



**Regular Meeting Agenda
Planning Commission**

*JOSEPH MUELLER - CHAIR
WAYNE TANDA - VICE-CHAIR
LIAM DOWNEY - PLANNING COMMISSIONER
MOHAMMAD HABIB - PLANNING COMMISSIONER
PAUL LAKE - PLANNING COMMISSIONER
MALISHA KUMAR - PLANNING COMMISSIONER
JAMES WILSON PLANNING COMMISSIONER*

Tuesday, April 11, 2023 7:00 PM

**Council Chamber Building
17555 Peak Avenue, Morgan Hill, CA 95037**

Morgan Hill Planning Commission meetings are held in person with the option for the public to attend by teleconference/video conference. Information on how the public may observe and participate in the meeting is located below.

MEETING GUIDELINES AND PUBLIC COMMENT

Planning Commission meetings will be live-streamed on Channel 17, on the City's website, and on the City's Facebook page.

Those members of the community that would like to participate in the meetings remotely may do so by joining the virtual meeting at: <https://bit.ly/PlanningCommissionMtg> or by calling: (669) 900-9128, then enter the webinar ID#: 862 0324 6251#. Public comment may be provided in the following ways:

- Provide public comment in-person
- Join the Planning Commission meeting virtually via the link above. When public comment is opened, raise your virtual hand and be called upon to speak for up to 3 minutes (YOU MUST BE RUNNING THE MOST CURRENT VERSION OF ZOOM TO BE UNMUTED)
- Join virtually by calling the number above, dial *9 to raise your hand, and be called upon to speak for up to 3 minutes
- Send public comments in writing to the Minutes Clerk at

* Please note that comments made on Facebook are not considered public comment.

CALL TO ORDER

ROLL CALL ATTENDANCE

DECLARATION OF POSTING

Pursuant to Government Code Section 54954.2

PLEDGE OF ALLEGIANCE

PUBLIC COMMENT

Members of the public are entitled to address the Planning Commission concerning any item within the Morgan Hill Planning Commission's subject matter jurisdiction. Public comments are limited to no more than three minutes. Except for certain specific exceptions, the Commission is prohibited from discussing or taking action on any item not appearing on the posted agenda. (See additional noticing at the end of this agenda)

ORDERS OF THE DAY

CONTINUED PUBLIC HEARINGS

1. **CONTINUE PUBLIC HEARING TO APRIL 25, 2023 TO CONSIDER ADOPTION OF A MITIGATED NEGATIVE DECLARATION AND MITIGATION MONITORING AND REPORTING PROGRAM AND REQUEST FOR A CONDITIONAL USE PERMIT TO DEMOLISH AND REDEVELOP THE EXISTING WORLD OIL GAS STATION AND CONVENIENCE STORE LOCATED AT 16720 MONTEREY ROAD.**

- Recommendation:

1. Open and Close Public Hearing;
2. Continue Public Hearing to April 25, 2023

OTHER BUSINESS

2. **CITY COUNCIL POLICY CP18-04 - RULES FOR THE CONDUCT OF PLANNING COMMISSION MEETINGS**

Recommendation:

Discuss and consider whether to change the Planning Commission's regular meetings start time to 6:00 p.m.

DIRECTOR'S REPORT/ANNOUNCEMENTS

ADJOURNMENT

NOTICE

Any documents produced by the City and distributed to the majority of the Planning Commission less than 72 hours prior to an open meeting, will be made available for public inspection at the front counter at City Hall located at 17575 Peak Avenue, Morgan Hill, CA, 95037 and at the Morgan Hill Public Library located at 660 West Main Avenue, Morgan Hill, California, 95037 during normal business hours. (Pursuant to Government Code 54957.5)

PUBLIC COMMENT

Members of the Public are entitled to directly address the Planning Commission concerning any item that is described in the notice of this meeting, before or during consideration of that item. If you wish to address the Planning Commission on any issue that is on this agenda, please complete a speaker request card located in the foyer of the Council Chambers and deliver it to the Minutes Clerk prior to discussion of the item. You are not required to give your name on the speaker card in order to speak to the Planning Commission, but it is very helpful. When you are called, proceed to the podium and the Chair will recognize you. If you wish to address the Planning Commission on any other item of interest to the public, you may do so during the public comment portion of the meeting following the same procedure described above. Please limit your comments to three (3) minutes or less.

Please submit written correspondence to the Minutes Clerk, who will distribute correspondence to the Planning Commission.

Persons interested in proposing an item for the Planning Commission agenda should contact a member of the Commission who may plan an item on the agenda for a future Commission meeting. Should your comments require Planning's action, your request may be placed on the next appropriate agenda. Planning Commission discussion or action may not be taken until your item appears on an agenda. This procedure is in compliance with the California Public Meeting Law (Brown Act) Government Code §54950.

City Council Policies and Procedures (CP 03-01) outlines the procedure for the conduct of public hearings. Notice is given, pursuant to Government Code Section 65009, that any challenge of Public Hearing Agenda items in court, may be limited to raising only those issues raised by you or on your behalf at the Public Hearing described in this notice, or in written correspondence delivered to the Commission at, or prior to the Public Hearing on these matters.

The time within which judicial review must be sought of the action by the Commission, which acted upon any matter appearing on this agenda is governed by the provisions of Section 1094.6 of the California Code of Civil Procedure.

For a copy of Commission Policies and Procedures CP 97-01, please contact the City Clerk's office (408) 779-7259, (408) 779-3117 (fax) or by email cityclerk@morganhill.ca.gov.

AMERICANS WITH DISABILITIES ACT (ADA)

In compliance with the Americans with Disabilities Act, if you are a disabled person and you need a disability-related modification or accommodation to participate in this meeting, please contact the City

April 11, 2023

Clerk's Office at (408)779-7259, (408)779-3117 (fax) or by email cityclerk@morganhill.ca.gov. Requests must be made as early as possible and at least two-full business days before the start of the meeting.

PLANNING COMMISSION STAFF REPORT

MEETING DATE: April 11, 2023

PREPARED BY:

Tiffany Brown, Associate Planner

APPROVED BY: Jennifer Carman

CONTINUE PUBLIC HEARING TO APRIL 25, 2023 TO CONSIDER ADOPTION OF A MITIGATED NEGATIVE DECLARATION AND MITIGATION MONITORING AND REPORTING PROGRAM AND REQUEST FOR A CONDITIONAL USE PERMIT TO DEMOLISH AND REDEVELOP THE EXISTING WORLD OIL GAS STATION AND CONVENIENCE STORE LOCATED AT 16720 MONTEREY ROAD.

RECOMMENDATION(S)

1. Open and Close Public Hearing;
2. Continue Public Hearing to April 25, 2023

LOCATION MAP/PROJECT INFORMATION:



- | | | |
|----|---------------|---|
| 1. | Location: | 16720 Monterey Road (APN: 817-01-002) |
| 2. | Site Area: | .5 Acres |
| 3. | General Plan: | Mixed Use Flex |
| 4. | Zoning: | Mixed Use Flex (MU-F) |
| 5. | Request: | Request for a Conditional Use Permit to allow for the redevelopment of an existing gas station with convenience store |

BACKGROUND:

This item was heard at the March 28, 2023 Planning Commission meeting and continued to April 11, 2023. Since the public hearing was continued to a date certain, the action this evening is to briefly open the public hearing, take any comments that the public may have, and then continue the public hearing to the meeting on April 25. The consultants have requested more time to ensure attendance for the meeting. Therefore, we are requesting the item be continued to the April 25, 2023 hearing.

ATTACHMENTS:

None

PLANNING COMMISSION STAFF REPORT

MEETING DATE: April 11, 2023

PREPARED BY:

Jennifer Carman, Development Services Director

APPROVED BY: Jennifer Carman

CITY COUNCIL POLICY CP18-04 - RULES FOR THE CONDUCT OF PLANNING COMMISSION MEETINGS

RECOMMENDATION(S)

Discuss and consider whether to change the Planning Commission's regular meetings start time to 6:00 p.m.

LOCATION MAP/PROJECT INFORMATION:

None

BACKGROUND:

The 2018 City Council Policies and Procedures Council Policy CP-18-04 establishes the procedures of the conduct of the Planning Commission. Item 2.2 Regular Meetings states that the Planning Commission shall conduct all of its regular meetings at the time and place established by ordinance or resolution if specified by ordinance. It further states that the meetings should not continue beyond 11:00 PM unless extended by majority vote. On March 15, 2023, the City Council adopted Ordinance No. 2345 amending Section 2.04.010 of the Municipal Code regarding the time and location of City Council meetings. This ordinance moved the start time of regular City Council meetings to 6:00 PM. The City Council also updated their Rules of Conduct to have a goal of ending meetings at 10:00 PM rather than 11:00 PM.

PROJECT DESCRIPTION:

Planning Commissioners requested a discussion of moving the start time of regular Planning Commission meetings to 6:00 PM.

PROJECT ANALYSIS AND FINDINGS:

The Rules of Conduct for Planning Commission meetings, Council Policy CP18-04 (attached) indicates an end time of no later than 11:00 PM and is silent on the start time. It is recommended that if the Planning Commission would like to change the start time from 7:00 PM to 6:00 PM and change the ending time to a time earlier than 11:00 PM that the Council Policy CP-18-04 be modified to reflect those changes. Changing the start time of regular Planning Commission meetings to 6:00 PM would be consistent with the current City Council and Library, Culture, and Arts Commission start time. The Planning Commission should also discuss and consider the appropriate ending time should the regular Planning Commission meetings start an hour earlier.

CONCLUSION:

The Planning Commission should choose a preference for a start time of 6:00 PM or 7:00 PM and a corresponding end time and, if necessary, direct staff to bring forward any changes to Council Policy 18-04 to City Council for consideration. The Planning Commission could also choose not to make any changes to the start or end time and leave Council Policy 18-04 with no recommended changes.

CEQA (California Environmental Quality Act):

Not a Project. Administrative activities of governments that do not result in direct physical changes in the environment do not qualify as a project for purposes of CEQA.

COMMUNITY ENGAGEMENT:

None

ATTACHMENTS:

1. Council Policy 18-04

CITY OF MORGAN HILL

CITY COUNCIL POLICIES AND PROCEDURES

CP-18-04

SUBJECT: Rules for the Conduct of Planning Commission Meetings
EFFECTIVE DATE: July 18, 2018
ORIGINATING DEPARTMENT: Community Development Department

SECTION 1. SCOPE

- 1.1 These rules shall establish the procedures for the conduct of all meetings of the Planning Commission of the City of Morgan Hill. The purpose of these rules is to provide procedures consistent with the Ralph M. Brown Act, establish procedures which will be convenient for the public, be fair to all Commissioners and contribute to the orderly conduct of City business.

SECTION 2. MEETINGS

- 2.1 Open to Public. All meetings of the Planning Commission, whether regular or special, shall be open to the public, unless a closed session is scheduled as authorized by law.
- 2.2 Regular Meetings. The Planning Commission shall conduct its regular meetings at the time and place established by ordinance or resolution if specified in the ordinance. Regular meetings shall not continue beyond 11:00 p.m. unless extended by a majority vote of the Planning Commission pursuant to Section 5.2 of this policy.
- 2.3 Special Meetings. A special meeting may be called at any time by the Community Development Director or by four Commissioners. Written notice of any such meeting must specify the purpose of the meeting. Notice of the meeting must be made in accordance with the law.
- 2.4 Quorum. Four (4) Commissioners shall constitute a quorum and shall be sufficient to transact business. If less than four Commissioners appear at a regular meeting, the Chair, Vice Chair in the absence of the Chair, any Commissioner, or in the absence of all Commissioners, the Minutes Clerk, shall adjourn the meeting to a stated day and hour.
- 2.5 Adjourned Meetings. The Planning Commission may adjourn any regular, adjourned regular, special, or adjourned special meeting to a time and place specified in the order of adjournment and permitted by law.
- 2.6 Attendance. Any commissioner who will be absent from a meeting shall communicate to the Chair and to the Community Development Director in advance of the meeting the date(s) of the meeting(s) that will be missed.

SECTION 3. POSTING NOTICE AND AGENDA

- 3.1 Posting of Notice and Agenda. For every regular or special meeting, the Minutes Clerk or other authorized person, shall post a notice of the meeting, specifying the time and place at which the meeting will be held, and an agenda containing a brief description of all items of business to be discussed at the meeting. This notice and agenda may be combined in a single document.
- 3.2 Location of Posting. The notice and agenda shall be posted on the City's website and in a place to which the public has unrestricted access during at least normal business hours and where the notice and agenda are not likely to be removed or obscured by other posted materials.
- 3.3 Posting for Regular Meetings. For any regular meeting of the Planning Commission, the notice and agenda shall be posted no later than seventy-two (72) hours prior to the time set for the meeting.
- 3.4 Posting for Special Meetings. For any special meeting of the Planning Commission, the notice and agenda shall be posted no later than twenty-four (24) hours prior to the time set for the meeting.

SECTION 4. AGENDA CONTENTS

- 4.1 Description of Matters. All items of business to be discussed at a meeting of the Planning Commission shall be briefly described on the agenda. The description of the item and the proposed action to be considered should be set forth as clearly as practical so that members of the public will know the nature of the action under review and consideration.
- 4.2 Availability of the Agenda to the Public. The agenda for any regular or special meeting shall be made available to the general public as soon as is practical after delivery to the Commissioners.
- 4.3 Limitation to Act on Only Items on the Agenda. No action shall be taken by the Planning Commission on any item not on the posted agenda.

SECTION 5. ORDER OF BUSINESS

- 5.1 The order of business at meetings of the Planning Commission shall be as follows:
 - A. CALL TO ORDER
 - B. ROLL CALL ATTENDANCE
 - C. DECLARATION OF POSTING AGENDA
 - D. WORKSHOP (as deemed appropriate)
 - E. PLEDGE OF ALLEGIANCE

F. PUBLIC COMMENT

This item refers to those matters not scheduled on the agenda where a member of the public wants to address a matter of importance to the Planning Commission. Since the matter is not one on the agenda, no action by Commission can be taken. If a Commissioner so desires, the matter may be placed on the agenda of a future Commission meeting for review and consideration pursuant to Section 9.

G. CHANGE IN ORDER OF BUSINESS.

The Chair may entertain a motion by a majority request of Commissioners present to take matters listed on the agenda out of the prescribed order.

H. CONSENT CALENDAR

These are items of a routine or generally uncontested nature. Any Commissioner or member of the public may request to have an item pulled from the Consent Calendar and acted on individually by the Commission. Items pulled will be discussed after action is taken on the balance of the Consent Calendar and before moving on to public hearings.

I. PUBLIC HEARINGS

These matters are ones that are duly noticed and published in a newspaper of general circulation and, where required by Law, written notice is given to the affected residents who have the opportunity to speak in favor or against a matter or ask questions about the matter. Public hearings shall be conducted pursuant to City Council Policy CP-03-01.

J. OTHER BUSINESS

These are other matters of City business which are not appropriately placed on the consent calendar and do not require published notices and require Commission action and direction.

K. DIRECTOR'S REPORT/ANNOUNCEMENTS

These are communication items from the Director, including future agenda items. Director will take input from Commissioners on items of interest. Examples of a Director's report or announcement include notice of cancellation of meetings, reminders of scheduled workshops, report back to the Commission, and pending agenda items.

L. ADJOURNMENT

- 5.2 Review Status of Agenda at 11:00 p.m. If, at 11:00 p.m., the Planning Commission has not concluded its business, it shall review the status of the agenda and determine by majority vote whether to extend the meeting beyond 11:00 p.m., continue any remaining items, or adjourn the meeting to another date and time.

SECTION 6. PUBLIC COMMENT

- 6.1 Public Comment. Persons present at meetings of the Planning Commission may comment on individual items on the agenda at the time the items are scheduled to be heard. In addition, comments may be offered on items not on the agenda under that portion of the agenda.
- 6.2 Limitations. The public comment period may be 3 minutes for items on the agenda or items not listed on the agenda. Speakers are called in the order the speaker cards are submitted. Project applicants or appellants will be allowed more than the designated 3 minutes in accordance with City Council Policy 03-01. Consistent with this policy, the Chair or Presiding Officer may recall an applicant or appellant to address questions after the public comment is heard. The Chair or Presiding Officer may allow more time and/or allow speakers to concede their time to a designated speaker of a group unless a majority of the Planning Commission objects. Speakers that wish to designate a group speaker shall notify the Minutes Clerk before discussion on the item begins.
- 6.3 Procedure. To address the Planning Commission, each speaker is requested to fill out a Speaker Card and turn it in to the Minutes Clerk before discussion on the agenda item begins. The speaker is requested to provide their name and contact information and the subject or subjects upon which the speaker wishes to address the Planning Commission. Speakers who do not wish to provide their name should provide an alternative designation so that they can be recognized by the Minutes Clerk.

SECTION 7. APPOINTMENT OF OFFICERS

- 7.1 In June of each year, the selection of chair and vice chair shall be pursuant to City Council Policy CP 96-02, except that if a majority of the Commissioners see the need to extend the term due to special circumstances, the term of the Chair and Vice Chair may be extended for one year. The term of service for these offices shall be one year, beginning at the first meeting in July of each year. No commissioner shall serve more than two consecutive full terms as chairperson. The Chair may resign at any time during his or her role as chair, at which time the Vice Chair may serve the remaining term.

SECTION 8. PROCEDURES FOR THE CONDUCT OF MEETINGS

8.1 Role of the Chair/Presiding Officer

- A. The Presiding Officer of the Planning Commission, who shall be the Chair or in the Chair's absence shall be the Vice Chair, or in their absence any other designated Commissioner, shall be responsible for maintaining the order and decorum of meetings. It shall be the duty and responsibility of the Presiding Officer to ensure that the rules of operation and decorum contained herein are observed. The Presiding Officer shall maintain control of communication between Commissioners and between the Commission, staff, and public.
- B. Communication with Commissioners
 1. Commissioners should request the floor from the Presiding Officer before speaking.

2. When one Commissioner has the floor and is speaking, other Commissioners shall not interrupt or otherwise disturb the speaker.
 3. With the concurrence of the Chair, a Commissioner holding the floor may address a question to another Commissioner. The Commissioner being questioned may or may not respond while the floor is still held by the Commissioner asking the question. The reply shall be limited to the question asked.
- C. The Chair/Presiding Officer may declare that an item within the meeting will be conducted in “workshop” format, which means that the procedures described in section 8.1B do not strictly apply. This is to allow for a more open discussion without strict formalities.
- D. Communication with Members of the Public Addressing the Commission
1. The Chair shall open the floor for public testimony (typically referred to as public comment) as appropriate.
 2. Commissioners may question a person addressing the Commission at the conclusion of the person's comments or upon expiration of the person's time to speak. Such questions should be directed to the person through the Presiding Officer unless the Presiding Officer grants the Commissioner permission to directly question the person.
 3. Staff shall be a resource to the Planning Commission to answer questions arising during discussions between Commissioners and between Commissioners and members of the public. Communications in this regard shall be through the Presiding Officer.
 4. Members of the public shall direct their questions and comments through the Presiding Officer.
- 8.2 Rules of Order. The Planning Commission adopts no specific rules of order except those listed herein. The Planning Commission shall refer to *The Standard Code of Parliamentary Procedure* by Alice Sturgis (McGraw Hill) as a guide for the conduct of meetings. The Sturgis guideline regarding not requiring seconds for governmental bodies' motions, resolutions or ordinances is not adopted as the rule in the City. The Chair has the discretion to impose reasonable rules at any particular meeting based upon facts and circumstances found at any particular meeting. These latter rules will be followed unless objected to by a majority of the Commissioners present.
- 8.3 Motions. The Chair or any Commissioner may bring a matter of business on the agenda before the Commission by making a motion. Before the matter can be considered or debated it must be seconded. Once the motion has been properly made and seconded, the Presiding Officer shall open the matter for full debate offering the first opportunity to debate to the moving party and, thereafter, to any Commissioner recognized by the Chair or Presiding Officer. Debate shall be closed upon consent of a majority of the Commission.

- 8.4 Reconsideration. Immediately after a vote on a matter, any Commissioner may request to have his/her vote changed on a matter before the Commission moves on to the next item. Such a request will be granted by the Chair unless a majority of the Commission objects.

A matter may be reconsidered by the Planning Commission if a Commissioner on the prevailing side of the vote requests reconsideration. Such a motion may be made at a meeting where such action is taken or at a subsequent meeting of the Commission, however, nothing in this policy precludes the majority of Commissioners from requesting reconsideration of any item.

8.5 Debate.

- A. The discussions and deliberations at meetings of the Planning Commission are to secure the informed judgement of Commissioners on proposals submitted for decision. This purpose is best served by the exchange of thought through discussion and debate.

Debate is regulated by these rules in order to assure every Commissioner a reasonable and equal opportunity to be heard.

- B. Obtaining the Floor for Debate.

As soon as a debatable motion has been stated to the Commission by the Chair, any Commissioner has a right to discuss it after obtaining the floor. The Commissioner obtains the floor by seeking recognition from the Chair. A Commissioner who has been recognized is entitled to be heard so long as he/she observes the rules of debate.

- C. Speaking More Than Once.

To encourage the full participation of all of the Commissioners, no Commissioner or Commissioners shall be permitted to monopolize the discussion of the question. If a Commissioner has already spoken and other Commissioners wish to speak, the latter Commissioners should be recognized in preference to the Commissioner who has already spoken. However, if no other Commissioners seek recognition, the Chair may recognize the Commissioner who has already spoken.

- D. Relevancy of Debate.

All discussion must be relevant to the motion before the Planning Commission. A Commissioner is given the floor only for the purpose of discussing the pending question; discussion which departs is out of order. The Chair should then direct the speaker to limit discussion to the question before the Planning Commission.

A motion-its nature or consequences-may be attacked vigorously. But, it is never permissible to attack the motives, character, or personality of a Commissioner, City staff, or any member of the public either directly or by innuendo or implication. It is the duty of the Chair instantly to stop any Commissioner who engages in personal attacks. It is the motion, not its proposer, that is the subject of debate. Meetings must

discuss measures and ideas, not people.

Arguments, for or against a measure, should be stated as concisely as possible.

Debate must be fundamentally impersonal. All discussion is addressed to the Chair and must never be directed to any individual.

E. Chair's Duties During Debate.

The Chair has the responsibility of controlling and expediting debate. A Commissioner who has been recognized to speak on a question has a right to the undivided attention of the Commission.

It is the duty of the Chair to keep the subject clearly before the Commissioners, to rule out irrelevant discussion, and to restate the question whenever necessary.

SECTION 9. ITEMS TO BE PLACED ON THE AGENDA

- 9.1 Any Commissioner may at any time request to have any matter that can be legally agendized to be placed on the agenda of the Planning Commission by submitting a memo to the Community Development Director. The memo should be succinct, describe the issue, and the proposed referral, and include any background materials or information relating to the matter. The Community Development Director will transmit all of the documentation to the Deputy City Clerk for distribution to the Planning Commission and public as part of the agenda packets for the meeting.
- 9.2 The Community Development Director will place the item on the next available Planning Commission meeting agenda.
- 9.3 At the meeting at which the referral is agendized, the Planning Commission will consider the proposal and vote on its disposition. A majority of those present are necessary to formally refer an item to the City Staff. Staff will indicate if the referral is inappropriate or otherwise unattainable which shall be considered by the Planning Commission during its deliberation.

SECTION 10. DECORUM

- 10.1 Commissioners. Commissioners value and recognize the importance of the trust invested to them by the public to accomplish the business of the City. Commissioners shall accord the utmost courtesy to each other, to City employees, and to the public appearing before the Planning Commission.
- 10.2 City Employees. City staff and consultants shall observe the same rules of order and decorum applicable to the Planning Commission. City staff shall act at all times in a business and professional manner towards Commissioners and members of the public.
- 10.3 Public. Members of the public attending Planning Commission meetings shall observe the same rules of order and decorum applicable to the Planning Commission.

- 10.4 Noise in the Chambers. Noise emanating from the audience within the Commission Chambers or lobby area, which disrupts Planning Commission meetings, shall not be permitted.
- 10.5 Sergeant-at-Arms. The Chief of Police, or his/her designated representative, shall be ex-officio Sergeant-at-Arms of the Planning Commission.

SECTION 11. VIOLATIONS OF PROCEDURES

- 11.1 Nothing in these policies and procedures shall invalidate a properly noticed and acted upon action of the Planning Commission in accordance with State Law.

This Policy Shall remain in effect until modified by the City Council.

APPROVED:



STEVE TATE, MAYOR