



City of Morgan Hill

Legislation Details (With Text)

File #: 15-530 **Version:** 1 **Name:** Zoning Amendment and Development Agreement
Type: Staff Report **Status:** Passed
File created: 8/18/2015 **In control:** City Council
On agenda: 9/2/2015 **Final action:** 9/2/2015
Title: ZONING AMENDMENT, ZA-14-20, DEVELOPMENT AGREEMENT, DA-14-09: COCHRANE - MONTEREY - KB GIPPETTI: A ZONING AMENDMENT, PRECISE DEVELOPMENT PLAN AND DEVELOPMENT AGREEMENT FOR ONE PARCEL TOTALING APPROXIMATELY 4.37 ACRES. THE ZONING WOULD BE AMENDED FROM CL-R LIGHT COMMERCIAL/RESIDENTIAL DISTRICT TO R-3 PD MEDIUM DENSITY RESIDENTIAL PLANNED DEVELOPMENT CONSISTENT WITH THE ADOPTED GENERAL PLAN. THE PROPERTY IS LOCATED ON THE EAST SIDE OF MONTEREY ROAD BETWEEN 17960 MONTEREY ROAD AND 18060 MONTEREY ROAD. CEQA: AMENDMENT TO EIR PREPARED FOR THE FALL 2014 GENERAL PLAN AMENDMENT

Sponsors:

Indexes:

Code sections:

Attachments: 1. Gippetti Zoning Ordinance, 2. Zoning Ordinance Attachment C - Gippetti Precise Development Plan, 3. Gippetti DA Ordinance CC DRAFT, 4. Exhibit A- Development Agreement, 5. Gippetti Vicinity Map, 6. Gippetti Staff Report 8-11-15, 7. Lot Analysis, 8. Resolution 15-51 SD-14-10, 9. Monterey- KB Home IS Addendum August 2015, 10. 35 Staff Presentation

Date	Ver.	Action By	Action	Result
9/2/2015	1	City Council	waived reading of the Ordinance	Pass
9/2/2015	1	City Council	introduced	Pass
9/2/2015	1	City Council	waived reading of the Ordinance	Pass
9/2/2015	1	City Council	approved	Pass

CITY COUNCIL STAFF REPORT MEETING DATE: SEPTEMBER 2, 2015

PREPARED BY: Richard Smeaton, Contract Planner/Community Development
APPROVED BY: City Manager

ZONING AMENDMENT, ZA-14-20, DEVELOPMENT AGREEMENT, DA-14-09: COCHRANE - MONTEREY - KB GIPPETTI: A ZONING AMENDMENT, PRECISE DEVELOPMENT PLAN AND DEVELOPMENT AGREEMENT FOR ONE PARCEL TOTALING APPROXIMATELY 4.37 ACRES. THE ZONING WOULD BE AMENDED FROM CL-R LIGHT COMMERCIAL/RESIDENTIAL DISTRICT TO R-3 PD MEDIUM DENSITY RESIDENTIAL PLANNED DEVELOPMENT CONSISTENT WITH THE ADOPTED GENERAL PLAN. THE PROPERTY IS LOCATED ON THE EAST SIDE OF MONTEREY ROAD BETWEEN 17960 MONTEREY ROAD AND 18060 MONTEREY ROAD. CEQA: AMENDMENT TO EIR PREPARED FOR THE FALL 2014 GENERAL PLAN AMENDMENT

RECOMMENDATION(S)

1. Open/Close Public Hearing;
2. Waive the first and second reading of the Zoning Amendment Ordinance;
3. Introduce Ordinance approving Zoning Amendment ZA-14-20;
4. Waive the first and second reading of the Development Agreement Ordinance; and
5. Introduce Ordinance approving Development Agreement DA-14-09.

COUNCIL PRIORITIES, GOALS & STRATEGIES:

Ongoing Priorities

Protecting the environment
Maintaining fiscal responsibility
Preserving and cultivating public trust

REPORT NARRATIVE:

Site Description

The project site is located on the east side of Monterey Road, north of the intersection with Wright Avenue, and is identified by Assessor's Parcel Number 726-25-004 (17960 Monterey Road and 18060 Monterey Road).

Applicant's Request

The project applicant request includes a Zone Change, Precise Development Plan and Development Agreement for a 58 lot residential development project. The property has an existing zoning designation of CL-R Light Commercial/Residential District. The applicant is requesting a Planned Development (PD) overlay for the project site which would include rezoning the property. The property would be rezoned to R-3 PD. The project has been fully allotted through the RDCS process.

Project Summary

The Planning Commission recommends approval of the proposed rezoning and development agreement and approved a subdivision contingent upon those approvals with conditions agreed to by the applicant. The following summarizes some of the core issues discussed by the Planning Commission. Additional analysis of the project has been provided in the Planning Commission staff report (Attachment 6).

A. Precise Development Plan Exceptions

Approval of the Precise Development Plan would incorporate the following exceptions to the base development standards normally required for R-3 parcels:

- Fifty-eight parcels (Parcel No.'s 1-58) do not meet the minimum lot area;
- Forty-nine parcels (Parcel No.'s 8-22, 23-51, and 53-58) do not meet the minimum site area per unit;

- Fifty-eight parcels (Parcel No.'s 1-58) do not meet the minimum lot width;
- Fifty-eight parcels (Parcel No.'s 1-58) do not meet the minimum lot depth;
- Fifty-eight parcels (Parcel No.'s 1-58) exceed the maximum building coverage;
- Fifty-three parcels (Parcel No.'s 1-22, 24, 26-52, 54-56, and 58) do not meet the minimum front setbacks;
- Fifty-two parcels (Parcel No.'s 8-58) do not meet the minimum rear setbacks;
- Thirteen parcels (Parcel No.'s 1-6, 23-24, 34, 40-41, and 51-52) do not meet the minimum side setbacks; and,
- Fifty-eight parcels (Parcel No.'s 1-58) exceed the maximum building height.

The build-out of the project would include 58 units, 52 single-family attached units and 6 single family detached units. The single-family attached units would be grouped into buildings of either 4 units, 6 units, or 7 units and would be centered around the central open space area or fronting onto Monterey Road. The exceptions requested may seem excessive; however, the site plan as presented requires fewer exceptions than the site plan originally presented as part of the RDCS competition and reflects the fact that the City's Zoning Ordinance does not currently provide for townhouse type development. The Planning Commission recommended approval of the project as designed. A detailed lot by lot analysis has been provided (Attachment 7).

B. Building Height

The project includes building heights of approximately 40 feet. The maximum building height within the R3 zone district is 30 feet or two and one-half stories. The City has initiated a General Plan Text Amendment that would facilitate increases in height, as proposed by the project. If the City does not approve the General Plan Text Amendment, the project heights would need to be reduced.

At the same meeting as this project (August 11, 2015), the Planning Commission reviewed the General Plan text amendment that would remove the maximum building heights from the General Plan and has recommended that the City Council adopt this amendment. If the General Plan amendment is not adopted, the following condition has been included in the project approval:

Subdivision Map Condition No. 16: The project heights shall be reduced to comply with the base zone district height limitation of 30 feet or two and one-half stories if the City does not approve General Plan Text Amendment (GPA 15-01) which would eliminate the maximum building height requirement.

The applicant accepted the condition as approved by the Planning Commission.

C. Location of the Below Market Rate Housing Units

The Planning Commission requested that the Below Market Rate (BMR) Housing Units be dispersed throughout the site and recommended that Lot No.'s 16, 22, 39, 53 and 57 be identified as the BMR units. Following the Planning Commission meeting, the developer reviewed the location of the BMR

units and has requested that identified BMR unit for Lot No. 21 be relocated to Lot No. 22. The BMR unit would remain in the same building. Staff considers this change to be consistent with the Commission's intent and has included it in the Subdivision Resolution.

D. Development Quality

The Planning Commission was concerned about the quality of the project. The Commission would like quality building materials to improve the appearance of the final product. This will be addressed during the Site and Architecture Review process.

E. Development Schedule

A Development Agreement (DA) has been proposed for the project, consistent with the project's Residential Development Control System (RDSCS) commitments. The terms and conditions agreed to during the competition have been incorporated into the site plan and included in the attached DA. The applicant has proposed to change the standard Development Schedule to reflect a time table that would not require an additional extension to their current allotments. The proposed Development Schedule effectively pushes all allotments for FY 2015-16 to the FY2016-17 building cycle. If the proposed schedule were not to be accepted, the project would likely need an extension of their building allotments next spring. The Planning Commission recommended that the project be granted additional time so that it may proceed to construction without a need for additional modifications to the proposed DA.

COMMUNITY ENGAGEMENT: Inform

When required, a 10 day public hearing notice was published in the Morgan Hill Times and notices were mailed to property owners within three hundred feet of the project pursuant to Government Code Sections 65090-65096.

ALTERNATIVE ACTIONS:

The following alternative actions could be considered by the City Council:

- A. Deny the request. This would result in the City denying the Zoning Amendment and Development Agreement; or,
- B. Table or continue the request and provide direction to the applicant and staff.

PRIOR CITY COUNCIL AND COMMISSION ACTIONS:

The project was considered by the Planning Commission at the August 11, 2015 meeting. The Planning Commission voted 4-1 to recommend that the City Council approve Zoning Amendment ZA-14-20 and Development Agreement DA-14-09. The Planning Commission approved Resolution No. 15-51, approving Subdivision Application SD-14-10 (Attachment 8).

The applicant spoke at the Planning Commission hearing in support of the project. There was no opposition to the project.

FISCAL AND RESOURCE IMPACT:

The processing of the project is considered cost-recovery, with the applicant providing a deposit of which the City uses to off-set costs related to the processing the application.

CEQA (California Environmental Quality Act):

Project, Description of CEQA requirements

The project site was initially reviewed in 2014 as part of the Fall 2014 General Plan Amendments. At that time the Morgan Hill City Council adopted a Mitigated Negative Declaration for which an Initial Study was prepared in accordance with California Environmental Quality Act.

The applicant has included as part of this application an Addendum (Attachment 9) to the previously adopted Mitigated Negative Declaration to provide project-level CEQA analysis for the development of the site and to account for project-specific details that were previously unavailable. Based on the evaluation of potential impacts of the project, not additional mitigation was required.

LINKS/ATTACHMENTS:

1. Zoning Amendment Ordinance
2. Exhibit C - Precise Development Plan
3. Development Agreement Ordinance
4. Exhibit A - Development Agreement
5. Vicinity Map
6. August 11, 2015 Planning Commission Staff Report
7. Lot Analysis
8. Planning Commission Resolution No. 15-51
9. CEQA Addendum