



**Regular Meeting Agenda**

**Planning Commission  
Minutes**

**Tuesday, August 23, 2016**

**7:00 PM**

**Council Chamber**

**17555 Peak Avenue**

**Morgan Hill, CA 95037**

**PRESENT:** Planning Commissioner McKay, Planning Commissioner Spring, Planning Commissioner Downey, Vice Chair Orosco, Chair Tanda

**ABSENT:** Planning Commissioner Toombs

**LATE:** Planning Commissioner Mueller

**STAFF:** Senior Planner (SP) Baty, Senior Planner (SP) Paolini, Interim Planning Manager (IPM) Linder, Associate Planner (AP) Brown, Associate Planner (AP) Golden, Assistant City Manager/ Community Development (ACMCD) Little, City Attorney (CA) Larkin

**CALL TO ORDER**

Chair Tanda called the meeting to order at 7:00 p.m.

**DECLARATION OF POSTING OF AGENDA**

Minutes Clerk Luna certified that the meeting's agenda was duly noticed and posted in accordance with Government Code Section 54954.2.

**OPEN PUBLIC COMMENT PERIOD**

Chair Tanda opened the public comment at 7:09 p.m.

- Maria Nash spoke about the Hale Psynergy (Nueva Vista) project.
- Jennifer Gastelum spoke about the Hale Psynergy (Nueva Vista) project.

Hearing no further request to speak, the public comment was closed.

- ACMCD Little addressed concerns of the Commission.

### **ORDERS OF THE DAY**

The orders of the day are as follows: Items 1, 4, 5, 2, 3, 6, 7, and 8.

### **CONSENT CALENDAR**

#### **Approval of the Consent Calendar**

**ACTION:** *On a motion by Commissioner McKay and seconded by Commissioner Spring to approve the Consent Calendar. The motion passed (4-0-1-2) with the following vote: Ayes: McKay, Spring, Tanda, Downey; Noes: None; Abstain: Orosco; Absent: Toombs, Mueller.*

**Item    Report #**  
**# 1    16-582**

#### **APPROVE THE JULY 26, 2016 PLANNING COMMISSION MEETING MINUTES**

### **PUBLIC HEARING:**

**Item    Report #**  
**# 2    16-569**

**DEVELOPMENT AGREEMENT, DA2016-0004: CONDIT – MANA INVESTMENTS:**  
Request for a Development Agreement for 165 apartments on an approximate 7.6 Acre Site. The property identified by Assessor Parcel Number 817-12-006 is located on the north side of San Pedro Avenue, Between Condit Road And Murphy Avenue (Evergreen Investments Group 2: Kenneth Chung, Owner). CEQA: Addendum to EIR prepared.

- AP Brown presented the staff report.

Chair Tanda opened public comment at 7:42 p.m.

- Orville Power spoke in favor.

Hearing no further request to speak, the public comment was closed.

Chair Tanda reopened public comment at 8:34 p.m.

- John Telfer spoke in favor.

Hearing no further request to speak, the public comment was closed.

**ACTION:** *On a motion by Commissioner McKay and seconded by Commissioner Downey to adopt a Resolution recommending City Council approval of a Development Agreement via Resolution No. 16-55 with the condition that section C include "as contained" at the end of the last sentence in the attached Development Agreement Exhibit A for clarification. Commissioner Spring expressed concerns with traffic and parking. The motion passed (5-0-1-1) with the following vote: Ayes: McKay, Tanda, Mueller, Orosco, Downey; Noes: None; Abstain: Spring; Absent: Toombs.*

**Item    Report #**  
**#   3   16-566**

**SUBDIVISION, SD2016-0006: CONDIT - MANA INVESTMENTS:** Request for Subdivision Map for properties identified by Assessor Parcel Numbers 817-12-006 and 817-12-009 located on the north side of San Pedro Avenue between Condit Road and Murphy Ave (Evergreen Investments Group 2: Kenneth Chung, Owner). CEQA: Addendum to approved EIR prepared.

- AP Brown presented the staff report.

Chair Tanda opened public comment 9:05 p.m.

- Orville Power spoke in favor.

Hearing no further request to speak, the public comment was closed.

**ACTION:** *On a motion by Commissioner Mueller and seconded by Commissioner Orosco to adopt a Resolution approving a Tentative Map via Resolution No. 16-56 with the condition that staff removes Public Works Condition No. 5 which makes reference to the 10,000 square foot building and provided direction to staff in the Site and Architectural Permit to make sure to limit the use of lot B to a park. The motion passed (6-0-0-1) with the following vote: Ayes: McKay, Spring, Tanda, Mueller, Orosco, Downey; Noes: None; Abstain: None; Absent: Toombs.*

**Item    Report #**  
**#   4   16-581**

**DEVELOPMENT AGREEMENT, DA2016-0006:PRICE-CONN:** Request for a Development Agreement for a single lot residential development. The property, identified by Assessor Parcel Number 773-08-081, is located on Price Drive, west of DeWitt Avenue (Joe and Sharon Conn, Owners). CEQA: Categorically exempt pursuant to Section 15303(a) (New Construction).

- SP Paolini presented the report.

Chair Tanda opened public comment at 7:18 p.m. Hearing no further request to speak, the public comment was closed.

**ACTION:** *On a motion by Commission McKay and seconded by Commissioner Orosco to adopt a Resolution recommending City Council approval of a Development Agreement via Resolution No. 16-54. The motion passed (5-0-0-2) with the following vote: Ayes: McKay, Spring, Tanda, Orosco, Downey; Noes: None; Abstain: None; Absent: Toombs, Mueller.*

**Item Report #**  
**# 5 16-560**

**DEVELOPMENT AGREEMENT, DA2016-0007/ENVIRONMENTAL ASSESSMENT, EA2016-0006: DEWITT - MURRAY:** Request for approval of a Development Agreement for a four lot subdivision proposed on a 0.89 acre parcel. The property identified by Assessor Parcel Number 773-08-064, is located on the south east corner of DeWitt Avenue and Price Drive (Scott Murray, Owner). CEQA: Categorically exempt pursuant to Section 15315 (Minor Land Divisions).

- IPM Linder presented the staff report.

Chair Tanda opened public comment at 8:23 p.m.

- Scott Murray spoke in favor.

Hearing no further request to speak, the public comment was closed.

**ACTION:** *On a motion by Commissioner McKay and seconded by Commissioner Downey to adopt a Resolution recommending City Council approval of a Development Agreement via Resolution No. 16-53. The motion passed (6-0-0-1) with the following vote: Ayes: McKay, Spring, Tanda, Orosco, Downey; Noes: None; Abstain: None; Absent: Toombs, Mueller.*

**Item Report #**  
**# 6 16-572**

**USE PERMIT, UP2016-0010: PEAK-AMAS:** Conditional Use Permit to operate 84 bed residential care facility on a 1.94 acre parcel zoned R3. The property, identified by Assessor Parcel Number 767-03-017, is located on the northeast corner of Peak Avenue and West Dunne Avenue (439 S 4TH ST LLC, Owner). CEQA: Categorically exempt pursuant to Section 15332 (In-fill development).

- AP Golden presented the staff report.

Chair Tanda opened public comment at 9:47 p.m.

- Leslie Miles spoke in favor.
- Nelly Amas spoke in favor.

Hearing no further request to speak, the public comment was closed.

**ACTION:** *On a motion by Commissioner Spring and seconded by Commissioner Mueller seconded to adopt a Resolution approving a Conditional Use Permit to operate a residential care facility at the requited site via Resolution No. 16-51. The motion passed (6-0-0-1) with the following vote: Ayes: McKay, Spring, Tanda, Mueller, Orosco, Downey; Noes: None; Abstain: None; Absent: Toombs.*

**Item Report #**  
**# 7 16-573**

**USE PERMIT, UP-16-06: BUTTERFIELD - STEADFAST:** Conditional Use Permit to operate a 67 unit residential care facility on a 1.7 acre site zoned Commercial Service (PD). The property, identified by Assessor Parcel Number 817-57-049, is located on the west side of Butterfield Boulevard, north of Barrett Avenue (Green Valley Corporation, Owner). CEQA: Mitigated Negative Declaration (completed).

- AP Golden presented the staff report.

Chair Tanda opened public comment at 10:17 p.m.

- James Daeda spoke in favor.
- Frank Rockuand spoke in favor.

Hearing no further request to speak, the public comment was closed.

**ACTION:** *On a motion by Commissioner Mueller and seconded by Commissioner Downey to adopt a Resolution approving a Conditional Use Permit to operate a residential care facility at the requited site via Resolution No. 16-52. The motion passed (6-0-0-1) with the following vote: Ayes: McKay, Spring, Tanda, Mueller, Orosco, Downey; Noes: None; Abstain: None; Absent: Toombs.*

**Other Business**

**Item Report #**  
**# 8 16-583**

**MORGAN HILL 2035: ZONING CODE UPDATE AND RESIDENTIAL DEVELOPMENT CONTROL SYSTEMS (RDCS) COMPETITION MANUAL SCHEDULES**

- SP Baty presented the staff report.

**ACTION:** *No action was taken. Planning Commission provided input on the proposed schedule for the comprehensive update of the City's Zoning Code and for the draft of the Residential Development Control System (RDCS) Competition Manual.*

**ANNOUNCEMENTS**

We will be sending out a memo regarding what we plan on doing staff wise with the loss of our Community Development Director. Terry Linder is our interim Planning Manager who can be a new point of contact. The review of the Land Development Process that was undertaken last year will be part of discussion at tomorrow night's City Council meeting, August 24, 2016, in which we will be moving forward with new performance measures and other strategies to coordinate land development activity; including working closer with the engineering portion of the land development activity within the City.

**ADJOURNMENT**

Adjourned the meeting at 10:51 p.m.

MINUTES RECORDED AND TRANSCRIBED BY:

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Jenna Luna, Minutes Clerk