

ZONING AMENDMENT, ZA-14-13: PEAK-AMAS

Planning Commission July 14, 2015

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BACKGROUND:

In February of 1982, the subject property received approval to amend its zoning designation from R-2 to R-3 (C), to allow the development of the 99 bed convalescent hospital located on the corner of Peak Ave. and Noble Ct. Under the R-2 zoning, convalescent hospitals are limited to 15 beds. The R-3 zoning has no limitations on the size of a convalescent home. At the time of the initial zoning amendment request, persons residing in the neighborhood were supportive of the convalescent hospital but requested some assurance that the hospital, not multi-family housing would be developed. To accommodate this, the amendment was approved as conditional zoning. In 1987, the 99 bed Pacific Hills Manor convalescent facility was constructed on the northerly parcel at 370 Noble Court. In 2002, the R-3 conditional zoning was amended to allow the existing Via Monte Senior Care facility, located at 17090 Peak Avenue, to expand from 15 beds to 28 beds.

The current request is to remove the conditional zoning on the subject property thereby allowing the applicant to apply for expansion of the existing Via Monte senior assisted residential care facility from 28 to 84 beds under a separate Conditional Use Permit. The R-3 Medium Density Residential District allows congregate care for the elderly and assisted living facilities as a conditional use.

ANALYSIS:

The applicant is requesting the subject property at 17090 Peak Avenue be rezoned from R-3 Conditional to R-3 Medium Density Residential. The current R-3 Conditional zoning was imposed to assure nearby residents that the Noble Court property would be developed as a convalescent home, and not multi-family housing. The zoning applies to both the Noble Court parcel and the subject parcel on Peak Avenue. Approval of the Zoning Amendment will eliminate the need for further Zoning Amendments and will establish zoning consistent with the General Plan Multi-family Medium Density land use designation. The R-3 Conditional zoning will remain in place on the Noble Court property.

The project site was reviewed as part of Master Environmental Impact Report for the 2001 General Plan update and has been found complete, correct, and in substantial compliance with the requirements of the California Environmental Quality Act. The Zoning Amendment complies with the General Plan as required by Government Code Section 65860 and as noted in the following section of this report.

1) General Plan

The General Plan land used designation for the project is Multi-Family Medium Density (14-21 units per acre). The proposed R-3 zoning designation establishes allowed land uses, minimum lot dimensions and other development standards that correspond to the intent of the Multi-Family Medium General Plan designation. The project site is surrounded by existing development. 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.

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- 2a. Encourage the orderly development of the city, with concentric growth and infill of existing developed areas.
- 2d. Plan for the needs of all socioeconomic segments of the community, encouraging self-sufficiency in jobs and housing within the city.

The proposed rezoning would be consistent with these policies in that because it aligns with the General Plan land use designation it will implement the City's comprehensive land use plan, would allow for further development of an already urbanized (infill) parcel, and would support the development of a type of housing in need within the community.

2) Zoning Ordinance

The Zoning Ordinance sets forth the following requirements for proposed Zoning Amendments:

In order to amend Division I of this title, the city council shall find the following:

- A. That the proposed amendment is in general conformance with the general plan;
- B. That the public necessity, convenience and general welfare require the adoption of the proposed amendment.
- C. The proposed amendment does not grant a change in land use from commercial or industrial to a residential land use for property incorporated into the urban service boundary after December 7, 1990 unless it can be determined pursuant to the terms of [Section 18.78.070](#) of the municipal code that the amount of undeveloped, residentially developable land on the same side of Monterey Road as the proposed amendment is insufficient to accommodate five years' worth of residential growth.

As discussed above, the proposed zoning amendment to R-3 Medium Density Residential would conform to the site's Multi-Family Medium Density General Plan designations.

The public necessity, convenience and general welfare require the proposed zoning in that it would further the implementation of the City's General Plan and facilitate the provision of a convalescent care facility which would be consistent with General Plan policies to provide a variety of housing types and directly meet a need for this type of facility within the community.

The proposed amendment would not grant a change in land use from commercial to residential for a property incorporated after December 7, 1990.

Applicable Division I requirements:

Chapter 18.16 - R-3 Medium Density Residential District

Section 18.16.040 – Conditional uses.

Section 18.16.050 - Site development standards—generally.

As noted in a previous section above, the City Council adopted Ordinance No. 988, amending prior Ordinance 576, establishing an R-3 Conditional Zoning District for property located at the northwest corner of West Dunne Avenue and Peak Avenue and south side of Noble Court. Ordinance 988 included the following condition:

“The subject property shall be rezoned as R-3 C, Conditional Contract Zoning allowing for development of a 99 bed convalescent home and the development of four senior housing

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duplex units as shown on the subdivision map submitted as part of subdivision application SD-90-18: Peak-Ramco.”

The 99 bed Pacific Hills Manor convalescent home was constructed on the northerly parcel at 370 Noble Court. In 2002, the City Council adopted Ordinance No. 1577, approving an amendment to Ordinance No. 576, to allow an increase in the number of occupants of the Senior Care Facility on the subject parcel located at 17090 Peak Avenue from 15 to 28 beds. Approval of the zoning amendment will eliminate the need for further zoning amendments and will establish zoning consistent with the General Plan Multi-family Medium Density land use designation. The proposed R-3 zoning is the corresponding zoning assigned by the General Plan.

Community Engagement

A 10 day public hearing notice was published in the Friday, July 3, 2015 edition of 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 applicant is requesting the subject property at 17090 Peak Avenue be rezoned from R-3 Conditional to R-3 Medium Density Residential. Approval of the zoning amendment will eliminate the need for further zoning amendments and will establish zoning consistent with the General Plan Multi-family Medium Density land use designation. The proposed zoning amendment is the corresponding zoning assigned by the General Plan.

Staff recommends the Planning Commission recommend City Council approval of the Zoning Amendment by adoption of the attached resolution.

CEQA (California Environmental Quality Act):

Project, Description of CEQA requirements

The project site was reviewed as part of Master Environmental Impact Report for the 2001 General Plan update and has been found complete, correct, and in substantial compliance with the requirements of the California Environmental Quality Act. The Zoning Amendment complies with the General Plan as required by Government Code Section 65860 and as noted in the July 14, 2015 Planning Commission staff report.

LINKS/ATTACHMENTS:

1. Resolution
2. Exhibit A – Map
3. Vicinity Map