



## Legislation Text

File #: 15-525, Version: 1

### **CITY COUNCIL STAFF REPORT MEETING DATE: SEPTEMBER 2, 2015**

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APPROVED BY: City Manager

**DEVELOPMENT AGREEMENT APPLICATION DA 15-02: CHURCH-PRESIDIO: A REQUEST FOR THE APPROVAL OF A DEVELOPMENT AGREEMENT FOR A 12-UNIT SINGLE FAMILY ATTACHED PROJECT PROPOSED ON A 1.66-ACRE PARCEL LOCATED ON THE NORTHWEST CORNER OF THE INTERSECTION OF SAN PEDRO AVENUE AND CHURCH STREET IN THE R-2 3,500/PD ZONING DISTRICT. THE PROJECT SITE IS IDENTIFIED BY ASSESSOR PARCEL NUMBER 871-01-001 (PRESIDIO MANA MONTEREY, OWNER). CEQA: A MITIGATED NEGATIVE DECLARATION PREVIOUSLY ADOPTED.**

#### **RECOMMENDATION(S)**

1. Open/close public hearing;
2. Waive first and second reading of ordinance approving project Development Agreement DA 15-02: Church-Presidio; and
3. Introduce ordinance.

#### **COUNCIL PRIORITIES, GOALS & STRATEGIES:**

##### **Ongoing Priorities**

Preserving and cultivating public trust

##### **2015 Focus Areas**

Stimulate Economic Development

##### **REPORT NARRATIVE:**

The subject project was granted residential allotments through the City's Residential Development Control System (RDCS) process in 2005 and subsequently was granted a Planned Development rezoning in 2007, including approval of a Planned Development (PD) plan. The approved PD plan consists of 8,833 square feet of open space area, 10 modified setback dwellings and 2 detached single family homes on lots ranging in size from 3,356 to 6,034 square feet. A copy of the approved PD plan is attached for reference.

The approved PD plan also allowed for the following deviations to the R-2 3,500 development

standards:

- 1-5 foot reductions in the lot widths on lots 2, 3, 7, 9 & 11
- 15 foot front setbacks on lots 4, 11 & 12

The approved PD plan varies from the project layout submitted and scored in the 2014 RDCS competition. A copy of the scored RDCS plan is attached for the Council’s reference. The plan attributes are as follows:

|                                   | <b>Approved PD</b>        | <b>2014 RDCS Plan</b>     |
|-----------------------------------|---------------------------|---------------------------|
| No. of units/lots                 | 12                        | 15                        |
| No. of attached/detached          | 10/2                      | 12/3                      |
| No. of DU’s per acre              | 7                         | 9                         |
| Lots sizes                        | 3,356 - 6,034 square feet | 2,765 - 4,669 square feet |
| No. of lots below 3,500 size min  | 0                         | 8                         |
| Unit sizes                        | 1,401 - 2,379 square feet | 1,840 - 2,823 square feet |
| No. of units > 2000 sq. ft        | 10                        | 9                         |
| No. of Low income BMRs            | 1                         | 1                         |
| Open space area                   | 8,833 square feet         | 5,887 square feet         |
| No. of guest spaces               | 7                         | 4                         |
| No. of alt. garage configurations | 6                         | 7                         |
| Lot coverage                      | 32%                       | 38%                       |
| Repeat factor                     | 2.7                       | 2.5                       |

While the approved Precise Development Plan also utilized the “modified setback dwelling” standards allowed through Ordinance No. 1700, the associated project subdivision approval (SD 06-05) included the following as a condition of approval:

*All “modified setback” dwelling units as shown on the plan shall comply with the provisions of Ordinance No. 1700 (or future ordinance that extends and/or modifies the allowance of the “modified setbacks”)*

As Ordinance 1700 had a clause to sunset in 2007, and applied only to projects with fiscal year allocations from 2004-2007; subsequent entitlements for the project will need to be modified from the approved PD plan to eliminate the 6 foot unit separation and instead to provide attached units on lots 1-10, consistent with current General Plan and policy requirements.

The current application request is for a project development agreement. Project development agreements are required as a formal contract between the developer and the City in order to formalize commitments made during the Measure C process and establishes project milestone deadlines including the ‘commence construction’ date. The project specific commitments are identified in Exhibit C of the development agreement and the project milestone deadlines are contained in Exhibit B. Any time there is a significant change in the project layout, the revised project layout must be re-scored to make sure the revised project would result in the same or higher score. The differences as noted in the above table, do not appear to be significant or result in a lower RDCS score.

The attached draft Development Agreement would cover the commitments from the project’s 2014 RDCS application and the development schedule for the projects 8, FY 2016-17 allocations. Approval of the Development Agreement would allow the project to continue through the development review process consistent with its RDCS allocations and corresponding commitments.

Implementation of the project would provide for the construction of multi-family housing consistent with the City's design guidelines and with the General Plan goals and policies for the provision of an adequate supply of housing including "a variety of housing types and densities available to all residents" and "distinct, well-designed residential neighborhoods".

**COMMUNITY ENGAGEMENT: Inform**

A 10 day public hearing notice was published in the Friday, August 21, 2015 edition of 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.

A public hearing was held before the Planning Commission on July 11, 2015, at which time the Commission voted 5-0 in favor of recommending City Council approval of the proposed development agreement.

**ALTERNATIVE ACTIONS:**

Deny application for Development Agreement.

**PRIOR CITY COUNCIL AND COMMISSION ACTIONS:**

In April 2005 the project competed in the Residential Development Control System (RDSC) application process and the City Council awarded 4, 2007-08 and 8, 2008-09 allocations to MC 04-17: San Pedro-Alcini.

In September 2007, the City Council approved a Precise Development Plan (ZA 06-04), Subdivision (SD 06-05) and Development Agreement for a twelve unit single-family attached project on the 1.66 acre parcel. The unit layout consisted of ten modified attached dwelling units and two single family detached units. Vehicle access to the development would be through a private driveway accessible from both San Pedro Avenue and Church Street. The project also includes eight guest parking spaces and a combined common use area consisting of a bocce ball court area and storm water detention basin which is centrally located on the site.

In March 2013, the 4, 2007-08 and 8, 2008-09 allocations expired.

In March 2015 the City Council awarded 8, fiscal year 2016-17 allocations to the 15-unit RDSC application MC 14-08 Church-Presidio. Applications were also submitted in March for an approval of a 15- lot Subdivision, Development Agreement and Zoning Amendment to replace the previous approved 12-unit Precise Development Plan with a new 15-unit PD plan.

In June 2015, after several redesigns of the proposed 15-unit PD plan, the applicant decided to withdraw the 2015 subdivision and zoning amendment applications and pursue development in accordance with the currently approved PD plan and subdivision (ZA 06-04 & SD 06-05) map.

On July 11, 2015, the Planning Commission voted 5-0 in favor of recommending City Council approval of the proposed development agreement.

**FISCAL AND RESOURCE IMPACT:**

Application filing fees were collected to cover the cost of processing the request.

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

Project, Description of CEQA requirements

An Initial Study (IS) was prepared and adopted with the approval granted to zoning application ZA-06-04: San Pedro-Alcini which examines impacts from the proposed project in accordance to the requirements of the California Environmental Quality Act (CEQA). The IS discusses the proposed project in detail, evaluates all potential impacts, and includes mitigation measures to reduce project impacts to less-than-significant levels.

**LINKS/ATTACHMENTS:**

1. Ordinance approving the DA
2. Approved PD plan
3. 2014 RDCS plan
4. Vicinity Map