

Location: Aerial Photo



BACKGROUND:

In August 2016, the City Council approved a Zoning Amendment (ZA2016-0005) amending the zoning from Office Industrial MO to the R-1 9,000 zone district to conform to the Single Family Medium General Plan designation which would allow development of single-family residential homes on the subject site in accordance with the R-1-9000 standards that include a minimum lot area of 9,000 square feet (4,200 square feet for duets on a corner lot).

The site was previously rezoned from Office Industrial (MO) to R-1-9,000/RPD (ZA-97-20 Walnut Grove-La Mere) in 1998. However, as a Precise Plan was not submitted within one year of the adoption of the RPD, the zoning reverted back to the previous

zone district (Office Industrial -MO) as was required by the Residential Planned Development Overlay District Provisions in place at the time.

Subsequent to the filing of the Tentative Subdivision Map, the applicant applied for a Design Review permit for the construction of nine single family residential units. An additional Development Agreement (DA) and Tentative Parcel Map will be required in addition to the pending DA and Tentative Subdivision Map to allow nine units, pending receipt of additional allotments through the Residential Development Control System (RDCCS) process.

Site Description

The 2.1 acre site is composed of three vacant parcels and comprises the northerly portion of a larger 4.7 acre vacant site bounded by Walnut Grove Drive and US Highway 101. The area contains a soil stockpile at its southern end, as well as three trees along Walnut Grove Drive. No development is currently proposed on the southerly portion of the site which is under separate ownership.

The site is within the boundaries of one of the alternative alignments currently being analyzed for the San Jose to Merced section of the California High Speed Rail project that will go through Morgan Hill. This alternative would be elevated in a viaduct that generally runs on property westerly of Highway 101, including the subject site. No easements or right-of-way have been acquired as the proposed alignment is one of four alternatives that are currently being analyzed. A decision on a preferred alternative is expected by the Spring of 2017.

Surrounding Uses

Adjacent land uses include single-family detached residential homes to the north and west and undeveloped residential zoned property and an automobile dealership to the south. The site is directly adjacent to US Highway 101 to the east.

Project Description

The applicant is requesting approval of a Development Agreement and a vesting Tentative Subdivision Map to allow the development of five single-family residences on a 2.1 acre portion of a 4.7 acre vacant site. The proposed development would be the first phase of a 9 unit single-family residential project. The project includes a designated remainder that will be further subdivided upon receipt of allotments through the RDCCS process. A 5,181 square foot open space parcel is proposed along the easterly side of the proposed street and a sound wall with a height of 6-feet is proposed along the easterly project boundary to attenuate sound from US Highway 101.

ANALYSIS:

The proposed project (Tentative Subdivision Map and Development Agreement) was analyzed with respect to consistency with the: General Plan, Zoning and Subdivision Ordinances and California Environmental Quality Act.

1) General Plan

The Residential Detached Medium General Plan designation allows detached homes on smaller lots, including courtyard homes, manufactured homes, and small-lot single-family homes at a density of up to 7 units per net acre. As proposed, the site has a density of approximately 2.8 units per acre, complying with the prescribed density range of the General Plan.

The following General Plan policies would apply to the project:

Policy CNF-2.1 Orderly Development. Promote the orderly development of the City, with concentric growth and infill of existing developed areas.

The proposed subdivision is located within a developed area of the City of Morgan Hill and primarily surrounded by existing development and/or previously approved subdivisions. Public utilities and services are available at the site without significant expansion or impact to the existing services.

Policy CNF-8.7 Design Sensitivity. Ensure that new development is sensitive to the character of adjacent structures and the immediate neighborhood.

The proposed single family subdivision is sensitive to the character of the existing neighborhood as it will have a similar density, scale and layout to the surrounding development.

Policy CNF-10.4 Single-Family Housing Supply. Support actions to maintain an adequate supply of single-family housing throughout the community, including provision of affordable single-family housing to those persons who work within the community.

The proposed 5-unit subdivision in combination with the future development on adjoining parcels is an appropriate infill development that will contribute towards maintaining an adequate supply of single family housing.

Policy CNF-11.9 Continuous Sidewalks. Require continuous sidewalks along both sides of the street frontage.

The proposed subdivision will include full street improvements along the project frontages including curb, gutter and sidewalk. No sidewalk is proposed on the easterly side of the proposed new street which is adjacent to the landscaped open space area used for stormwater treatment.

Policy CNF-11.11 Mix of Housing Types. Encourage a mix of housing types and lot sizes within residential projects with five or more lots or units.

The proposed subdivision will include a mix of housing types including 3 single-family detached homes, a duet unit and 2 secondary units. Up to 25 percent of the total number of units within the project may be duets.

GOAL SSI-8 Prevention of noise from interfering with human activities or causing health problems.

As discussed in the CEQA analysis, the proposed lot configuration, sound wall, and required sound attenuation measures will reduce noise levels from interfering with human activities or causing health problems.

Policy SSI-8.1 Exterior Noise Level Standards. Require new development projects to be designed and constructed to meet acceptable exterior noise level standards.

The proposed project includes measures to protect future residents from potential noise impacts from the adjacent freeway. As discussed in the CEQA analysis, the proposed lot arrangement, sound wall, and sound attenuation measures will reduce noise levels to meet acceptable exterior noise level standards as contained in the General Plan. (maximum exterior noise level of 60 dBA Ldn in residential areas).

2) Zoning

The project development includes five single family lots and one remainder. The R-9,000 Development Standards include:

- a. Minimum lot area:
 - 1. 9,000 square feet
 - 2. 4,200 square feet for duet units on corner lots.
- b. Minimum lot width:
 - 1. 70 feet for detached dwellings
 - 2. 40 feet for single-family attached/duets on corner lots.

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c. Minimum lot depth: 85 feet

The following table provides the lot details:

Lot No.	Lot Size (sq ft)	Lot Width	Lot Depth
1	9,986	87 feet	115 feet
2	9,352	81 feet	115 feet
3	9,082	77 feet	116 feet
4	5,206	45 feet	115 feet
5	6,027	56 feet	115 feet

As designed, the project complies with the Development Standards of the R-1 9,000 Zoning District.

Circulation

A new 36-foot wide public street is proposed along the eastern edge of the property to provide access to the lots and to separate the homes from the adjoining freeway.

As shown on the Site Plan, this road is intended to be extended with the development of the vacant property to the south. A condition of the Tentative Map includes the requirement for a temporary cul-de-sac to be installed at the proposed dead end street for emergency vehicle turn-around pursuant to Fire Department standards including appropriate temporary dedication to be shown on the Final Map. This cul-de-sac would be temporary and would be removed upon road extension and could be located on the applicant's property or on the adjoining property.

As currently proposed, the required turnaround is shown as an easement on a portion of Lot No. 1. Staff is concerned that this would create a nuisance for the owner Lot No. 1. However, the applicant has not been successful in obtaining permission from the adjacent property owner to install a temporary cul-de-sac on the adjoining lot; therefore, this is the alternative circulation solution.

A 12-foot wide area of the existing Walnut Grove Drive right-of-way is proposed to be vacated that will reduce the right of way width from 72 to 60-feet to comply with current City standards. A new 3-way intersection will be constructed to extend Diana Avenue to the project.

3) Residential Development Control System

The Planning Commission awarded five (5), Fiscal Year FY2017-2018 building allotments to the project (City Council Resolution 16-02) on January 13, 2016. The requested Development Agreement would formalize the commitments made during the

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Residential Development Control System (RDCS) process and establish construction commencement dates for the project. The vesting Tentative Map would allow the applicant to subdivide the parcel into five lots (and one open space parcel) for single family development.

4) Subdivision Application

A vesting Tentative Subdivision Map for five residential lots has been proposed. The project has received five allotments. City Council Policy CP-06-04 allows for the processing of Tentative Subdivision Maps which exceed the number of allotments currently received to a development if the following criteria are met:

- a. An approved precise development plan is obtained;
- b. The Tentative Map shall be non-vesting;
- c. The recordation of a final map will not be permitted until the allocations of have been secured under the RDCS and a Development Agreement has been recorded and that the tentative map would expire after 2 years.

The project cannot subdivide the site as describe in Policy CP-06-04 because the project is for a vesting Tentative Subdivision Map and does not include a Planned Development. All of the proposed lots exceed the minimum lot size of the R-1 9,000/RPD District and conform to the minimum lot width and lot depth standards. The applicant intends to subdivide the remainder parcel in the future and has applied for additional allotments through the RDCS 2016 competition.

Approval of the vesting Tentative Subdivision Map would allow the developer to record a Final Map and commence construction of those properties with allotments. New curb cuts for driveways and utility laterals will be constructed to each of the new homes.

5) Development Agreement

A Development Agreement has been proposed for the project, consistent with the RDCS commitments. The terms and conditions agreed to during the competition have been incorporated into the proposed Tentative Subdivision and included in the attached Development Agreement (Attachment 2). The proposed Development Agreement follows the City's standard form for formalization of RDCS commitments and establishment of a project schedule.

CEQA (California Environmental Quality Act):

Project, Description of CEQA requirements

A draft Initial Study/Mitigated Negative Declaration was completed to assess a development scenario that included the potential environmental impacts of the full buildout of 9 residential units on the subject 2.1 acre site, as well as the development of

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10 additional units on the adjoining 2.6 acre site to the south. The IS/MND was circulated 20-days for public review and comment from September 19, 2016 to October 10, 2016.

Given the site's close proximity to US Highway 101, an *Environmental Noise Assessment* was prepared that evaluated the potential exposure to vehicle noise against the noise standards and criteria in the City of Morgan Hill 2035 General Plan. The analysis concluded that the site would be exposed to future traffic noise levels in excess of City of Morgan Hill noise standards. As a result, the project would result in a potentially significant impact with respect to exposure of persons to noise. The noise impacts can be reduced to a less-than-significant level with mitigation that would reduce interior and exterior ambient noise to levels below the applicable threshold of significance. Project mitigation requires the installation of a 6-foot in height noise barrier to be constructed along the project site's entire US Highway 101 frontage and adjacent to the rear yards of Lot No.'s 4 and 5 as shown on the site plan below.



In addition, the proposed lots are arranged such that outdoor activity areas will be shielded in the direction of US Highway 101 by the residential structures. All of the proposed residences closest to US Highway 101 shall be required to have second-floor windows on the north, east, and south sides of the buildings rated a minimum Sound Transmission Class (STC) rating of 35, and all first-floor windows on the north, east, and south sides shall have a minimum STC rating of 32.

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Mitigation Measures, consistent with the City of Morgan Hill's 2003 Burrowing Owl Habitat Mitigation Plan, would reduce potential impacts to Western Burrowing Owl to a less-than-significant level. Although no unique archeological or geological resources, human remains, or cultural resources are known on the site, standard measures are included in the event that previously unknown resources are unearthed during on-site grading and excavation associated with construction and the installation of new infrastructure lines for the proposed development. Given the presence of stockpiled soil, a Phase II Environmental Site Assessment (ESA) will be required prior to the issuance of a Grading Permit in order to determine whether pesticides are persistent in on-site soils. The Phase II ESA shall specify measures for the remediation of the soils, including proper removal and disposal procedures to be followed.

Based on evaluation of the potential impacts of the project, staff recommends adoption of a Mitigated Negative Declaration (MND). The MND contains mitigation measures to reduce all potential impacts to less than significant levels.

A Notice of Intent to adopt the MND was recorded at the County Recorder's Office with the minimum 20-day noticing required by the CEQA guidelines. To date, no comments have been received specific to the CEQA documents.

Community Engagement

The IS/MND was circulated 20-days for public review and comment. The proposed project was publicly noticed (mailing to property owners within 300 feet of the project and newspaper posting) for the minimum 10-day period and a sign has been posted on the property as required by Section 18.02.085 of the Municipal Code.

Conclusion

The proposed subdivision meets the zoning requirements of the R-1 9,000 zone district and is consistent with the General Plan as noted in the above section of this report. Staff recommends Planning Commission recommend City Council approval of the Development Agreement for the project.

Staff recommends Planning Commission approve the Tentative Subdivision Map, subject to the findings and conditions contained in the attached resolution and contingent upon City Council approval of the Development Agreement.

LINKS/ATTACHMENTS:

1. Resolution approving Mitigated Negative Declaration /MMRP
2. Resolution recommending approval of Development Agreement
3. Resolution approving Subdivision.
4. Project Plans