



Planning Commission

Staff Report

Date July 14, 2015

DEVELOPMENT AGREEMENT AMENDMENT DAA-09-05B: Cochrane-Borello

RECOMMENDATION

Adopt Resolution recommending that the City Council approve a Development Agreement Amendment.

PROJECT SUMMARY

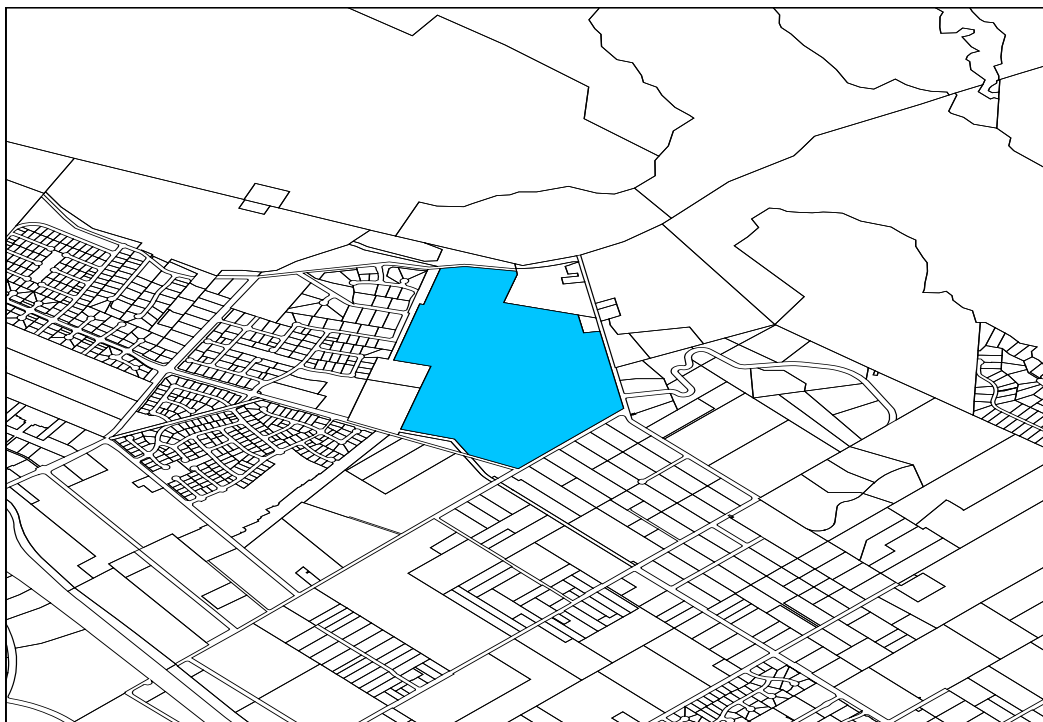
Location: North of Half Road, west of Cochrane Road, east of Peet Road, and adjacent to the south side of the Santa Clara Valley Water District (SCVWD) pump station.

Site Area: 122-acres

Zoning: R-1 20,000/PD

Request: Amend approved development agreement to incorporate 15, FY 2016-17 building allocations.

LOCATION MAP



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BACKGROUND

This project (San Sebastian) is a 244 unit single family project on a 122-acre site located north of Half Road, west of Cochrane Road, east of Peet Road, and adjacent to the south side of the Santa Clara Valley Water District (SCVWD) pump station. The project has been granted allocations in multiple (2008-2014) RDCS competitions; most recently in February 2015 when it was granted 15, FY 2016-17 allocations.

In February/March 2013, the project received approval of a precise development PD zoning designation, a 244-lot tentative subdivision map and development agreement approval. A development agreement amendment request seeking one-two year extensions of multiple building allocation years was denied in May 2014.

In June 2014, 23 FY 2010-11 allocations expired and in June 2015, 37 FY 2011-12 and 20 FY 2014-15 allocations expired.

ANALYSIS

The proposed DAA includes incorporation of the new (15, FY 2016-17) allocations and their corresponding RDCS commitments into the currently approved project development agreement. Commitments for expired RDCS allocations are proposed to be deleted (shown in ~~strike-out~~ text) since the corresponding allocations have expired and the commitments are no longer applicable. The proposed amendments to development agreement are shown in Exhibit A of the attached resolution.

The proposed DA amendment request was analyzed with respect to consistency with the:

1. General Plan;
2. Zoning Ordinance; and
3. Applicable policies.

1. General Plan

The General Plan land used designation for the project is Single Family Low Density (1-3 units per acre). The type of development and density range proposed by the project is consistent with the General Plan. Public utilities and services are available at the site without significant expansion or impact to the existing services.

Applicable Community Development Policies

- 1a. Ensure that City decisions regarding planning are reached in a comprehensive, coordinated manner.
- 2d. Plan for the needs of all socioeconomic segments of the community, encouraging self-sufficiency in jobs and housing within the city.
- 7a. Plan for a population of approximately 48,000 residents in 2020.

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- 7b. Plan for an approximate 70/30 ratio of single family to multi-family housing for all future residential development.
- 7n. Subject mobilehome park and subdivision development to Residential Planned Development (RPD) zoning.
- 8c. Encourage future residential development projects where local streets are safe, convenient and aesthetically pleasing; and where elementary schools and parks are centrally located to serve the immediate residential area.
- 8d. Complete street connections between neighborhoods to promote efficient circulation and emergency service response time.
- 8e. Design residential neighborhoods so they are distinct and separated from conflicting non-residential uses.

The project has competed in almost each RDCS competition starting in 2008 through 2014. The allocations received have been consistent with the target population of 48,000 in 2020. As a single-family project it contributes to the 70 percent single family residential development policy.

Separation from the adjacent agricultural uses to the south and west is provided through larger lots and greater rear yard setbacks.

The proposed DA amendment request has been reviewed by the City's Development Review Committee which consists of representatives of the Police Department, Fire Department, Planning Division, Building Division and Public Works Department.

Applicable Conservation Policies

- 7a. New development should be designed to exceed State standards for the use of water and energy.
- 7b. Promote energy conservation techniques and energy efficiency in building design, orientation and construction.
- 7g. The landscaping plans for new development should address the planting of trees and shrubs that will provide shade to reduce the need for cooling systems and allow for winter daylighting.
- 7j. The incorporation of renewable energy generating features, like solar panels, should be encouraged in the design of new development and in existing development.
- 7k. Promote water conservation and efficient water use in all public and private development projects and landscaping plans.
- 7l. Encourage use of non-potable water for landscape irrigation.

The project DA requires the project score a minimum of 110 points for Build It Green and compliance with the City's Water Conservation Landscape ordinance. The project is also committed to pre-plumb for solar water heating and pre-wire conduit for future photovoltaic installation.

The project DA requires the planting of deciduous trees along the south facing unit elevations. The project is required to use drought tolerant grasses and restrict the grass area to less than 25 percent. Plant material must be consistent with the city's water conservation ordinance.

Applicable Environmental Hazards Policies

- 2a. Ensure that appropriate precautions are taken during development to minimize the risk of fire and/or explosion associated with high-pressure gas lines.

All development plans have been reviewed by PG & E for coordination of existing and proposed utilities.

Applicable Flood Control Policies

- 4n. Require mitigation of any storm water runoff produced by development that occurs beyond that described in the General Plans of the City and County as of 1982.
- 4o. Require all local development to provide appropriate mitigation of off-site flooding impacts, including limiting runoff to pre-development levels and/or complete solutions to flooding and local drainage problems in the vicinity of the development, using such methods as detention or retention.

Project includes on-site detention and has completed storm water drainage calculations. All required flood studies have been completed to determine size requirements for on-site storm water detention.

Applicable Water Quality Policies

- 6h. Preserve and protect mature, healthy trees whenever feasible, particularly native trees and other trees which are of significant size or of significant aesthetic value to immediate vicinity or to the community as a whole.

An arborist report was completed as part of the environmental initial study. Native healthy trees are to be protected and are required to be preserved.

Applicable Noise Policies

- 7a. New development projects shall be designed and constructed to meet acceptable exterior noise level standards.
- 7b. The impact of a proposed development project on existing land uses should be evaluated in terms of the potential for adverse community response based on significant increase in existing noise levels, regardless of compatibility guidelines.
- 7e. Noise level increases resulting from traffic associated with new projects shall be considered significant if: a) the noise level increase is 5 dBA L_{dn} or greater, with a future noise level

of less than 60 dBA L_{dn} , or b) the noise level increase is 3 dBA L_{dn} or greater, with a future noise level of 60 dBA L_{dn} or greater.

- 7f. Noise levels produced by stationary noise sources associated with new projects shall be considered significant if they substantially exceed ambient noise levels.
- 7g. Noise levels produced by other noise sources (such as ball fields) shall be considered significant if an acoustical study demonstrates they would substantially exceed ambient noise levels.
- 8a. Roadway design, traffic signalization and other traffic planning techniques (such as limiting truck traffic in residential areas) shall be used to reduce noise caused by speed or acceleration of vehicles.
- 8b. If noise barriers are deemed the only effective mitigation for development along major transportation corridors, an acoustical analysis shall be conducted to determine necessary dimensions.
- 8c. The maximum height of sound walls shall be eight feet.
- 8d. Ensure that sound barriers do not become targets for vandalism

An acoustical report was completed as part of the environmental impact report. Mitigation measures have been approved which require the proposed homes to meet interior and exterior noise standards. Project walls are required to be located behind a 20-30 foot wide landscape area which will be planted to screen the wall and discourage vandalism.

2. Zoning Ordinance

Applicable Division I requirements:

R-1 20,000 Zoning 18.11.070 - Site development standards-Generally.

18.30.050 - Planned development-Review and approval.

18.50.020 - Number of spaces-Schedule.

The City Council adopted Ordinance 2064 which established an R1-20,000 (PD) zone district and approved a Precise Development Plan for an area consisting of 244 lots. All proposed lots meet the minimum two covered parking spaces with a 20 foot by 20 foot driveway and on-street guest parking.

Applicable Division II requirements:

Chapter 18.69 - HABITAT CONSERVATION PLAN

☐ HCP 18.69.040 - Application to covered activities.

Chapter 18.70 - CEQA GUIDELINES

☐ 18.70.030 - Guidelines document-General contents.

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☐ ☐ ☐ ☐ ☐ 18.70.040 - Guidelines document-Regulations adopted by reference.

Chapter 18.71 - POST CONSTRUCTION STORMWATER POLLUTION PREVENTION

☐ 18.71.030 - Applicability: Permanent storm water pollution prevention measures required

☐ 18.71.110 - Design standards and selection of best management practices.

☐ 18.71.120 - Stormwater runoff management plan required.

Chapter 18.72 - SCHOOL IMPACTION

☐ 18.72.050 - Mitigating measures-Required when-Type.

☐ ☐ ☐ ☐ ☐ 18.72.060 - Satisfaction of mitigating measures-Certification.

Chapter 18.73 - WATER CONSERVATION IN LANDSCAPING

☐ 18.73.020 - Applicability.

☐ 18.73.050 - Water-efficient design elements.

Chapter 18.74 - DESIGN REVIEW

☐ 18.74.050 - Design standards and guidelines.

☐ ☐ ☐ ☐ ☐ 18.74.051 - Design permits-Findings for approval.

The Habitat Conservation Plan designates the project site as Zone B (Agricultural and Valley Floor). The project is required to pay all required HCP fees prior to the issuance of a grading permit or building permit. An Environment Impact report was completed and a Mitigation, Monitoring and report program was adopt as part of the Zoning Amendment request approved by Ordinance 2064 and the subdivision application SD 09-07: Cochrane-Borello. As a condition of approval, proof of payment of school impact fees is required prior to the issuance of building permits.

The preliminary grading plan submitted with the tentative subdivision map shows multiple storm water retention areas in multiple ponds located mostly in the south west and north eastern corners of the project. To address storm water conveyance, the project proposed natural infiltration. The project will comply with all Storm Water Management Plan Post Construction and Low Impact Development standards in accordance the Public Works Department, Engineering Division as contained in the conditions of approval.

In February 27, 2013, the City Council adopted an Environmental Impact Report and Mitigation Monitoring Program for the 244-unit project. The areas of potential environmental concern were the significant trees, loss of Ag land, cultural resources and noise from the adjacent pump facility. As a condition of approval, school district fees are required to mitigate the impact to the local schools. Collection of the school fees is required prior to the issuance of building permits.

On August 30, 2013, a Design Permit was approved to ensure compliance with the City Design Handbook and Landscape Water Conservation ordinance.

3. Applicable Policies: None

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Community Engagement

A 10 day public hearing notice was published on Friday, July 3, 2015 in the Morgan Hill Times and notices were mailed to property owners within three hundred feet of the project pursuant to Government Code Sections 65090-65096.

Conclusion

The requested DAA includes incorporation of the 15, FY 2016-17 allocations granted to RDSC application MC 14-12: Cochrane-Borello, and the corresponding 2014 RDSC commitments. The specific amendments are shown in Exhibit A attached to the resolution. Proposed amendment to the agreement also includes the elimination of RDSC commitments that are no longer applicable since the corresponding allocations have expired.

Alternatives (Optional)

The following alternative recommendations could be considered if the Commission disagrees with staff's assessment of the development agreement modifications are minor.

- A. Deny the development agreement DA, amendment request and recommend the City Council deny the DA amendment.
- B. Table the DA amendment request and give direction on changes to the DA.

CEQA (California Environmental Quality Act)

In accordance with Section 15162 of the CEQA Guidelines there is no substantial evidence, in light of the whole record, that the project development agreement as revised may have a significant effect on the environment; therefore no further environmental analysis is required. An Environmental impact report was adopted for the project and a Notice of Determination was filed. The EIR was adopted prior to action taken to adopt the original project proposal. The custodian of the documents or other material which constitute the record shall be the Community Development Department.

LINKS/ATTACHMENTS

- 1. Resolution
- 2. Vicinity Map