



# City of Morgan Hill

## Legislation Details (With Text)

**File #:** 16-808      **Version:** 1      **Name:**  
**Type:** Staff Report      **Status:** Second Reading  
**File created:** 11/29/2016      **In control:** City Council  
**On agenda:** 12/14/2016      **Final action:** 12/14/2016  
**Title:** DEVELOPMENT AGREEMENT, DA2016-0008: WALNUT GROVE-NEWLAND HOMES: REQUEST FOR FIVE RESIDENTIAL BUILDING ALLOTMENTS FOR FISCAL YEAR 2017/18 LOCATED AT THE EAST SIDE OF WALNUT GROVE, SOUTH OF DIANA AVENUE (APN(S) 726-07-089, -023 AND -024)

**Sponsors:**

**Indexes:**

**Code sections:**

**Attachments:** 1. Planning Commission Staff Report, 2. DA 16-01 Walnut Grove - Newland HomesCC, 3. Negative Declaration, 4. SD-16-02 Final Plans, 5. 16 presentation .pdf

Date	Ver.	Action By	Action	Result
12/14/2016	1	City Council	waived reading of the Ordinance	Pass
12/14/2016	1	City Council	introduced	Pass

## CITY COUNCIL STAFF REPORT MEETING DATE: DECEMBER 14, 2016

PREPARED BY: Richard Buikema, Staff Planner/Community Development  
APPROVED BY: City Manager

**DEVELOPMENT AGREEMENT, DA2016-0008: WALNUT GROVE-NEWLAND HOMES: REQUEST FOR FIVE RESIDENTIAL BUILDING ALLOTMENTS FOR FISCAL YEAR 2017/18 LOCATED AT THE EAST SIDE OF WALNUT GROVE, SOUTH OF DIANA AVENUE (APN(S) 726-07-089, -023 AND -024)**

### RECOMMENDATION(S)

1. Open and close public hearing;
2. Waive first and second reading of Development Agreement Ordinance; and
3. Introduce Development Agreement Ordinance.

### COUNCIL PRIORITIES, GOALS & STRATEGIES:

#### Ongoing Priorities

Protecting the environment  
Maintaining fiscal responsibility

#### 2016 Focus Areas

Developing Our Community

## **REPORT NARRATIVE:**

Newland Homes is requesting approval of a Development Agreement to formalize commitments made during the Residential Control System (RDCS) process. The Development Agreement will allow for the subdivision of 2.1 acres of a larger parcel (4.7 acres) into 5 lots in accordance with the Residential Detached Medium General Plan land use designation and R-1 9,000 zoning standards. The site is located on the east side of Walnut Grove Drive, south of Diana Avenue. The Development Agreement will establish a development schedule for the project, including a commencement of construction deadline and include other standard City requirements.

Newland Homes received five RDCS building allotments in the 2015 RDCS competition for Fiscal Year 2017-18 (Application No. MC-15-10: Walnut Grove-Newland). The developer has applied for the remaining 4 building allotments as an ongoing project for Fiscal Year 2018-19. (Application No. RDCS2016-0012 Walnut Grove-Newland Homes)

The Development Agreement was reviewed by the Planning Commission at its November 22, 2016 meeting at which the Commission held a public hearing. The Planning Commission recommended approval of the Development Agreement to the City Council.

## **COMMUNITY ENGAGEMENT: Inform**

The Morgan Hill Community was informed about the project through public notification, including site signage, newspaper notice, and direct mail to property owners within 300 feet.

## **ALTERNATIVE ACTIONS:**

In addition to denial of the Development Agreement, the City Council could direct staff to make changes to the Development Agreement.

## **PRIOR CITY COUNCIL AND COMMISSION ACTIONS:**

A General Plan Amendment (GPA-97-11 Walnut Grove-La Mere) was approved in October 1998 amending the land use designation of the project site from Office Industrial to Single Family Medium (3-5 dwelling units per acre). Concurrently, the site was rezoned from Office Industrial (MO) to R-1-9,000/RPD (ZA-97-20 Walnut Grove-La Mere). A Precise Plan was not submitted within the required timeframe specified by Chapter 18.18.140 of the Municipal Code, therefore, the zoning has reverted back to the MO zone district.

In August 2016, the City Council approved a Zoning Amendment (ZA2016-0005) amending the zoning on the site from Office Industrial MO to the R-1 9,000 zone district to conform to the Single Family Medium General Plan land use designation.

The project was reviewed by the Planning Commission at its November 22, 2016 meeting. The Commission voted unanimously to recommend that the City Council approve the Development Agreement.

The Planning Commission also approved a vesting Tentative Subdivision Map at its November 22, 2016 meeting, allowing 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.

**FISCAL AND RESOURCE IMPACT:**

The City administers land use entitlement processes on a cost-recovery basis with fees collected from applicants to cover the cost of services. These fees have been collected for the project.

**CEQA (California Environmental Quality Act):**

Project, Description of CEQA requirements

A Mitigated Negative declaration was adopted for the project by the Planning Commission on November 22, 2016.

**LINKS/ATTACHMENTS:**

1. November 22, 2016 Planning Commission Staff Report
2. Development Agreement Ordinance
3. Negative Declaration
4. Subdivision Plans