

RESOLUTION NO.

**A RESOLUTION OF THE PLANNING COMMISSION OF
THE CITY OF MORGAN HILL DENYING A TENTATIVE
SUBDIVISION MAP FOR A 21-LOT RESIDENTIAL
SUBDIVISION WITH 6 COMMON OPEN
SPACE/CIRCULATION LOTS ON A 18.2 ACRE SITE
LOCATED ON THE NORTHERLY SIDE OF SAN PEDRO
AVENUE, BETWEEN CONDIT ROAD AND MURPHY
AVENUE, IN THE R-3 (APN: 817-12-006) and R-2 (PD) (APN:
817-12-009) ZONING DISTRICT**

WHEREAS, such request was considered by the Planning Commission at its regular meeting of July 12, 2016 and July 26, 2016, and a vote was taken to deny the subdivision map.

WHEREAS, such request on August 23, 2016 was considered for elaboration on the findings for denial of the subdivision application, SD2016-0006: Condit-Mana; and

WHEREAS, testimony received at a duly-noticed public hearing, along with exhibits and drawings and other materials have been considered in the review process.

**NOW, THEREFORE, THE MORGAN HILL PLANNING COMMISSION DOES
RESOLVE AS FOLLOWS:**

SECTION 1. The Commission has reviewed the criteria for denial of a tentative subdivision map and makes one or more of the following findings in accordance with Section 17.20.100 of the City of Morgan Hill Municipal Code and California Government Code Section 66474:

- a) That the proposed map is not consistent with applicable general and specific plans;
- b) That the design or improvement of the proposed subdivision is not consistent with applicable general and specific plans;
- c) That the site is not physically suitable for the type of development;
- d) That the site is not physically suitable for the proposed density of development;
- e) That the design 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 the type of improvements is likely to 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. In this connection, the governing body may approve a map if it finds that alternate easements for access or for use will be provided, and that these will be substantially equivalent to ones previously acquired by the public. This subsection shall apply only to easements of records or to easements established by judgment of a court of competent jurisdiction and no authority is granted to a legislative body to determine that the

public at large has acquired easements for access through or use of property within the proposed subdivision.

SECTION 2. On February 4, 2015 the Morgan Hill City Council adopted Resolution No. 7115 certifying the Final Environmental Impact Report (FEIR) and adopting a Mitigation Monitoring and Reporting Program for the Condit-Evergreen General Plan Amendment and Rezoning Project (SCH# 2014062078). In accordance with Section 15164 of the State Guidelines for Implementation of California Environmental Quality Act (CEQA), in July 2016 the City of Morgan Hill prepared an Addendum to the Condit-Evergreen FEIR, which concluded that the project would not result in any new environmental impacts that were not previously disclosed in the Condit-Evergreen FEIR, nor would it result in a substantial increase in the magnitude of any significant environmental impacts previously identified.

SECTION 3. The denied Tentative Map Plans attached hereto, by this reference incorporated herein.

DENIED THIS 23rd DAY OF AUGUST 2016, AT A REGULAR MEETING OF THE PLANNING COMMISSION BY THE FOLLOWING VOTE:

AYES: COMMISSIONERS:

NOES: COMMISSIONERS:

ABSTAIN: COMMISSIONERS:

ABSENT: COMMISSIONERS:

ATTEST:

APPROVED:

Jenna Luna, Deputy City Clerk

Wayne Tanda, Chair