

RESOLUTION NO. 20-047

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF MORGAN HILL APPROVING THE REQUESTED CONCESSION TO WAIVE DEVELOPMENT STANDARD 28.b HEIGHT AND PROJECT MASSING OF THE RESIDENTIAL DEVELOPMENT DESIGN AND DEVELOPMENT STANDARDS FOR THE TENNANT-OSITO PROJECT (SD2020-0005 TENNANT-OSITO) LOCATED ON TENNANT --AVENUE BETWEEN CHURCH STREET AND VINEYARD BOULEVARD (APN: 817-04-059).

WHEREAS, Osito Holdings, LLC submitted an application for the Tenant-Osito Project (Project) a 16-unit residential development project consisting of attached townhome-style condominiums.

WHEREAS, City has determined the application to be incomplete for failure to comply with several items on the City's SB 330 checklist, including the failure to comply with the requirements of the City's Residential Development Design and Development Standards.

WHEREAS, Osito Holdings, LLC has requested a concession for a waiver of a development standard pursuant to the Density Bonus Law (Government Code section 65915) for the Tenant-Osito project (Project) to waive the development standard established by Morgan Hill Residential Development Design and Development Standards requiring full-height recess of at least 10 feet deep along the length of the building.

WHEREAS, granting of the concession will resolve one of the incomplete items so that the project will comply with the Residential Development Design and Development Standards.

WHEREAS, the Residential Attached Low 3,500 (RAL-3,500) allows a maximum building height of up to 30 feet.

WHEREAS, in order to meet the Residential Development Design and Development Standard, the project would have to construct a 10 foot parapet wall above the finished ceiling line. This would also require a project concession because the maximum building height would be exceeded.

WHEREAS, the City's General Plan policy CNF-11.22 encourages larger buildings to be broken up into smaller masses by adding visual breaks in the overall mass.

WHEREAS, Osito Holdings, LLC has submitted a development application for a project which meets the visual breaks and massing intent with building articulation, varying roof heights, and varying building materials and colors.

WHEREAS, the Project is proposing to provide fifteen percent inclusionary units onsite for moderate income households.

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WHEREAS, pursuant to Government Code Section 65915(d)(2)(A), the Project is allowed one concession.

WHEREAS, none of the findings for denial of the concessions required by Government Code Section 65915(d)(1) are supported by substantial evidence:

- (A) The concession or incentive does not result in identifiable and actual cost reductions, consistent with subdivision (k), to provide for affordable housing costs, as defined in Section 50052.5 of the Health and Safety Code, or for rents for the targeted units to be set as specified in subdivision (c).
- (B) The concession or incentive would have specific, adverse impact, as defined in paragraph (2) of subdivision (d) of Section 65589.5, upon public health and safety or the physical environment or on any real property that is listed in the California Register of Historical Resources and for which there is no feasible method to satisfactorily mitigate or avoid the specific, adverse impact without rendering the development unaffordable to low-income and moderate-income households.
- (C) The concession or incentive would be contrary to state or federal law.

WHEREAS, the proposed project will provide a public benefit of a minimum of ten percent of affordable units, for persons and families of moderate income, incorporated within the project or this concession will become null and void.

**NOW THEREFORE, THE CITY COUNCIL OF THE CITY OF MORGAN HILL
DOES HEREBY FIND, DETERMINE, RESOLVE AND ORDER AS FOLLOWS:**

Section 1. The City Council does hereby find that the foregoing recitals are true and correct.

Section 2. The City Council finds that the project is consistent with the Zoning Ordinance and the General Plan.

Section 3. The City Council of the City of Morgan Hill hereby approves the requested concession for the Tenant-Osito Project.

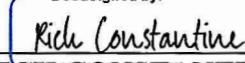
Section 4. This resolution shall take effect immediately upon adoption.

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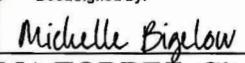
PASSED, APPROVED AND ADOPTED by the City Council of the City of Morgan Hill at a regular meeting held on the 16th day of September 2020 by the following vote:

AYES: **COUNCIL MEMBERS:** Yvonne Martinez Beltran, Rene Spring, John McKay, Larry Carr, Rich Constantine
NOES: **COUNCIL MEMBERS:** None
ABSTAIN: **COUNCIL MEMBERS:** None
ABSENT: **COUNCIL MEMBERS:** None

APPROVED:

DocuSigned by:

RICH CONSTANTINE, Mayor

ATTEST:

DocuSigned by:

IRMA TORREZ, City Clerk

¤ CERTIFICATION ¤

I, Irma Torrez, City Clerk of the City of Morgan Hill, California, do hereby certify that the foregoing is a true and correct copy of Resolution No. 20-047, adopted by the City Council at a regular meeting held on September 16, 2020.

WITNESS MY HAND AND THE SEAL OF THE CITY OF MORGAN HILL.

DATE: 9/30/2020

DocuSigned by:

IRMA TORREZ, City Clerk