

TOWN COUNCIL – September 1, 2016

REQUIRED FINDINGS AND CONSIDERATIONS:

North Forty Phase 1

Architecture and Site Application S-13-090

Vesting Tentative Map M-13-014

Requesting approval for the construction of a new multi-use, multi-story development consisting of 320 residential units, which will include 50 affordable senior units; approximately 66,000 square feet of commercial floor area, which will include a market hall; on-site and off-site improvements; and a vesting tentative map. APNs: 424-07-024 through 027, 031 through 037, 070, 083 through 086, 090, and 100.

PROPERTY OWNERS: Yuki Farms, ETPH LP, Grosvenor USA Limited, Summerhill North 40 LLC, Elizabeth K. Dodson, AND William Hirshman.

APPLICANT: Grosvenor USA Limited

FINDINGS

Required finding for CEQA:

- An Environmental Impact Report (EIR) was prepared and certified for the North 40 Specific Plan on January 5, 2015. An Initial Study has been prepared and concludes that the proposed Phase 1 applications are in compliance with the certified EIR.

Pursuant to CEQA Guidelines Sections 15162 and 15163, no subsequent or supplemental EIR is necessary.

Pursuant to CEQA Guidelines Section 15168(c)(3), all feasible mitigation measures have been incorporated into the Applications.

As a “by right” development, additional CEQA analysis is not required because the proposal is not a “project” as defined by CEQA.

Required Compliance with the General Plan:

- The project is in compliance with the General Plan.

Required Compliance with the North 40 Specific Plan:

- The project is in compliance with the North 40 Specific Plan.

Required finding for demolitions:

- As required by Section 29.10.09030(e) of the Town Code for demolitions:
 1. The Town's housing stock will be maintained as the residences will be replaced.
 2. The existing structures have no architectural or historical significance, and are in poor condition.
 3. The property owner cannot maintain the structures as they exist; and
 4. The existing structure would conflict with the proposed improvements.

Required Finding for reduction of non-residential setback:

- As required by Table 2-6 within the North 40 Specific Plan:
 1. The setback provides for adequate pedestrian circulation, and
 2. The setback is compatible with the adjacent buildings and complements the buildings in the immediate vicinity, and
 3. The setback provides for adequate clear sight vision for vehicular traffic.

Required findings to deny a waiver of development standards:

- As required by paragraph (2) of subdivision (d) of Section 65589.5 of the California Government Code for denial of a development standard waiver: **None of the findings could be made to deny the development standards waiver.**
 1. The modification would have a specific adverse impact upon health, safety, or the physical environment, and there is no feasible method to satisfactorily mitigate or avoid specific adverse impact without rendering the development unaffordable to low, very low, and moderate income households. For the purpose of this subsection, "specific adverse impact" means a significant, quantifiable, direct, and unavoidable impact, based on objective, identified, written public health or safety standards, policies, or conditions as they existed on the date that the application was deemed complete; or
 2. The modification would have an adverse impact on any real property that is listed in the California Register of Historic Resources; or
 3. The incentive or concession would be contrary to State or Federal law.

Required findings to deny a Subdivision application:

- As required by Section 66474 of the State Subdivision Map Act the map shall be denied if any of the following findings are made: **None of the findings could be made to deny the application.**
 - a. That the proposed map is not consistent with all elements of the General Plan.
 - b. That the design and improvement of the proposed subdivision is not consistent with all elements of the General Plan.
 - c. That the site is not physically suitable for the proposed development.
 - d. That the site is not physically suitable for the proposed density of development.
 - e. That the designs of the subdivision or the proposed improvements are likely to cause substantial environmental damage or substantially and avoidably injure fish or wildlife or their habitat.
 - f. That the design of the subdivision or type of improvements is likely cause serious public health problems.
 - g. That the design of the subdivision or the type of improvements will conflict with easements, acquired by the public at large, for access through or use of, property within the proposed subdivision.

Instead, the Town Council makes the following affirmative findings:

- a. That the proposed map is consistent with applicable general and specific plans as specified in Section 65451.**
- b. That the design and improvement of the proposed subdivision is consistent with applicable general and specific plans.**
- c. That the site is physically suitable for the type of development.**
- d. That the site is physically suitable for the proposed density of development**
- e. That the design of the subdivision and the proposed improvements are not likely to cause substantial environmental damage nor substantially and avoidably injure fish or wildlife or their habitat**
- f. That the design of the subdivision and type of improvements is not likely to cause serious public health problems.**
- g. That the design of the subdivision and the type of improvements will not conflict with easements, acquired by the public at large, for access through or use of, property within the proposed subdivision.**

CONSIDERATIONS

Required considerations in review of Architecture & Site applications:

- As required by Section 29.20.150 of the Town Code, the considerations in review of an Architecture and Site application were all made in reviewing this project.