



Meeting Minutes Planning Commission

Wayne Tanda - *Chairman*
Michael Orosco - *Vice Chairman*
John McKay - *Planning Commissioner*
Joseph Mueller - *Planning Commissioner*
Liam Downey - *Planning Commissioner*
Patricia Toombs - *Planning Commissioner*
Yvonne Martinez Beltran - *Planning Commissioner*

Tuesday, April 25, 2017 6:00 pm

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

CALL TO ORDER

Chair Tanda called the meeting to order at 6:00 p.m.

Attendee Name	Title	Status	Arrived
Wayne Tanda	Chairman	Present	
Michael Orosco	Vice Chairman	Present	
John McKay	Planning Commissioner	Present	
Joseph Mueller	Planning Commissioner	Present	
Liam Downey	Planning Commissioner	Present	
Patricia Toombs	Planning Commissioner	Present	
Yvonne Martinez Beltran	Planning Commissioner	Present	

DECLARATION OF POSTING AGENDA

Minutes Clerk Luna declared the posting for the agenda.

PLEDGE OF ALLEGIANCE

Pat Toombs led the Pledge of Allegiance.

ORDERS OF THE DAY

The Planning Commission reconsidered the orders of the day. Items 1 and 4 will be heard first followed by Item 2 and 3.

OPEN PUBLIC COMMENT PERIOD

City Attorney Don Larkin introduced the City's newest Assistant Attorney Cynthia Hasson from Monterey County.

Chair Tanda opened the public comment period. Hearing no requests to speak, the public comment period was closed.

PUBLIC HEARINGS

1. DEVELOPMENT AGREEMENT AMENDMENT, AAE2017-0007: MONTEREY - DYNASTY

RESULT:	TABLED [UNANIMOUS]
MOVER:	Joseph Mueller, Planning Commissioner
SECONDER:	John McKay, Planning Commissioner
AYES:	Tanda, Orosco, McKay, Mueller, Downey, Toombs, Martinez Beltran

2. PUBLIC HEARINGS: DEVELOPMENT AGREEMENT AMENDMENTS FOR RESIDENTIAL DEVELOPMENT CONTROL SYSTEM (RDCS) APPLICATIONS

Recommendation:

- 1) Open/conduct public hearings on requests A through K;
- 2) Adopt Resolutions recommending City Council approval of the amended Development Agreements incorporating allotments from the 2016 RDCS competition:
 - a. Resolution A
 - b. Resolution B
- 3) Adopt Resolutions recommending City Council approval of the amended Development Agreements incorporating allotments from the 2016 RDCS competition and approving extension of allotments due to rain delays:
 - a. Resolution C
 - b. Resolution D
 - c. Resolution E
- 4) Adopt Resolutions approving extension of allotments due to rain delays:
 - a. Resolution F
 - b. Resolution G
 - c. Resolution H
- 5) Adopt Resolutions denying extension requests:
 - a. Resolution J
 - b. Resolution K

Interim Principle Planner Gina Paolini presented the staff report.

RESULT:	MOTION BELOW
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A. DEVELOPMENT AGREEMENT AMENDMENT, AAE2017-0004: COCHRANE - CALATLANTIC

Request for a Development Agreement Amendment to add 12, Fiscal Year 2017-2018 and 52, Fiscal

Year 2018-2019 building allotments to an existing Development Agreement. The properties, identified by Assessor Parcel Numbers 728-59-001, 728-59-002, 728-59-013, 728-56-013, and 728-56-045, are located on the north corner of Cochrane Road and Mission View Drive (Cal Atlantic Homes, Owner). CEQA: Mitigated Negative Declaration completed.

Chair Tanda opened the Public Hearing at 6:28 p.m.

Ross Doyle was called to speak.

Hearing no further requests to speak, the Public Hearing was closed.

MOTION:

Adopt a Resolution recommending City Council approve the Development Agreement Amendment.

RESULT:	ADOPTED [UNANIMOUS]
MOVER:	Joseph Mueller, Planning Commissioner
SECONDER:	John McKay, Planning Commissioner
AYES:	Tanda, Orosco, McKay, Mueller, Downey, Toombs, Martinez Beltran

B. DEVELOPMENT AGREEMENT AMENDMENT, AAE2017-0009: CONDIT -MANA

Request for a Development Agreement Amendment to add 44, Fiscal Year 2018-19 and 30 Fiscal Year 2017-2018 building allotments to an existing Development Agreement. The property, identified by Assessor Parcel Number 817-12-009 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 approved EIR.

MOTION:

Adopt a Resolution recommending City Council approve the Development Agreement Amendment.

RESULT:	ADOPTED [UNANIMOUS]
MOVER:	Joseph Mueller, Planning Commissioner
SECONDER:	Liam Downey, Planning Commissioner
AYES:	Tanda, Orosco, McKay, Mueller, Downey, Toombs, Martinez Beltran

C. DEVELOPMENT AGREEMENT AMENDMENT, AAE2017-0008: LAUREL - DEROSE

Request for a Development Agreement Amendment to add 13, Fiscal Year 2016-2017, one, Fiscal Year 2017-2018 and 11, Fiscal Year 2018-2019 building allotments to a previously approved Development Agreement. The request also includes a 6-month extension of the commencement of construction dates. The property, identified by Assessor Parcel Number 726-01-008, is located north of Laurel Road and east of Walnut Grove Drive (Denise DeRose, Owner). CEQA: Addendum to Mitigated Negative Declaration completed.

Chair Tanda opened the Public Hearing.

Rick Nelson was called to speak.

Hearing no further requests to speak. The Public Hearing was closed.

Planning Commissioner Martinez-Beltran stepped away from the dias.

MOTION:

Adopt a Resolution recommending City Council approve the Development Agreement Amendment.

RESULT:	ADOPTED [UNANIMOUS]
MOVER:	Joseph Mueller, Planning Commissioner
SECONDER:	Liam Downey, Planning Commissioner
AYES:	Tanda, Orosco, McKay, Mueller, Downey, Toombs
EXCUSED:	Martinez Beltran

D. DEVELOPMENT AGREEMENT AMENDMENT, AAE2017-0014: ALTIMARA – VENTURA/ALICANTE

Request for a Development Agreement Amendment to add 5, Fiscal Year 2017-2018 building allotments to an approved Development Agreement. The request also includes a request for a 6-month extension to the commencement of construction date. The property, identified by Assessor Parcel Number 728-55-017, is located on the south side of Altimira Circle, easterly of the intersection with Mission Avenida (Lupine Investors, LLC, Owner). CEQA: Addendum to Mitigated Negative Declaration.

MOTION:

Adopt a Resolution recommending City Council approve the Development Agreement Amendment.

RESULT:	ADOPTED [UNANIMOUS]
MOVER:	Joseph Mueller, Planning Commissioner
SECONDER:	Liam Downey, Planning Commissioner
AYES:	Tanda, Orosco, McKay, Mueller, Downey, Toombs
EXCUSED:	Martinez Beltran

E. DEVELOPMENT AGREEMENT AMENDMENT, AAE2017-0017: COCHRANE – TOLL BROTHERS

Request for a Development Agreement Amendment for a 6-month extension to the commence of construction date as set forth in an approved Development Agreement. The property, identified by Assessor Parcel Number 728-34-026, is located on Cochrane Road adjacent to Alicante Estates and Alicante Ranch bordered by Peet Road and Coyote Road (Toll Brothers, Owner). CEQA: Previously adopted Environmental Impact Report.

Chair Tanda opened the Public Hearing at 6:31 p.m.

Rick Nelson was called to speak.

Hearing no further requests to speak, the Public Hearing was closed.

MOTION:

Adopt a Resolution recommending City Council approve the Development Agreement Amendment.

RESULT:	ADOPTED [UNANIMOUS]
MOVER:	Joseph Mueller, Planning Commissioner
SECONDER:	Patricia Toombs, Planning Commissioner
AYES:	Tanda, Orosco, McKay, Mueller, Downey, Toombs
EXCUSED:	Martinez Beltran

F. DEVELOPMENT AGREEMENT AMENDMENT, AAE2017-0006: MONTEREY - KB

Request for a Development Agreement Amendment for a 6-month extension to the commencement of construction date as set forth in an approved Development Agreement. The properties, identified by Assessor Parcel Numbers 726-53-001 thru 726-53-058, are located on Monterey Road, south east of the intersection of Monterey Road and Old Monterey (KB Homes, Owner). CEQA: Mitigated Negative completed.

Chair Tanda opened the Public Hearing at 6:37pm.

Chris Warren was called to speak.

Hearing no further requests to speak, the Public Hearing was closed.

Planning Commissioner Martinez-Beltran took the dias at 6:44 p.m.

MOTION:

Adopt a Resolution recommending City Council approve the Development Agreement Amendment.

RESULT:	ADOPTED [UNANIMOUS]
MOVER:	Joseph Mueller, Planning Commissioner
SECONDER:	Liam Downey, Planning Commissioner
AYES:	Tanda, Orosco, McKay, Mueller, Downey, Toombs, Martinez Beltran

G. DEVELOPMENT AGREEMENT AMENDMENT, AAE2017-0012: SAN PEDRO – PRESIDIO VAN DAELE MONTEREY

Request for a Development Agreement Amendment for a 6-month extension to the commencement of construction date as set forth in an approved Development Agreement. The property, identified by Assessor Parcel Number 817-01-001, is located on the northwest corner of San Pedro Avenue and Church Street (VanDaele Homes, Owner). CEQA: Mitigated Negative Declaration completed.

MOTION:

Adopt a Resolution recommending City Council approve the Development Agreement Amendment.

RESULT:	ADOPTED [UNANIMOUS]
MOVER:	Joseph Mueller, Planning Commissioner
SECONDER:	Liam Downey, Planning Commissioner
AYES:	Tanda, Orosco, McKay, Mueller, Downey, Toombs, Martinez Beltran

H. DEVELOPMENT AGREEMENT AMENDMENT, AAE2017-0015: WATSONVILLE - DIVIDEND

Request for a Development Agreement Amendment for a 6-month extension to the commencement of construction date as set forth in an approved Development Agreement. The property, identified by Assessor Parcel Number 779-57-027 is located on the south side of Watsonville Road at the southerly terminus of La Alameda (Dividend Homes, Owner). CEQA: Mitigated Negative Declaration completed.

Chair Tanda opened the Public Hearing at 6:48 p.m.

Dick Oliver was called to speak.

Hearing no further requests to speak, the Public Hearing was closed.

MOTION:

Adopt a Resolution recommending City Council approve the Development Agreement Amendment.

RESULT:	ADOPTED [UNANIMOUS]
MOVER:	Joseph Mueller, Planning Commissioner
SECONDER:	Liam Downey, Planning Commissioner
AYES:	Tanda, Orosco, McKay, Mueller, Downey, Toombs, Martinez Beltran

I. DEVELOPMENT AGREEMENT AMENDMENT, AAE2017-0016: MONTEREY - GUNTER

Request for a Development Agreement Amendment for a 6-month extension to the commencement of construction date as set forth in an approved Development Agreement. The property, identified by Assessor Parcel Number 726-23-008, is located on north of the intersection of Monterey Road and Main Street, on the east side of the road (Gunter Building, LLC., Owner). CEQA: Mitigated Negative Declaration completed.

MOTION

RESULT:	WITHDRAWN
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J. DEVELOPMENT AGREEMENT AMENDMENT, AAE2017-0018: E. DUNNE - BUSK

Request for a Development Agreement Amendment for a 6-month extension to the commencement of construction date as set forth in an approved Development Agreement. The property, identified by Assessor Parcel Number 817-19-044, is located on the southeast corner of the intersection of East Dunne Avenue and Murphy Avenue (Betty Busk, Owner). CEQA: Mitigated Negative Declaration completed.

Chair Tanda opened the Public Hearing at 7:05 p.m.

Scott Murray was called to speak.

Hearing no further requests to speak, the Public Hearing was closed.

MOTION:

Adopt a Resolution recommending City Council deny of the Development Agreement Amendment.

RESULT:	DEFEATED [3 TO 4]
MOVER:	Michael Orosco, Liam Downey
SECONDER:	Wayne Tanda, Joseph Mueller
AYES:	Tanda, Orosco, Downey
NAYS:	McKay, Mueller, Toombs, Martinez Beltran

MOTION:

Adopt a Resolution recommending City Council approve the Development Agreement Amendment to allow a 4 month extension.

RESULT:	WITHDRAWN
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MOTION:

Adopt a Resolution recommending City Council approve a Development Agreement Amendment to grant a 4 month extension based on the finding that the City was partially responsible for the delay.

RESULT:	ADOPTED [5 TO 2]
MOVER:	Liam Downey, Planning Commissioner
SECONDER:	Joseph Mueller, Planning Commissioner
AYES:	McKay, Mueller, Downey, Toombs, Martinez Beltran
NAYS:	Tanda, Orosco

K. DEVELOPMENT AGREEMENT AMENDMENT, AAE2017-0019 MONTEREY – CENTRAL/ECA

Request for a Development Agreement Amendment for a 6-month extension to the commencement of construction date as set forth in an approved Development Agreement. The property, identified by Assessor Parcel Number 726-23-020, is located on the south west corner of Central Avenue and McLaughlin Avenue (EAC Partners, LLC., Owner). CEQA: Mitigated Negative Declaration completed.

Chair Tanda opened the Public Hearing. Hearing no requests to speak, the Public Hearing was closed.

MOTION:

Adopt a Resolution recommending City Council deny the Development Agreement Amendment to allow an extension.

RESULT:	ADOPTED [UNANIMOUS]
MOVER:	Joseph Mueller, Planning Commissioner
SECONDER:	Patricia Toombs, Planning Commissioner
AYES:	Tanda, Orosco, McKay, Mueller, Downey, Toombs, Martinez Beltran

3. PLANNING COMMISSION TO CONSIDER ZONING AMENDMENT ZA2017-0003 TO INCLUDE THE RESIDENTIAL DEVELOPMENT CONTROL SYSTEM (RDCS) COMPETITION MANUAL

Recommendation:

Recommend the City Council adopt the Residential Development Control System (RDCS) Competition Manual.

Ben Noble with Placeworks presented the Staff Report.

Chair Tanda opened the Public Hearing at 8:52 p.m.

Kerry Williams was called to speak.

John Telfer was called to speak.

Dick Oliver was called to speak.

Vince Burgos was called to speak.

Hearing no further requests to speak, the Public Hearing was closed.

MOTION:

Modify chart 55 in the RDCS Manual under Onsite Parking from 25% to 10%.

RESULT:	ADOPTED [5 TO 1]
MOVER:	Wayne Tanda, Chairman
SECONDER:	Liam Downey, Planning Commissioner
AYES:	Tanda, Orosco, Downey, Toombs, Martinez Beltran
NAYS:	Mueller
ABSTAIN:	McKay

MOTION:

Add a provision that the Community Development Director may deviate from the above standards based on the Unique Public Benefits of the project.

RESULT:	ADOPTED [4 TO 3]
MOVER:	Wayne Tanda, Chairman
SECONDER:	Liam Downey, Planning Commissioner
AYES:	Tanda, McKay, Mueller, Downey
NAYS:	Orosco, Toombs, Martinez Beltran

MOTION:

Add clarification to the Affordable Housing Section to only allow one Below Market Rate unit per structure.

RESULT:	ADOPTED [UNANIMOUS]
MOVER:	Joseph Mueller, Planning Commissioner
SECONDER:	Michael Orosco, Vice Chairman
AYES:	Tanda, Orosco, McKay, Mueller, Downey, Toombs, Martinez Beltran

MOTION:

Reduce the point values from 4 to 3 in Sections A, B, C, and D of the Competition Manual.

RESULT:	APPROVED [5 TO 2]
MOVER:	Joseph Mueller, Planning Commissioner
SECONDER:	Patricia Toombs, Planning Commissioner
AYES:	Orosco, McKay, Mueller, Toombs, Martinez Beltran
NAYS:	Tanda, Downey

MOTION

MOTION:
Add clarification to the affordable housing section to only allow one Below Market Rate unit per structure.

RESULT:	ADOPTED [UNANIMOUS]
MOVER:	Joseph Mueller, Planning Commissioner
SECONDER:	Michael Orosco, Vice Chairman
AYES:	Tanda, Orosco, McKay, Mueller, Downey, Toombs, Martinez Beltran

MOTION:

Add clarification to page 64 of the Competition Manual stating no more than one 1-year extension for a project in a single competition year may be granted. A project that re-competes or is an on-going project is not limited by any prior extension.

RESULT:	ADOPTED [6 TO 1]
MOVER:	Wayne Tanda, Chairman
SECONDER:	Liam Downey, Planning Commissioner
AYES:	Tanda, McKay, Mueller, Downey, Toombs, Martinez Beltran
NAYS:	Orosco

MOTION:

Adopt a Resolution recommending City Council adopt the Residential Development Control System Competition Manual.

RESULT:	ADOPTED [UNANIMOUS]
MOVER:	Joseph Mueller, Planning Commissioner
SECONDER:	Yvonne Martinez Beltran, Planning Commissioner
AYES:	Tanda, Orosco, McKay, Mueller, Downey, Toombs, Martinez Beltran

4. DEVELOPMENT AGREEMENT, DA2017-0002: BUTTERFIELD-MWEST: REQUEST FOR AN INDUSTRIAL DEVELOPMENT AGREEMENT FOR APPROXIMATELY 39 ACRES IN THE MORGAN HILL RANCH BUSINESS PARK. THE PROPERTIES, IDENTIFIED BY ASSESSOR'S PARCEL NUMBERS 726-25-046, -047, -059, -066, -067, -070, -073, -078 AND -079 ARE LOCATED ON THE WEST SIDE OF BUTTERFIELD BOULEVARD BETWEEN JARVIS DRIVE AND DIGITAL DRIVE (DIVCO WEST SVI, OWNER). CEQA: CERTIFIED EIR FOR THE MORGAN HILL RANCH BUSINESS PARK.

Recommendation:

1. Open/Close the public hearing; and,
2. Continue the project to the May 9, 2017 Planning Commission meeting.

Chair Tanda opened the public hearing. Hearing no requests to speak, the public hearing was closed.

RESULT:	CONTINUED [UNANIMOUS]	Next: 5/9/2017 7:00 PM
MOVER:	Joseph Mueller, Planning Commissioner	
SECONDER:	Patricia Toombs, Planning Commissioner	
AYES:	Tanda, Orosco, McKay, Mueller, Downey, Toombs, Martinez Beltran	

ANNOUNCEMENTS

None.

ADJOURNMENT

There being no further business, Chair Tanda adjourned the meeting at 10:54 p.m.

MINUTES PREPARED BY:

Jenna Luna, Minutes Clerk