



*San Sebastian*

GATED ESTATE HOMES  
BY: MH CREEKSIDE, INC.

**Item # 22**

**AGENDA DATE: 05/18/16  
SUPPLEMENTAL # 1**

City of Morgan Hill  
Attn: Terry Linder  
17575 Peak Avenue  
Morgan Hill, CA 95037

Re: Extension to the Loss of Building Allocation (ELBA)

Dear Terry,

Toll Brothers and the San Sebastian partners respectfully request Section 13 (Conditional Extension) of the Development Agreement be modified to read as follows:

**SECTION 13. CONDITIONAL EXTENSION. The allocation extensions hereby granted are effective only if the Master Plan Building Set and the Final Map for Phase 1 (21 lots) of the San Sebastian project is approved (Master Plan) and recorded (Final Map) prior to December 31<sup>st</sup>, 2016.**

Staff's original report to the Planning Commission called for the Final Map to be recorded on December 31<sup>st</sup>, 2016 and made no mention of the Master Plan Building Set. We are comfortable with the Master Plan Building Set being approved on or before December 31<sup>st</sup>, however we do have some concerns with the dates getting pushed forward.

It is our desire to have the Master Plan Building Set approved and Final Map recorded sooner, however the Master Plan Building Set is still being reviewed by the Building Department and I'm concerned that due to the workload (City Staff) we may not be able to meet this cut off date and I would hate for the allocations to expire on a technicality when we are making aggressive strides to the move the project forward as accelerated as possible.

As a point of reference, we submitted the first Master Plan Building Set on March 8<sup>th</sup> 2016. We received the complete set of plan review comments from the Building Department on April 8<sup>th</sup>. On April 26<sup>th</sup> we resubmitted the Master Plan documents to the City. Staff is doing an excellent job turning the Master Plan comments around and our team is also doing a great job at addressing and resubmitting promptly. With that said, the schedule as outlined in the Staff Report may be achievable however it also may be to aggressive and I'm concerned that we may be backing ourselves into a corner. By amending the Master Plan Building Set approval to October 31<sup>st</sup>, 2016 or sooner I have no doubt that we (City and Developer) can meet that schedule. Additionally, the Master Plan Building Set would jive with the recordation of the Final Map, which is when all the fees would be required to be paid to preserve the allocation and move the project forward.

Other than this request we are in complete support of Staff Report and the Planning Commission's recommendation to approve the ELBA. Thank you for an excellent and thorough analysis.

Sincerely,

Chris Borello

**Chris Borello** | [chris.borello@sansebestates.com](mailto:chris.borello@sansebestates.com) | [chris.borello@me.com](mailto:chris.borello@me.com)

Mailing/Billing Address: PO Box 2107 | Morgan Hill, CA 95038

Physical Address: 2280 Cochrane Road | Morgan Hill | CA 95037

O: (408) 213-8111 C: (408) 710-7069 | F: (408) 498-7062

**San Sebastian Gated Estate Homes**

On Skype at Chris.Borello | California Real Estate Broker: BRE ID: 01412135

Mailing Address | PO Box 2107 | Morgan Hill | CA 95037 | 408.213.3111