an operations and maintenance agreement and a deed restriction to ensure that the contaminated soil will not be disturbed without the approval of the DTSC.

Existing Project Approvals

In 2000, the City approved a 15-unit apartment development for the site that would have been built in the same general area as the current proposed project (to the south of the encapsulated area). The applicant then received a permit extension of that approval which will remain in effect until 2004 or until this proposed project is approved. In 2001, the applicant presented the City with a 12-unit townhome project similar to the currently proposed project. Since 2001, the applicant worked on completion of this application and soil encapsulation (as per DTSC) that resulted in the now-proposed 10-unit townhome project.

Development Permits

Planned Unit Development and Development Review Permit

The proposed project is a townhome development that was reviewed for compliance under the City's Townhome Ordinance and Guidelines. The proposed development includes 10 attached townhomes within 3 individual buildings with a unit type of 1 to 4 bedrooms with 1 to 3.5 bathrooms. One unit is a single-story, handicap-accessible unit facing Sierra Vista Avenue. The units range in size from 1,260 square feet to 2,500 square feet, which includes a two-car garage for all units, except the handicapped unit, which has a one-car garage. All units will be accessible from a driveway along the northern side of the site. The common areas include outdoor recreation amenities, such as picnic tables and a basketball court, trash and recycling as well as landscaped courtyards between the three buildings (see Attachment 3 for Site Plan and Floor Plans).

The architecture has European design elements with slight variations for each unit. The homes have an offset garage and private rear yards. The facades of the units are covered in stucco with stone or wood highlights. Roof materials will consist of varied gray, thick asphalt shingles (see Attachment 4 for Elevations).

a. Driveway Aprons

The applicant has designed the project with auto courtyards that have no driveway aprons. Previous City Council policy has directed that two-car driveway aprons (20' deep) in front of garages should be required on all Planned Unit Development projects. However, the applicant believes that driveway aprons are not required with townhome developments. The Townhome Guidelines state that driveway aprons should either be no more than 10' long so that people will not be tempted to use them for parking (and block the common entry drive or sidewalks) or at least 20' so that aprons can accommodate parked cars without interfering with sidewalks or entry drives. Seven of the units have no driveway apron. One unit has a 16' deep apron, one

unit has an 11' apron and one unit has a 12' apron. Therefore, 3 out of 10 units do not comply with the Townhome Guidelines regarding driveway aprons, and no units meet previous Council policy. To implement Council policy, staff has included a recommendation to have this item return to the Development Review Committee to incorporate two-car driveway aprons in front of each garage.

b. Living Area

The Townhome Guidelines state that developments should incorporate human elements such as windows, decks and porches while avoiding blank, featureless walls and the appearance of attached garages should be minimized. The Townhome Guidelines also state that the facade design should provide living area along at least 50 percent of the facade. However, in response to this particular guideline, the applicant has turned the garage entrance to the side, thereby reducing the presence of garage doors along the common driveway (see Attachment 5 for Applicant's Written Response to Issues). The front of each unit is, therefore, the side of the garage plus a front door. Living area is only visible from the second floor. Staff does not believe this meets the intent of the Guidelines and has included a recommendation to have this item return to the Development Review Committee to incorporate 50 percent or more of the front facades as living areas.

Heritage Tree Permit

The applicant is requesting a Heritage Tree Removal Permit for one tree (see Attachment 6 for Heritage Tree Removal Plan and Heritage Tree Photos). There are a total of four Heritage trees at the project site. A tree evaluation was submitted by the applicant which concluded that one of the four Heritage trees is in such poor condition that it should be removed from the site with or without implementation of the proposed development (Tree No. 1—a 93" circumference black walnut). The City Arborist concurs with the report's findings and recommends preserving the other three Heritage trees (camphor trees).

Variance

The applicant is requesting approval of a variance to allow 27 percent auto-dedicated area (paving) coverage in lieu of the 25 percent maximum allowed by the Townhome Ordinance. Staff supports this request due to the unusual environmental conditions at the site regarding the encapsulated soil. The applicant has provided pavers in key areas of the driveway to lessen the visual impact of the auto-dedicated area. All other development standards of the Townhome Ordinance and the Zoning Code are met by the proposed site plan and design. Therefore, staff believes the variance to be necessary for any proposed development at the site.

Subdivision Map

The applicant is requesting approval of a Tentative Map to subdivide the property into 11 lots (10 lots for individual ownership and 1 lot for the common area). On May 27, 2003, the Subdivision Committee approved the map as submitted. Although the project may be able to meet the technical requirements for a subdivision map, the project, as proposed, is better suited for a condominium map due to the irregular lot pattern and a condition of approval has been included to reflect that the final map shall be a condominium map. The applicant has agreed to this condition.

Public Meetings and Hearings

The Development Review Committee (DRC) held four informal design meetings and one formal design meeting on the proposed project. The DRC found the project to be in compliance with the Townhome Ordinance with the exception of the parking coverage, the Townhome Guidelines with the exception of the driveway aprons and living space at the front of each unit and the R3-2.2 Zoning District standards and noted that the project was well designed and complemented the existing mix of buildings in the neighborhood.

On May 28, 2003, the Zoning Administrator held a public hearing on the project. No one from the general public spoke at the meeting and no written comments were received. The Zoning Administrator concurred with the DRC and recommends to the Council approval of the project and the variance, with the additional direction that the applicant to return to the DRC to redesign the driveway apron, facade and map issues.

CONCLUSION

The proposed project is consistent with the General Plan, the development criteria of the Townhome Ordinance, the Townhome Guidelines and the R3-2.2 Zoning District, and the Subdivision Map Act (except as noted). The proposed project is well designed and compatible with the density, massing and character of the surrounding neighborhood. To implement previous Council policy, staff has included a recommendation to have this item return to the Development Review Committee to incorporate two-car driveway aprons in front of each garage and to incorporate 50 percent or more of the front facades as living areas. Therefore, staff recommends that the City Council conditionally approve the Planned Unit Development Permit, Development Review Permit, Heritage Tee Removal Permit, Variance and Tentative Map with the attached resolutions and conditions of approval and with the additional direction to the applicant as discussed above and as listed in Recommendation No. 4 on Page 1 of this staff report.

ALTERNATIVES

Alternatives to the recommendation to approve the project include:

1. Council may vote that the proposed project is unique due to the soil contamination issues or that past Council policy regarding driveway aprons is no longer applicable and approve the project, as proposed. Council would, therefore, make a motion that includes Recommendation Nos. 1, 2 and 3 only.

2. Council may vote to direct the applicant to modify only certain items within the project and amend Recommendation No. 4 to include only those items the Council believes are applicable. Council would, therefore, make a motion that includes Recommendation Nos. 1, 2 and 3 and modified Recommendation No. 4.

3. Council may vote to deny the Planned Unit Development Permit, Development Review Permit, Heritage Tree Removal Permit, Variance and Tentative Map, finding that the project is not consistent with the objectives of the Townhome Ordinance and guidelines and the R3-2.2 Zoning District.

PUBLIC NOTICING

Notice of this public hearing was accomplished by an agenda posting and mail to all property owners within 300' of the subject property.

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NH/2/CAM

809-06-24-03M-E^

Attachments:

1. Location Map and Project Site Photos
2. Surrounding Neighborhood
3. Site Plan and Floor Plans
4. Elevations
5. Applicant's Written Response to Issues
6. Heritage Tree Removal Plan and Heritage Tree Photos
7. Resolution for Planned Unit Development Permit, Development Review Permit, Heritage Tree Removal Permit and Variance with Conditions
8. Resolution for Tentative Map with Attached Recommended Conditions of Approval
9. Tentative Map
10. Initial Study and Mitigate Negative Declaration (attachments available upon request)

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CITY OF MOUNTAIN VIEW
RESOLUTION NO.
SERIES 2003

A RESOLUTION CONDITIONALLY APPROVING A PLANNED UNIT DEVELOPMENT PERMIT, DEVELOPMENT REVIEW PERMIT, HERITAGE TREE REMOVAL PERMIT AND VARIANCE AT 465 SIERRA VISTA AVENUE

WHEREAS, an application was received from William Maston Architect & Associates for the Beryl Anderson Trust for a Planned Unit Development Permit to construct a 10-unit townhome residential development (Application No. 267-02-PUD); and

WHEREAS, the Zoning Administrator held a public hearing on May 28, 2003 on said application and recommended that the City Council conditionally approve the Planned Unit Development Permit, Development Review Permit, Heritage Tree Removal Permit and Variance subject to the findings and conditions of approval contained in the Findings Report; and

WHEREAS, on June 24 2003, the City Council held a public hearing on said application and received and considered all evidence presented at said hearing, including the Findings Report and staff report from the Zoning Administrator; and

WHEREAS, staff has determined that this project will not have a significant impact on the environment as described in the Mitigated Negative Declaration and Initial Study;

NOW, THEREFORE, BE IT RESOLVED that the City Council hereby finds and determines that this project will not have a significant impact on the environment and hereby grants the Mitigated Negative Declaration, which is incorporated by reference herein.

BE IT FURTHER RESOLVED by the City Council that said application is consistent with the General Plan and the R3-2.2 Zoning District.

BE IT FURTHER RESOLVED by the City Council that the Planned Unit Development Permit, Development Review Permit, Heritage Tree Removal Permit and Variance for said project is hereby granted subject to the developer's fulfillment of each and all of the conditions which are attached hereto and incorporated herein by reference.

TIME FOR JUDICIAL REVIEW:

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

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NH/9/RESO
809-06-24-03R^

CITY OF MOUNTAIN VIEW
RESOLUTION NO.
SERIES 2003

A RESOLUTION CONDITIONALLY APPROVING A
TENTATIVE MAP TO SUBDIVIDE AN EXISTING 0.91-ACRE SITE
AT 465 SIERRA VISTA AVENUE

WHEREAS, an application was received from William Maston Architect & Associates for the Beryl Anderson Trust for a tentative subdivision map to subdivide one parcel totaling 39,450 square feet into 11 lots consisting of 10 residential lots with one lot owned in common for vehicular access, guest parking and common areas in the Multiple-Family Residential (R3-2.2) District; and

WHEREAS, the Subdivision Committee considered the request at their meeting of May 27, 2003 and has recommended that the tentative map be approved subject to the attached conditions; and

WHEREAS, on June 24, 2003, the City Council held a public hearing on said applications and received and considered all evidence presented at said hearing, including a June 24, 2003 report from the Zoning Administrator;

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Mountain View that this Council finds and determines that this project will not have a significant effect on the environment and hereby approves the Mitigated Negative Declaration prepared by staff, attached hereto and incorporated by reference herein.

BE IT FURTHER RESOLVED that pursuant to the Subdivision Map Act, the City Council hereby finds that the proposed subdivision is consistent with the General Plan of the City and with the provisions of the Multiple-Family Residential (R3-2.2) District.

BE IT FURTHER RESOLVED that the City Council hereby finds that the establishment, maintenance and operation of the uses applied for will not, under the circumstances of this particular case, be detrimental to the health, safety, peace, morals or general welfare of persons residing or working in the neighborhood of said proposed use, or be detrimental or injurious to property and improvements in the neighborhood or to the general welfare of the City.

BE IT FURTHER RESOLVED that as finding of fact in support of its decision in this matter, the body incorporates, by reference, the Zoning Administrator's June 24,

2003 report and the approved minutes of this body's public hearing on June 24, 2003 and the comments made at such hearing when this matter was considered.

BE IT FURTHER RESOLVED that said application is hereby approved, and the tentative map for said project is hereby granted subject to the developer's fulfillment of each and all of the conditions which are attached hereto and are incorporated herein by reference.

TIME FOR JUDICIAL REVIEW

The time within which judicial review of this decision must be sought is governed by the 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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