



# City of Morgan Hill

## Legislation Text

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File #: 16-816, Version: 1

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## **CITY COUNCIL STAFF REPORT**

### **MEETING DATE: DECEMBER 14, 2016**

PREPARED BY: Gina Paolini, Principal Planner/Community Development  
APPROVED BY: City Manager

**APPEAL (AAE2016-005) OF PLANNING COMMISSION'S EVALUATION OF RESIDENTIAL CONTROL SYSTEM (RDCS) APPLICATION RDCS2016-0018: CONDIT-PRESIDIO-EVERGREEN: APPLICATION FOR A 182 UNIT MULTI-FAMILY RENTAL DEVELOPMENT PROJECT LOCATED AT THE NORTHEAST CORNER OF SAN PEDRO AVENUE AND CONDIT AVENUE. (APN 817-12-006)**

### **RECOMMENDATION(S)**

1. Consider appeal; and
2. If Council decides to grant the appeal, adopt resolution granting the appeal, and revising the final project score for RDCS2016-0018:Condit-Presidio-Evergreen for the 2016 RDCS competition.

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

#### **2016 Focus Areas**

Planning Our Community

### **REPORT NARRATIVE:**

Presidio Evergreen, LLC (the "Applicant") is appealing the final scoring for RDCS2016-0018: Condit-Presidio-Evergreen, pursuant to Section 18.78.130.B (Appeal procedures) of the Morgan Hill Municipal Code. In accordance with the Residential Development Control System (RDCS), the Applicant may appeal to the City Council the scoring evaluation of a proposed development project within 15 days after notice of the evaluation. The Planning Commission approved Resolution No. 16-65 at the November 8, 2016 meeting, approving the RDCS final scores for the 2016 RDCS competition (Attachment 2). The Applicant submitted a timely appeal request on November 21, 2016, within the fifteen day appeal period.

### **Planning Commission Action**

The Applicant's initial RDCS Part 2 self-score was 182.5, with a Planning Officer recommended Part 2 score of 178. As part of the RDCS scoring process, the Applicant also requested that the Planning Commission consider the award of two superior project points within the Livable Communities Category. These points are available only to the Planning Commission to award. The applicant

provided detailed information to the Planning Commission regarding City teammate and Planning Commission collaboration that has led to a superior designed project. The collaborative efforts have resulted in providing a large multi-family rental project, with design features that link to the adjacent sports center.

The Planning Commission considered the Applicant's request at its November 8, 2016 meeting and did not award the requested points. The Planning Commission approved a final Part 1 score of 8.5 and Part 2 score of 178. The project narrative, plans, and Planning Commission staff reports have been provided (Attachments 3, 4, 5 and 6).

### **Appeal**

In the appeal letter dated October 21, 2016, the Applicant has requested that the City Council modify the final RDCS score of 178 approved by the Planning Commission, and adjust the award of project points in the Livable Communities Category for superior project.

The Applicant has requested that the City Council review the overall design and merits of the project and consider the Applicant's Master Planning performance since 2013. The Applicant has collectively worked with City staff and Planning Commission to provide a cohesive, walkable village community with the adjacent condominium development, incorporating many desirable amenities.

The Applicant's justification for the point adjustment has been attached (Attachment 7).

### **Conclusion**

The scoring of overall project excellence is "subjective", as described in the Livable Communities category of the RDCS project narrative. The determination of project excellence includes input from Building, Planning, and Public Works regarding the performance of the developer during any previous building permit processes. In the definition for the excellence points consideration, the timeliness and accuracy of the application submittal by the developer for previous projects is important consideration. Negative performance factors include more than two plan checks and/or projects which submit for building permits prior to Architectural Review approval and prior to application for Final Map approval.

When considering these specific factors, the Applicant has been diligent in its performance. The Planning Commission approved the project Subdivision Map on August 23, 2016. The City Council approved the Development Agreement on September 21, 2016. The City is currently processing the Design Review application which is expected to be completed in January 2017.

As noted in the Appeal, the RDCS scoring team has the opportunity to score the Project Master Plan as a superior project in two project categories (Orderly and Contiguous and Lot Layout and Orientation). In both these categories, no major design changes or flaws were noted and the Project Master Plan was determined to be above average. Superior project award points were granted in both categories.

The Applicant has requested that the City Council consider adjusting RDCS2016-0018:Condit-Presidio-Evergreen by up to two points. Because this category is subjectively judged, superior project points could be awarded by the City Council to this project based on the Applicant's performance and collaboration efforts.

**COMMUNITY ENGAGEMENT:        Involve**

The Planning Commission reviewed the project at its meeting held on October 25, 2016 and continued the item to November 8, 2016 to adjust final project scores.

A notice of the appeal hearing was mailed to property owners within 300 feet of the subject property and published in the Morgan Hill Times.

**ALTERNATIVE ACTIONS:**

None.

**PRIOR CITY COUNCIL AND COMMISSION ACTIONS:**

The Planning Commission voted 6-0-0-2(Commissioners McKay and Spring absent) to approve the final 2016 RDCS competition scores at the November 8, 2016 meeting.

**FISCAL AND RESOURCE IMPACT:**

The City operates on a cost-recovery basis with fees collected from applicants to cover the cost of services. The Applicant has paid the required appeal fee.

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

Not a Project

The RDCS application evaluation process is not a project subject to CEQA.

**LINKS/ATTACHMENTS:**

1. Resolution
2. Planning Commission Resolution No. 16-65
3. Project Narrative
4. Project Plans
5. Planning Commission Staff Report- October 25, 2016
6. Planning Commission Staff Report- November 8, 2016
7. Presidio Evergreen, LLC Appeal Letter