

PLANNING COMMISSION STAFF REPORT

MEETING DATE: *AUGUST 23, 2016*

PREPARED BY: T. Linder, Senior Planner, Planning Division
APPROVED BY: Leslie Little, Assistant City Manager/Community Development

..TITLE

DEVELOPMENT AGREEMENT, DA2016-0007/ENVIRONMENTAL ASSESSMENT,

EA2016-0006: DEWITT - MURRAY: Request for approval of a Development Agreement for a four lot subdivision proposed on a 0.89 acre parcel. The property identified by Assessor Parcel Number 773-08-064, is located on the south east corner of DeWitt Avenue and Price Drive (Scott Murray, Owner). CEQA: Categorically exempt pursuant to Section 15315 (Minor Land Divisions).

..END

RECOMMENDATION(S):

..RECOMMENDATION

Approve Resolution recommending City Council approval of a Development Agreement.

..END

..BODY

PROJECT SUMMARY:

Location:	South east corner of DeWitt Avenue and Price Drive
Site Area:	0.89 acre parcel
General Plan:	Residential Detached Low
Zoning:	R-1 12,000 PD
Request:	Approval of a Development Agreement

LOCATION MAP



BACKGROUND

Site Description

The subject site is a .89 acre parcel located on the south east corner of DeWitt Avenue and Price Drive. The site is currently surrounded by single family detached homes to the north, south and west and multi-family development to the east. The site is currently developed with a single family detached home, barn, several out-buildings and orchard trees.

Prior Actions

In 1996, the City Council adopted Ordinance 1310 which pre-zoned five contiguous parcels R-12,000/PD. Ordinance 1310 contained six specific objectives to be accomplished through the development of a future Precise Development PD, plan: 1.

Compatible density transition from the existing surrounding development. 2. Lots along the westerly boundary shall be a minimum of 20,000 square feet. 3. Increased setbacks along the northerly boundary. 4. Minimum lot size allowed under the PD shall be 9,000 square feet. 5. Duets would only be allowed if four or more contiguous properties were developed by a single applicant as a single project. 6. Driveway access onto DeWitt should be minimized.

In 2003, the two adjacent property owners to the south of the subject site wanted to pursue development so a precise development plan was submitted which covered the five properties pre-zoned under ordinance 1310. In January 2004, the City Council adopted Ordinance 1644 which approved a Precise Development plan consistent with the objectives contained in Ordinance 1310. A copy of the approved PD plan is attached for the Commission's reference. The subject property is shown as lots 6-9 and lot 14 on the approved PD plan.

In 2005, the adjacent parcel to the north developed with four single family detached homes and the adjacent parcel to the south developed with five single family detached homes in 2006.

In 2007, a parcel map was recorded on the subject property which utilized the single lot exemption and created two parcels; parcel one 31,726 square feet and parcel two (subject parcel) 36,726 square feet.

In January 2016, RDCS application MMC 15-07: DeWitt-Murray received three FY 2017-18 allocations allowing for the further division of parcel two into four lots.

On June 15, 2015, an administrative subdivision (parcel map) and development agreement application were filled

ANALYSIS

The applicant is requesting approval of the project development agreement. Concurrent with the development agreement application, the applicant has requested approval of a four lot subdivision. Subdivision requests of four lots or less are considered parcel maps which pursuant to Municipal Code Section 17.24.060 are subject to the review and approval of the Community Development Director.

Approval of the proposed development agreement will allow for the subsequent approval of the subdivision so the proposed development agreement and subdivision were analyzed with respect to consistency with the: 1) General Plan; and 2) Zoning Ordinance.

1) General Plan

The proposed development agreement will facilitate development that is consistent with the parcel's Residential Detached Low land use designation.

According to the Morgan Hill General Plan, the Residential Detached Low designation is meant to accommodate detached dwellings in residential neighborhoods. The designation allows for up to four dwelling units per acre. As mentioned in the background section of the report, the subject parcel was created by the split of a larger 1.57 acre parcel in 2007. Taking the original parcel as a whole (1.57 acres) and the total number of lots (5) resulting from the current and previous subdivision, the number of units per acre is 3.19 which complies with the prescribed density range of the General Plan.

2) Zoning Ordinance

The proposed four lot parcel map (attached for reference) is proposing four lots ranging in size from 9006 to 10,223 square feet. The proposed lot sizes are 173-342 square feet smaller than the lot sizes shown on the approved PD plan. The reduction in the lot sizes is a result of the southerly shift of Price Drive that occurred with the completion of the adjacent subdivision to the north. The lot size reductions are considered minor and are found to be consistent with the PD plan approved under Ordinance 1644.

A condition of the parcel map approval is the recordation of a development agreement prior to recordation of the final map. Project development agreements are required as a formal contract between the developer and the City. The development agreement formalizes the commitments made during the Measure C process and establishes the project milestone deadlines including the 'commence construction' date. The project specific commitments are identified in Exhibit C of the development agreement and the project milestone deadlines are contained in Exhibit B. The attached development agreement covers the commitments from the project's 2015 RDCS application and the development schedule for the projects four, FY 2017-18 allocations.

CEQA (California Environmental Quality Act)

The subdivision and proposed development agreement applications are categorically exempt per Section 15315, Minor Land Division.

Community Engagement

The proposed project was publicly noticed (mailing to property owners within 300 feet of the project and newspaper legal noticing) for the minimum 10-day period and a sign has been posted at the proposed business location per the Planning Division requirements.

Conclusion

It is recommended the Planning Commission recommend City Council approval of the proposed development agreement attached as Exhibit A of the attached resolution. Approval of the proposed development agreement will allow for the approval of the corresponding subdivision which has been found consistent with the General plan and Zoning.

LINKS/ATTACHMENTS:

1. Approved Price Dr. PD plan
2. Proposed parcel map
3. Resolution recommending Council approval of Development Agreement

