



# City of Morgan Hill

## Legislation Text

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## **CITY COUNCIL STAFF REPORT**

### **MEETING DATE: JANUARY 18, 2017**

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

**ADOPT ORDINANCE 2227, NEW SERIES, AN ORDINANCE OF THE CITY OF MORGAN HILL APPROVING A DEVELOPMENT AGREEMENT FOR A FIVE LOT DEVELOPMENT PROJECT DA-16-01: WALNUT GROVE-NEWLAND LOCATED ON THE EAST SIDE OF WALNUT GROVE DRIVE, SOUTH OF DIANA AVENUE (APN'S 726-07-089, 726-07-023, 726-07-024)**

### **RECOMMENDATION(S)**

Waive the reading, adopt Ordinance No. 2227, 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 December 14, 2016, the City Council Introduced Ordinance No. 2227 New Series, by the Following Roll Call Vote: AYES: Carr, Constantine, Spring, Tate; NOES: None; ABSTAIN: None; ABSENT: None.

Newland Homes is requesting approval of a Development Agreement to formalize commitments made during the Residential Control System (RDCS) process. The Development Agreement will establish a development schedule for the project, including a commencement of construction deadline and include other standard City requirements.

In response to the City Council comments at the December 14, 2016 hearing, the Development Agreement was revised to include an additional requirement (General Provisions 5.04) that the developer disclose to potential buyers that the property is within, or adjacent to an area being considered by the California High Speed Rail for the construction of the California High Speed Rail

project.

**COMMUNITY ENGAGEMENT: Inform**

The Morgan Hill Community was informed about the project through public notification, including site signage, newspaper notice, and direct mail to property owners within 300 feet.

**ALTERNATIVE ACTIONS:**

None

**PRIOR CITY COUNCIL AND COMMISSION ACTIONS:**

A General Plan Amendment (GPA-97-11 Walnut Grove-La Mere) was approved in October 1998 amending the land use designation of the project site from Office Industrial to Single Family Medium (3-5 dwelling units per acre). Concurrently, the site was rezoned from Office Industrial (MO) to R-1-9,000/RPD (ZA-97-20 Walnut Grove-La Mere). A Precise Plan was not submitted within the required timeframe specified by Chapter 18.18.140 of the Municipal Code, therefore, the zoning has reverted back to the MO zone district.

In August 2016, the City Council approved a Zoning Amendment (ZA2016-0005) amending the zoning on the site from Office Industrial MO to the R-1 9,000 zone district to conform to the Single Family Medium General Plan land use designation.

The project was reviewed by the Planning Commission at its November 22, 2016 meeting. The Commission voted unanimously to recommend that the City Council approve the Development Agreement.

The Planning Commission also approved a vesting Tentative Subdivision Map at its November 22, 2016 meeting, allowing the development of five single-family residences on a 2.1 acre portion of a 4.7 acre vacant site. The proposed development would be the first phase of a 9 unit single-family residential project.

**FISCAL AND RESOURCE IMPACT:**

The City administers land use entitlement processes on a cost-recovery basis with fees collected from applicants to cover the cost of services. These fees have been collected for the project.

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

Project, Description of CEQA requirements

A Mitigated Negative declaration was adopted for the project by the Planning Commission on November 22, 2016.

**LINKS/ATTACHMENTS:**

Ordinance 2227