



City of Morgan Hill

Legislation Details (With Text)

File #: 17-009 **Version:** 1 **Name:**
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On agenda: 1/18/2017 **Final action:** 1/18/2017
Title: ADOPT ORDINANCE 2228, NEW SERIES, AN ORDINANCE OF THE CITY OF MORGAN HILL APPROVING AN AMENDED DEVELOPMENT AGREEMENT FOR THE BUSK PROJECT DAA-14-10: EAST DUNNE-BUSK EXTENDING THE COMMENCEMENT OF CONSTRUCTION DATE FOR THE SEVEN, FISCAL YEAR 2015-2016 BUILDING ALLOCATIONS (APN 817-19-044)

Sponsors:

Indexes:

Code sections:

Attachments: 1. 2228 E. Dunne-Buske 6 Month Extension

Date	Ver.	Action By	Action	Result
1/18/2017	1	City Council	adopted	Pass
1/18/2017	1	City Council	accepted	Pass

CITY COUNCIL STAFF REPORT

MEETING DATE: JANUARY 18, 2017

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

ADOPT ORDINANCE 2228, NEW SERIES, AN ORDINANCE OF THE CITY OF MORGAN HILL APPROVING AN AMENDED DEVELOPMENT AGREEMENT FOR THE BUSK PROJECT DAA-14-10: EAST DUNNE-BUSK EXTENDING THE COMMENCEMENT OF CONSTRUCTION DATE FOR THE SEVEN, FISCAL YEAR 2015-2016 BUILDING ALLOCATIONS (APN 817-19-044)

RECOMMENDATION(S)

Waive the reading, adopt Ordinance No. 2228, 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

Enhancing public safety
Protecting the environment

2016 Focus Areas

Planning Our Community

REPORT NARRATIVE:

On December 14, 2016, the City Council Introduced Ordinance No. 2228 New Series, by the Following Roll Call Vote: AYES: Carr, Constantine, Tate; NOES: Spring; ABSTAIN: None; ABSENT: None.

The adoption of Ordinance 2228 will amended Exhibit B of the Development Agreement approved under Ordinance 2195 which allows for the development of a 14-lot single family residential project on the south east corner of the intersection of East Dunne Avenue and Murphy Avenue. The amendment approved with this ordinance will allow for a six-month extension to the Commencement of Construction date for the seven, FY 2015-16 allocations as shown within Exhibit A. Ordinance 2228 further stipulates that all 12 of the project allocations will expire if any of the deadlines shown within Exhibit A of the ordinance are not met.

COMMUNITY ENGAGEMENT: Inform

The required public hearing notice was published in the Morgan Hill Times for the minimum 10-day noticing period and property owners within 300 feet of the subject property were notified of the DAA hearing 10 days prior to the scheduled public hearing via a mailed notice.

ALTERNATIVE ACTIONS:

None

PRIOR CITY COUNCIL AND COMMISSION ACTIONS:

In February 2014, the Planning Commission awarded seven FY 2015-16 and six 2016-17 allocations to MC 13-16: Dunne-MDMH. In April 2016, the City Council approved Ordinance No. 2195 approving the Development Agreement that requires commencement of seven units prior to December 30, 2016.

On November 22, 2016, the Planning Commission considered the DAA extension request and voted 2-2 (commissioners Liam and Toombs absent). Commissioners Mueller and McKay felt the applicant's explanation for the delay (architect and engineering firms are overly busy and are unable to respond in a timely manner) was circumstance beyond the developer's control. The commissioners agreed that the staff shortage is real and did not want to see a small project penalized for not getting the same attention from design professionals as the larger projects. Also, if the extension is not granted, the project would have to shut down for two years since it would not be unable to secure on-going allocations until the 2017 competition and those allocations would be for FY 2020-21. Commissioners Orosco and Tanda did not see the under-staffing of the architect's office as circumstances beyond the developer's control and felt that the developer's inaction for the last six months did not warrant a second six month extension.

All commissioners agreed that as part of the current RDCS manual development, the allocation of on-going small projects should be reviewed to potentially allow on-going projects to receive allocations from earlier fiscal years, avoiding project shut downs for two or more years.

FISCAL AND RESOURCE IMPACT:

Application filing fees were submitted to cover cost of processing application request

CEQA (California Environmental Quality Act):

Statutory Exemption

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 2228