



# City of Morgan Hill

## Legislation Text

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## **CITY COUNCIL STAFF REPORT**

### **MEETING DATE: JUNE 1, 2016**

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

**ADOPT ORDINANCE 2201, NEW SERIES, AN ORDINANCE OF THE CITY OF MORGAN HILL APPROVING AN AMENDMENT TO THE DEVELOPMENT AGREEMENT (DAA-09-05C: COCHRANE -BORELLO), A 244 UNIT SINGLE FAMILY RESIDENTIAL PROJECT LOCATED NORTH OF HALF ROAD, WEST OF COCHRANE ROAD, EAST OF PEET ROAD (APN 728-34-008), EXTENDING THE COMMENCEMENT OF CONSTRUCTION DATES FOR FISCAL YEARS 2013-14, AND 2015-16**

### **RECOMMENDATION(S)**

Waive the reading, Adopt Ordinance No. 2201, 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**

Protecting the environment  
Maintaining fiscal responsibility

#### **2016 Focus Areas**

Developing Our Community

### **REPORT NARRATIVE:**

On May 18, 2016, the City Council Introduced Ordinance No. 2201 New Series, by the Following Roll Call Vote: AYES: Carr, Librers, Tate; NOES: Constantine, Siebert; ABSTAIN: None; ABSENT: None.

This ordinance will extend the 15, FY 2013-14 allocations by 18 months and extend the 25, FY 2015-16 allocations by 24 month thereby extending the Commencement of Construction dates within Exhibit D of the San Sebastian Development Agreement to December 30, 2017 and June 30, 2018, respectively. This ordinance will also insert language into Exhibit D of the Development Agreement requiring Master Plan approval by August 1, 2016 and recordation of the Phase One final map by December 31, 2016; if either date is missed the extension of the FY 2013-14 and FY 2015-16

allocations will be voided. The extension of the allocations is based on the delays experienced by dissolution of several development partnerships thus creating circumstances outside the developer's control.

**COMMUNITY ENGAGEMENT: Inform**

The required public hearing notice was published in the May 6, 2016 edition of the Morgan Hill Times for the minimum 10-day noticing period. Property owners within 300 feet of the subject properties were notified of the DAA hearing 10 days prior to the scheduled public hearing

**ALTERNATIVE ACTIONS:**

None

**PRIOR CITY COUNCIL AND COMMISSION ACTIONS:**

The Planning Commission considered the DAA's at their April 26, 2016 meeting. Based on the information presented, the Planning Commission determined that the delays to commencement of construction were not a result of developer inaction. The Planning Commission recommended that the City Council approve the DAA's requested.

**FISCAL AND RESOURCE IMPACT:**

The applicants have paid the application fees applied to their 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. For each project a Mitigated Negative Declaration was adopted and a Notice of Determination was filed along with previous related application approvals.

**LINKS/ATTACHMENTS:**

Ordinance 2201