



City of Morgan Hill

Legislation Details (With Text)

File #: 15-868 **Version:** 1 **Name:**
Type: Staff Report **Status:** Consent Calendar
File created: 12/7/2015 **In control:** City Council
On agenda: 12/16/2015 **Final action:** 4/1/2016
Title: ADOPT ORDINANCE 2180, NEW SERIES, AN ORDINANCE OF THE CITY OF MORGAN HILL APPROVING AN AMENDED DEVELOPMENT AGREEMENT FOR THE 12-UNIT CALLE SIENA PROJECT LOCATED ON THE NORTHERLY SIDE OF EAST MAIN AVENUE, APPROXIMATELY 420 FEET EASTERLY OF GRAND PRIX WAY (APN: 726-20-053)

Sponsors:

Indexes:

Code sections:

Attachments: 1. 2180 DAA-12-05A E. Main Calle Siena, 2. 2180 Exhibit A, 3. 32 Handout from Public.pdf

Date	Ver.	Action By	Action	Result
12/16/2015	1	City Council	waived reading of the Ordinance	Pass

CITY COUNCIL STAFF REPORT MEETING DATE: DECEMBER 16, 2015

PREPARED BY: Angie Garcia, Council Services Assistant/Administrative Services
APPROVED BY: City Manager

ADOPT ORDINANCE 2180, NEW SERIES, AN ORDINANCE OF THE CITY OF MORGAN HILL APPROVING AN AMENDED DEVELOPMENT AGREEMENT FOR THE 12-UNIT CALLE SIENA PROJECT LOCATED ON THE NORTHERLY SIDE OF EAST MAIN AVENUE, APPROXIMATELY 420 FEET EASTERLY OF GRAND PRIX WAY (APN: 726-20-053)

RECOMMENDATION(S)

Waive the reading, **Adopt** Ordinance No. 2180 New Series, and Declare that said title, which appears on the Agenda, shall be determined to have been read by Title and further reading waived.

COUNCIL PRIORITIES, GOALS & STRATEGIES:

Ongoing Priorities

Maintaining fiscal responsibility

2015 Focus Areas

Stimulate Economic Development

REPORT NARRATIVE:

In introducing the Development Agreement Ordinance to allow the six (6) month extension of the Commence Construction date, the City Council noted the following as reasons for supporting the proposed extension: that the project has made progress in that a Building permit was recently issued for grading and installation of underground utilities and construction activity has commenced on the project site, and that weather related delays may prevent the project from meeting the current Commence Construction date.

On December 2, 2015, the City Council Introduced Ordinance No. 2180 New Series, by the Following Roll Call Vote: AYES: Carr, Librers, Siebert, Tate; NOES: None; ABSTAIN: Constantine; ABSENT: None.

COMMUNITY ENGAGEMENT: Consult

Notice of the Development Agreement Amendment request was mailed to property owners and residents within 300-feet of the subject site and published in the Morgan Hill Times for the minimum 10-day public noticing period.

Staff has exchanged emails with members of the Morgan Lane Homeowners Association (HOA) regarding the proposed extension and the HOA did not raise any objections.

ALTERNATIVE ACTIONS:

None

PRIOR CITY COUNCIL AND COMMISSION ACTIONS:

On November 10, 2015, the Planning Commission considered the Development Agreement Amendment request and recommended that the City Council approve the request to allow a six (6) month extension.

The Commission had considerable debate about why the project should or should not receive another extension. Some commissioners were of the opinion that the project does not meet the City Council Policy for extensions and therefore should not be granted an extension. Chair Mueller agreed with the concerns raised about granting of extensions, but questioned what would be gained at this point by allowing units to expire when the project is finally ready to start construction.

The Commission agreed, on a 5-1-1 vote (Spring opposed, Tanda absent), that the project should receive one final extension with the following recommendation:

Based on the findings required in Section 18.78.125 of the Municipal Code and Council Policy CP-09 -02 and recent progress demonstrated by the project applicant toward the commencement of construction for the project, and in consideration of the potential for delay due to weather conditions, holidays, and staff workload, the City Council approve the subject Development Agreement Amendment to allow a 6-month extension, but that no further extensions should be granted.

The Commission further recommended that the City Council update its Policy for granting Exception to the Loss of Building Allocation (ELBA) requests to provide more clarity and to reduce the number of projects which are granted extensions.

FISCAL AND RESOURCE IMPACT:

No budget adjustment required. The applicant has paid application fees applied to project.

CEQA (California Environmental Quality Act):

Project, Description of CEQA requirements

In accordance with Section 15162 of the CEQA Guidelines (Subsequent Negative Declarations), there is no substantial evidence, in light of the whole record, that the projects as revised may have a significant effect on the environment; therefore no further environmental analysis is required. A Mitigated Negative Declaration was adopted for the project and a Notice of Determination was filed.

LINKS/ATTACHMENTS:

Ordinance 2180

Exhibit A- Development Agreement