



# City of Morgan Hill

## Legislation Text

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## **CITY COUNCIL STAFF REPORT**

### **MEETING DATE: SEPTEMBER 7, 2016**

PREPARED BY: Gina Paolini, Senior Planner/Planning Department  
APPROVED BY: City Manager

**EXTENSION OF TIME, RDCS 2016-0002:DUNNE-LEUNG: DEVELOPMENT AGREEMENT AMENDMENT EXTENSION FOR A SIX LOT SUBDIVISION. THE PROPERTY IS LOCATED ON THE NORTHEASTERLY CORNER OF EAST DUNNE AVENUE AND HILL ROAD (APN 728-11-026)**

### **RECOMMENDATION(S)**

1. Open/close public hearing;
2. Waive first and second reading of Development Agreement Amendment Ordinance; and,
3. Introduce Development Agreement Amendment Ordinance.

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

#### **Ongoing Priorities**

Protecting the environment  
Maintaining fiscal responsibility

#### **2016 Focus Areas**

Developing Our Community

### **REPORT NARRATIVE:**

Ordinance No. 2176 dated November 18, 2015 approved a Development Agreement for the Dunne Hill Meadow development, which included 6 allotments to commence construction September 30, 2016. The applicant filed a Development Agreement Amendment (DAA) request on June 16, 2016, with details explaining the unique circumstances which justify the extension. These included City delays with processing the project. The applicant requested to extend the commencement of construction deadline for six months.

The Planning Commission considered the DAA at its July 26, 2016 meeting. The Planning Commission staff report is attached (Attachment 2).

The Subdivision Map and Development Agreement applications were submitted to the City on April 10, 2014. Incomplete letters were provided to the applicant on May 9, 2014, December 15, 2014, and April 20, 2015. The project was found complete in August 2015, and was presented to the Planning Commission on October 13, 2015 for approval of the Subdivision Map. The Development Agreement

was approved by the City Council on November 18, 2015. The first submittal of improvement plans were submitted on February 24, 2016. The Public Works Department standard turnaround time is six weeks. In this case, Public Works/Engineering experienced a convergence of projects in queue for plan check and re-submittal check, and released the first plan check comments to the project engineer on June 10, 2016.

Planning staff requested that the Planning Commission extend the commence construction deadline for three months, as the research demonstrated that planning processing delays were not caused by just the City. The Public Works processing times did not warrant a six month extension.

The applicant's engineer explained to the Planning Commission that the project had been under a different ownership during the incomplete phase of the planning process and now the project is moving forward with an experienced developer. A six month extension would be beneficial to move the project to completion. The Planning Commission discussed the staff recommendation, and concluded that there was sufficient reason to grant a six month extension, with a deadline for commencement of construction of March 30, 2017 and a corresponding extension to obtain building permits to January 31, 2017.

#### **COMMUNITY ENGAGEMENT: Inform**

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

#### **ALTERNATIVE ACTIONS:**

The City Council could determine that the findings established in Council Policy CP-09-02 have not been met and could deny the request.

#### **PRIOR CITY COUNCIL AND COMMISSION ACTIONS:**

The Planning Commission considered the DAA at their July 26, 2016 meeting. Based on the information presented, the Planning Commission determined that the new owner has not delayed processing of the project since the acquisition. The Planning Commission recommended that the City Council approve an extension to obtaining building permits to January 31, 2017 and the commencement of construction deadline to March 30, 2017. The motion passed (6-0-0-1), with Commissioner Orosco absent.

#### **FISCAL AND RESOURCE IMPACT:**

The applicant has paid application fees applied to the project.

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

Categorical Exemption

The project was determined to be exempt from CEQA in accordance Section 15332 of the CEQA Guidelines (In-fill Development Projects). No further environmental analysis is required.

#### **LINKS/ATTACHMENTS:**

1. Ordinance
2. Planning Commission Staff Report