

County of Santa Clara
Board of Supervisors
Supervisorial District One
Supervisor Donald F. Gage



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Prepared by: Shannon Balco
Board Aide

DATE: September 15, 2009

TO: Board of Supervisors

FROM: *Donald F. Gage*

Donald F. Gage
Supervisor, District 1

SUBJECT: Amended Agreement to Contribute to County Low and Moderate Income Housing Program with property owners relating to the Uvas Estates Subdivision.

RECOMMENDED ACTION

Approve amended agreement to contribute to County Low and Moderate Income Housing Program with property owners George and Joanne Hall relating to the Uvas Estates Subdivision (Tract No. 8226) located at Uvas Road and Eastman Canyon Road, Morgan Hill (File No. 1050-59-28-80S) extending deadline for payment of fee from December 31, 2010 to December 31, 2012.

FISCAL IMPLICATIONS

The proposed action would have no impact on the general fund.

REASONS FOR RECOMMENDATION

The owners of the subject property entered into an agreement requiring them to make a contribution to the County Low and Moderate Income Housing Program. It was envisioned that the contribution to the County would occur upon sale and/or development of the property. As a result of the downturn in the economy and local real estate market the owners have been unable to locate a buyer/developer for their property who has the skills and financial resources to complete the permitting processes, install the subdivision improvements, and perform all other work needed to prepare the subdivision

lots for ultimate sale. Until the property is sold and/or developed, the owners do not have the resources to make the contribution to the Housing Program. Consistent with the actions recently taken by the Board of Supervisors extending approved subdivisions delayed by the economic downturn, it is being recommended to extend the agreement to contribute to the County Low and Moderate Income Housing Program from December 31, 2010 to December 31, 2012.

BACKGROUND

The Board of Supervisors approved the tentative map for this subdivision on June 15, 1982. Following this approval, preliminary work on the subdivision, which included covering approximately 70% of the land with an easement to protect wildlife and habitat, and completing various surveys and reports for a number of regulatory agencies, resulted in a delay of the process. Because of this delay, the final map for the subdivision was recorded March 26, 1998. The owner elected to participate in the County's density bonus program, which allows additional lots to be created beyond what the County General Plan and zoning ordinance would otherwise allow. In exchange, the owner was required to participate in the County Low and Moderate Income Housing Program. On March 20, 2007, the county amended the agreement with the property owners providing that the payment of the fee would be paid upon sale or December 31, 2010, whichever is earlier. The proposed action extends the payment date to December 31, 2012.

CONSEQUENCES OF NEGATIVE ACTION

Failure to approve the extension may preclude the future contribution to the County Low and Moderate Income Housing Program.

STEPS FOLLOWING APPROVAL

The Clerk of the Board will arrange for execution and recordation of the amended agreement and provide copies to the property owners and the Department of Planning and Development.

ATTACHMENTS

- 2007 Ammended Agreement
- Draft 2009 Ammended Agreement