



# City of Morgan Hill

## Legislation Text

File #: 16-396, Version: 1

### **CITY COUNCIL STAFF REPORT MEETING DATE: JUNE 1, 2016**

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

**ADOPT ORDINANCE 2202, NEW SERIES, AN ORDINANCE OF THE CITY OF MORGAN HILL APPROVING AN AMENDED DEVELOPMENT AGREEMENT (DAA-14-03: BUTTERFIELD-DIVIDEND), A 78 UNIT RESIDENTIAL PROJECT LOCATED ON THE NORTHWEST AND NORTHEAST CORNERS OF THE INTERSECTION OF BUTTERFIELD BOULEVARD AND CENTRAL AVENUE (APN 726-26-005) EXTENDING THE COMMENCEMENT OF CONSTRUCTION DATE FOR 41, FISCAL YEAR 2015-2016 BUILDING ALLOTMENTS AND INCORPORATING 37, FISCAL YEAR 2017-2018 ALLOTMENTS AND CORRESPONDING DEVELOPMENT COMMITMENTS FROM MC 15-15: BUTTERFIELD-MH BUTTERFIELD INVESTORS**

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

Waive the reading, Adopt Ordinance No. 2202, 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. 2200 New Series, by the Following Roll Call Vote: AYES: Carr, Constantine, Librers, Siebert, Tate; NOES: None; ABSTAIN: None; ABSENT: None.

This ordinance will extend the 41, FY 2015-16 allocations by 12 months thereby extending the Commencement of Construction date within Exhibit B of the project development agreement to June 30, 2017. The Valencia project has completing Step 6 and has experienced delays outside of their

control, from the City, Union Pacific Railroad and the County of Santa Clara which has impacted the developer's ability to commence all 41 allocations prior to the current June 30, 2016 deadline. This ordinance will also incorporate the 37, FY 2017-18 allocations and the corresponding commitments from application MC15-15: Butterfield-MH Butterfield Investors.

**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 2202