



October 21, 2015

Gina Paolini, Senior Planner
City of Morgan Hill
17575 Peak Avenue
Morgan Hill, CA 95037

RE: Walnut Groves [MC-15-10] – Responses to RDCS Scoring

Ms. Paolini:

This letter is the undersigned applicant's response to City Staff's scoring of our above-referenced RDCS project. Applicant disagrees with certain Staff recommended point reductions as detailed below:

Sec. 18.78.210 Public Schools; Section 3(d) – Pg. 10 of Questionnaire: Unlike all the other scoring in this section, Subsection (d) does not have street or railroad crossing restrictions since this subsection relates to high school students. The path to Live Oak High School has sidewalks or walking paths/bike paths along the entire approx. one (1) mile stretch. (See attached map). The City has developed a safe pathway along the north side of Main Avenue between Condit Avenue and Live Oak High School in recent years to promote walking from our direction. The available path of travel should be considered a "safe route" for high school students either walking or biking to school. Previous years' RDCS competitions have also evaluated this section in this manner. In the 2012-2013 RDCS competition, Planning Commission confirmed that the analysis for a "safe route" for the high schools is a different analysis than the strict one for the younger schools. The text of the criteria has not been altered in the interim. Applicant believes the two (2) points should be awarded in this category.

Sec. 18.78.230 Orderly & Contiguous; Section 1 — Pg. 18 of Questionnaire: The distance calculated by MH Engineering and included with our original application was determined using highly accurate AutoCAD software. During our recent meeting with staff, it was conceded that their calculation was based on municipal utility maps, a less accurate method for determining exact point to point distances. We have double checked our calculation and believe it to be accurate, if not less than our submittal (see attached exhibit demonstrating MH Engineering calculation). We believe the (1/2) point should not have been deducted in this category.

Sec. 18.78.230 Orderly & Contiguous; Section 4 — Pg. 21 of Questionnaire: The City zoning map shows the entire property located within the Diana Estates RPD. During the Church's processing of the current entitlements on the Property, the City's Planning Commission's resolutions state the property is in an "R-1 (9000)/RPD Zoning District". Our associate was also previously told by Steve Maxey, a City Planner, that the Property was part of the Diana Estates RPD. Additionally, Walnut Grove Drive was built as part of the original RPD and provided sewer and other utility connections to allow for the future development of our Parcel and adjacent parcel to the south. Applicant should be awarded one (1) point in the category.

Sec. 18.78.230 Orderly & Contiguous; Section 5 — Pg. 23 of Questionnaire: Applicant does not understand City Staff's comments as Applicant designed the project to correct and mitigate sound and air quality issues which plagued the neighboring tract. After submittal, City Staff initially informed us that our development

would not be permitted by the air quality district to be located adjacent to Hwy 101 due to air quality concerns. This fact was not correct. Applicant discussed multiple site plan alternatives with our environmental consultant (and a consultant recommended by City Staff as described later in this letter) during the planning process and were advised that the design incorporating a road buffer between the development and Hwy 101 was a superior design to mitigate potential air and noise quality issues, which were the only issues Staff has pointed to as being problematic with Applicant's plan. Also, Staff's response indicates that the road adjacent to Hwy 101 is a "necessity" when there was in fact an alternative, inferior design from an air and noise mitigation perspective that would have included a road in the center of the tract with backyards facing Hwy 101. This alternative design can be seen in the residential subdivision directly north of the Subject Property. In that development the backyards abut the highway and secondary sound walls were required to be added in the middle of the rear yards of each home. Applicant was attempting to design (and thinks it accomplished) the most superior design for the site. Applicant should be awarded at least one (1) point in this category.

Sec. 18.78.260 Housing Needs; Section 1 — Pg. 34 of Questionnaire: Staff's response to Applicant's answer states that "there is no floor plan for the secondary unit." Floor plans are not required for the RDCS submittals. Applicant has committed to build two (2) secondary units. The floor plan design of those units seem out of the purview of the RDCS. Applicant plotted a detached secondary unit to demonstrate that such units can be plotted on our lots (See Lot 4 as sample) but will also have attached secondary unit plan options for each of the single family floorplan types. Depending on market demand at the time of sale, the Applicant may provide (at a minimum) one detached and one attached secondary unit, two detached secondary units or two attached secondary units. Applicant has committed to build a minimum of two secondary units and the project has sufficient lot sizes (min. 9,000SF) to accommodate this commitment. Applicant should be awarded two (2) points in this category.

Sec. 18.78.290 Lot Layout & Orientation; Section 1(f) — Pg. 55 of Questionnaire: This criteria is not only applicable to R-3 developments. The criteria reads: "A sufficient transition in lot sizes, **or building sizes in R-3 and vertical mixed use developments**, is proposed in the site plan design to allow compatibility between existing and proposed neighborhoods. (one point)" [Emphasis added]. City Staff has misinterpreted the language in this category. As stated in our submitted questionnaire, the Project has compatible lot sizes with the surrounding neighborhood. Applicant should be awarded one (1) point in this category.

Sec. 18.78.290 Lot Layout & Orientation; Section 1(g) — Pg. 56 of Questionnaire: As stated above, the lot layout with the buffer of Hwy 101 is a superior design, yet City Staff did not even score this category commensurate with an "Above Average" layout. Staff mentions noise and air quality as layout issues, but an environmental consultant was consulted during the design process and recommended that the current design was vastly superior to an alternative design which had backyards abutting Hwy 101 (see neighboring development to the north of the Project). We have also subsequently discussed our plan with the environmental consultant that was recommended by City Staff (David J. Powers & Assocs.) and he concurred with Applicant that the proposed design with a road buffering the homes from Hwy. 101 was a superior design to mitigate against potential noise and air quality issues. Even if correct about the road location, Staff only pointed to the one design flaw (location of the frontage road) which should have permitted the Project to still at least obtain one (1) point under the verbiage of the express criteria standards as an "Above Average Project." Applicant should be awarded at least one (1) point in this category.

Sec. 18.78.290 Lot Layout & Orientation; Section 2(b) — Pg. 57 of Questionnaire: Staff response states that creating a neighborhood watch program does not count as "another security measure" since Safety &

Security is a separate section in the questionnaire. In previous RDCS competitions a neighborhood watch program would count in this criteria. It does not inform the Applicant to create a "new" or "unused" security measure and many design elements score in multiple categories. It is not clear why such a security measure would be precluded in this category. The Safety & Security Section (Sec. 18.78.310) covers almost every "security measure" that a developer could possibly design, so Applicant cannot understand what the second sentence of this criteria is requesting or how this point can be secured. Applicant should be awarded one (1) additional point in this category.

Sec. 18.78.300 Circulation Efficiency; Section 1(d) — Pg. 64 of Questionnaire: Staff states that a short block, that being under 250 feet, is being created along Diana Avenue between Walnut Grove and our new street adjacent to US 101. The section measures over 270 feet long- longer than what is deemed to be a "short block." Applicant should be awarded one (1) point in this category.

Sec. 18.78.320 Landscaping, Screening & Color; Section 2(c) — Pg. 77 of Questionnaire: Staff states that Applicant did not propose the location of the well so should not be awarded points. Such designation of location is not part of the criteria and has never been in the past, but Applicant has plenty of room for the well in the open space located in the northern corner of the Project (approx. 1500 square feet). Applicant should be awarded one (1) point in this category.

Sec. 18.78.335 Livable Communities; Section 5 — Pg. 82 of Questionnaire: This criteria category is defined as "builds to planned densities." It appears that City Staff is reading the second sentence of the criteria as only applying to Downtown Area projects, when no such restriction applies. The first sentence only applies to "Downtown Area projects" because it explicitly states such and awards separate points (two points) for those projects. The second sentence just relates to "Projects" which have their own separate point awards (three points) which are much more stringent, than the Downtown Area. This must be the interpretation since there is no other criteria that evaluates the density of projects outside the Downtown Area. The criteria category would have indicated it only applies to Downtown Area, like other sections in the RDCS questionnaire. Applicant should be awarded three (3) points in this category.

I hope you can appreciate the time, effort, analysis and cost, that went into our Project's RDCS submittal for this tricky infill parcel. We are happy to answer any questions regarding these responses and will make ourselves available any time.

Respectfully,

NEWLAND HOMES LLC



Bryan Avilla

Enclosures – Referenced Exhibits

cc: Bill McClintock, MH Engineering
Ian Harvey, Newland Homes
J. Robert Meserve, Esq., Newland Homes



DRAFT PLANNING COMMISSION MEETING MINUTES
DECEMBER 11, 2012
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THE 2012-2013
COMPETITIONS

[The Commission indicated consensus.]

Benich: Many projects were not given two points because they did not have a safe walking path to a school, when the only requirement was that the project be within 1.5 miles from the school.

[The Commission indicated consensus to award the two points.]

Dommer opened the floor to public comment.

Josh Vrotsos appeared on behalf of Dividend Homes regarding the Watsonville-Dividend project.

The Commission agreed that the Laurel-Oaks project should be viewed as the last portion (Phase 3) of an existing open market project and scored accordingly.

A request for a Residential Building Allotment for Fiscal Year 2014-15. The project is a five unit apartment building to be located on a 10,382 square foot parcel at 16860 Barnell Avenue. (APN 767-11-014)

A) MICRO
MEASURE C,
MMC-12-01:
BARNELL-
CASSEL:

Staff is not recommending any scoring adjustments.

Dommer opened and closed the floor to public comment.

Tanda noted that Unit No. 5 does not show a washer and dryer on the plans but the other four units do. The applicant should be advised that all 5 units should be provided with a washer and dryer.

(APN 726-36-045, 726-36-060, 726-37-008, 726-36-061, 726-36-072)

Josh Vrotsos appeared on behalf of Dividend Homes to state that the Circulation Efficiency was improved so the project should receive the full points requested under that category.

B) MEASURE C,
MC-12-02:
CLAYTON-MH
TAYLOR:

The Commission agreed to add 1 point under Housing Needs and 2 points under Livable Communities for a total of 167.5.

C) MICRO
MEASURE C,
MMC-12-03: DEL
MONTE-
GIOVANNI:

A request for a Residential Building Allotment for Fiscal Year 2014-15. The project is a six unit single family attached residential development to be located on a 1.076 acre parcel on the east side of the northerly extension of Del Monte Avenue, approximately 110 feet north of the Christine Lynn Drive intersection and 950 feet of the intersection with Wright Avenue. (APN 764-12-025)

Dommer opened the floor to public hearing.

d.	The project is within 1 1/2 miles of Live Oak High School. In the 2012 competition the Planning Commission had staff award these points to projects, determining that the pathway criteria did not need to apply to high school criteria. See attached Planning Commission meeting minutes.	2	The project is within 1 1/2 miles of Live Oak High School however there is not a safe continuous walking route from the project site to the school site. (B3: A safe route is defined as continuous sidewalks and/or paved pedestrian pathways cross walks and traffic signals at designated street intersections between the project and a school site.)	0
e.	N/A	0	N/A	0
Sub total	Maximum points: 6	2	Maximum points: 6	0

4. Up to **six additional points** may be awarded to a project which:

Provides off-site pedestrian safety improvements or traffic safety improvements, including adjacent related roadway improvements near a MHUSD school. Any proposed pedestrian and traffic safety improvements cannot be redundant of improvements committed to in other categories. The cost of the improvements must be valued at \$825 per point per unit. The pedestrian improvements and traffic safety improvements must be made to an elementary school within 3/4 of a mile (straight line distance) of the edge of project site or the same improvements can be made to a middle or high school within the City's Urban Service Area (USA). **(up to two points for safety improvements in proximity to a school and up to four points for safety improvements on roadways serving schools within the City's USA)**

NOTE: The public improvements offered under the above section must be separate from the public improvements offered within the Public Facilities, Circulation Efficiency and Livable Communities Categories.

For safe walking route improvements, applicants must also provide a letter from each intervening property owner stating agreement to dedicate the required street right-of-way for the sidewalk or pathway improvements between the project site and the designated school. Improvements to establish a safe walking route must be completed prior to completion of the 20th unit in the development or completion of the project, whichever occurs first.

Applicant's Answers			Staff Comments	
	Comment	Pts	Comment	Pts
4.	Project applicant will provide off-site pedestrian or traffic safety improvements near a MHUSD school at an amount up to \$1650/unit. Applicant also will provide additional safety improvements up to \$3300/unit to serve schools within the City's USA. Applicant's total commitment under this category of off-site school safety is \$4950.	6	Provide off-site pedestrian safety improvements or traffic safety improvements to an elementary school located within 3/4 miles of the project site or to a middle school or highschool up to \$4,950 per unit.	6
Sub total	Maximum points: 6	6	Maximum points: 6	6

Total Points Requested by the Applicant

Total Points Recommended by Staff

Map Limits
1"=40'
Contour Interval=1'

BUTTERFIELD
CORE BOUNDARY
RW



WALNUT GROVES-NEWLAND * RCDS COMPETITION

