



# City of Morgan Hill

## Legislation Text

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File #: 15-528, Version: 1

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## **CITY COUNCIL STAFF REPORT**

### **MEETING DATE: SEPTEMBER 2, 2015**

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

**ZONING AMENDMENT, ZA-14-17, DEVELOPMENT AGREEMENT, DA-14-06: COCHRANE - STANDARD PACIFIC: A ZONING AMENDMENT, PRECISE DEVELOPMENT PLAN AND DEVELOPMENT AGREEMENT FOR TWO PARCELS TOTALING APPROXIMATELY 40 ACRES. THE ZONING WOULD BE AMENDED FROM R-1-7,000 AND R-1-9,000 TO R-1-7,000 PD PLANNED DEVELOPMENT AND R-1-9,000 PD PLANNED DEVELOPMENT CONSISTENT WITH THE ADOPTED GENERAL PLAN. THE PROPERTY IS LOCATED ON THE NORTHEAST CORNER OF COCHRANE ROAD AND MISSION VIEW BOULEVARD CEQA: MITIGATED NEGATIVE DECLARATION ADOPTED**

### **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-14-17;
4. Waive the first and second reading of the Development Agreement Ordinance; and
5. Introduce Ordinance approving Development Agreement DA-14-06.

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

#### **Ongoing Priorities**

Protecting the environment  
Maintaining fiscal responsibility  
Preserving and cultivating public trust

### **REPORT NARRATIVE:**

#### **Site Description**

The project site consists of two parcels located on the north side of Cochrane Road, east of the Cochrane Commons shopping center (Assessor's Parcel Numbers 728-36-013 and -014; addresses are 1365 and 1465 Cochrane Road). The project originally competed through the Residential

Development Control System (RDCS) process as two separate projects; however the developer, Standard Pacific, has acquired both parcels and is proposing to develop them as a combined, cohesively designed project. The eastern parcel has been identified as the "Lantana" parcel and the western parcel has been identified as the "Wisteria" parcel.

### **Applicant's Request**

The project applicant request includes a Zone Change, Precise Development Plan and Development Agreement for a 135 lot residential development project. The Lantana property has an existing zoning designation of R-1 9,000. The Wisteria property has an existing zoning designation of R-1 7,000 and R-1 9,000. The applicant is requesting a rezoning of the combined properties to a Planned Development (PD) overlay. The Lantana Property portion would be rezoned to R-1-9,000 PD and the Wisteria property portion would be rezoned to R-1-7,000 PD. The project has been partially allotted through the RDCS process. The proposed rezoning is intended to facilitate future development of the site consistent with design commitments made as part of the RDCS process.

### **Project Summary**

The following summarizes some of the core issues discussed by the Planning Commission. During the Planning Commission hearing, the Commission recommended several additional conditions of approval which were agreed to by the applicant. Please refer as necessary to the attached Planning Commission staff report (Attachment 6) for a more detailed analysis of the project's consistency with the General Plan, Zoning Code and other applicable policies.

#### **A. Precise Development Plan Exceptions**

Approval of the Precise Development Plan would incorporate the following exceptions to the base development standards normally required in the R-1-4,500, R-1-7,000 and R-1-9,000 parcels:

- Seventeen parcels (Parcel No.'s 45, 51, 54, 69-71, 84-90, and 104-107) do not meet the minimum lot width requirements.
- Twenty-one parcels (Parcel No.'s 5, 7-8, 10-11, 16, 18, 47-49, 56-57, 59 61-63, 86-88 and 93) do not meet the side yard setback requirements.

The standard practice with Planned Developments (PD's) has been to limit both the frequency and degree of exceptions to 25 percent of the base development standards. To reduce the frequency and degree of exceptions within the project, the Planning Commission recommended that the units to be developed on Parcel No.'s 5, 7, 16 and 61 be required to comply with the base zone district setback requirements. The Planning Commission also recommended that the following condition be added to the project approval:

*Subdivision Map Condition No. 15: The Planning Division shall verify that the units proposed for Parcel No.'s 5, 7, 16 and 61 have been redesigned to comply with setbacks for the zone district prior to approval of the final map.*

With the modifications recommended, all requested exceptions to the zoning code would be below the 25 percent threshold consistent with the development practice in the City. The applicant accepted the condition requiring the modifications to the specified units.

**B. Open Space Fencing**

During the Planning Commission's review of the site layout and the open space design, the Commission concluded that as proposed, fencing located along the project's central open space / paseo area would be visually obstructive and could potentially create a security issue for those using the open space. The Planning Commission recommended that the following condition be added to the project approval:

*Subdivision Map Condition No. 17: The developer shall provide fencing along the private open space areas and material shall be limited to decorative open view fencing to be reviewed and approved by Planning Department staff prior to issuance of the Final Map.*

The applicant accepted the project fencing conditions as approved by the Planning Commission.

**C. Development Schedule**

A Development Agreement (DA) has been proposed for the project, consistent with the RDCS 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 the applicant's building permit allotments for the FY 2015-16 back 10 months and pushes the FY2016-17 allotments into the FY 2018-19 building cycle. If the proposed schedule was not 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 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 July 28, 2015 meeting. The Planning Commission voted 6-0 to recommend that the City Council approve Zoning Amendment ZA-14-17 and Development Agreement DA-14-06. The Planning Commission approved Resolution No. 15-50, approving Subdivision Division SD-14-07 (Attachment 7).

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 processing the application.

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

Project, Description of CEQA requirements

An Initial Study (IS) was prepared which examined potential 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 proposes mitigation measures to reduce project impacts to less-than-significant levels.

A Notice of Intent to adopt the MND was recorded at the County Recorder's Office with the minimum 20-day noticing required by the CEQA guidelines. No comments were received specific to the CEQA document.

Based on evaluation of the potential impacts of the project provided within the Initial Study (Attachment 8), a Mitigated Negative Declaration (MND) was adopted (Attachment 8). The MND contains mitigation measures to reduce all potential impacts to less than significant levels.

## **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. July 28, 2015 Planning Commission Staff Report
7. Planning Commission Resolution No. 15-50
8. Initial Study
9. Mitigated Negative Declaration