



Regular Meeting Agenda
Planning Commission

John McKay - Chairman
Liam Downey - Vice Chairman
Joseph Mueller - Planning Commissioner
Wayne Tanda - Planning Commissioner
Yvonne Martinez Beltran - Planning Commissioner
Mohammad Habib - Planning Commissioner
Juan Miguel Munoz Morris - Planning Commissioner

Tuesday, September 12, 2017 7:00 PM

Council Chamber
17555 Peak Avenue, Morgan Hill, CA 95037

CALL TO ORDER

DECLARATION OF POSTING AGENDA

Pursuant to Government Code Section 54954.2

OPEN PUBLIC COMMENT PERIOD

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 Planning 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

CONSENT AGENDA

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

APPROVE THE AUGUST 8, 2017 MEETING MINUTES

Recommendation:

Approve Minutes.

APPROVE THE AUGUST 22, 2017 MEETING MINUTES

Recommendation:

Approve Minutes.

PUBLIC HEARINGS

1. **ZONING AMENDMENT, ZA2017-0001: NINA – BOTROS: REQUEST FOR ZONING AMENDMENT TO CHANGE THE ZONING MAP DESIGNATION FOR THREE PROPERTIES FROM R-1 12, 000/RPD TO R-1 7,000. THE PROPERTIES IDENTIFIED BY ASSESSOR PARCEL NUMBERS 817-60-019, -026 AND -027 ARE LOCATED ON THE SOUTH WEST CORNER OF THE INTERSECTION OF SAN PEDRO AVE (ADEL AND AMAL BOTROS, GUY AND NICOLE BRAULT TRUSTEE, AND LISA VARNEY, OWNERS). CEQA: PROJECT COMPLIES WITH SECTION 15183 (CONSISTENT WITH COMMUNITY PLAN, GENERAL PLAN OR ZONING)**

Recommendation:

1. Approve resolution recommending City Council approval of the Zoning Amendment;
2. No further CEQA action is required.

OTHER BUSINESS

2. **LEGAL PRESENTATION**

Recommendation:

No action necessary.

ANNOUNCEMENTS

ADJOURNMENT

NOTICE

All public records relating to an open session item on this agenda, which are not exempt from disclosure pursuant to the California Public Records Act that are distributed to a majority of the legislative body less than 72 hours prior to an open session, will be made available for public inspection at the Office of the City Clerk at Morgan Hill City Hall located at 17575 Peak Avenue, Morgan Hill, CA, 95037 at the same time that the public records are distributed or made available to the legislative body. (Pursuant to Government Code 54957.5)

PUBLIC COMMENT

Members of the Public are entitled to directly address the 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 Commission on any issue that is on this agenda, please complete a speaker request card located in the foyer of the Commission 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 Commission, but it is very helpful. When you are called, proceed to the podium and the Mayor will recognize you. If you wish to address the Commission on any other item of interest to the public, you may do so by 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 Commission.

Persons interested in proposing an item for the 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 Commission action, your request may be placed on the next appropriate agenda. 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 michelle.wilson@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 Clerk's Office at (408)779-7259, (408)779-3117 (fax) or by email michelle.wilson@morganhill.ca.gov. Requests must be made as early as possible and at least two-full business days before the start of the meeting.



Sustainable Morgan Hill Vision

Morgan Hill is a socially responsible, environmentally conscious, and economically sound community that embraces inclusiveness with participation by all.

CITY COUNCIL ONGOING PRIORITIES

Enhancing Public Safety · Protecting the Environment · Maintaining Fiscal Responsibility ·
Supporting Our Youth, Seniors, and Entire Community · Fostering a Positive Organizational Culture ·
Preserving and Cultivating Public Trust · Preserving Our Cultural Heritage

2017 STRATEGIC PRIORITIES

High Speed Rail

Inclusiveness

Infrastructure

Regional Initiatives

Telecommunications

2017 STRATEGIC PRIORITIES:



High Speed Rail

The City of Morgan Hill will directly advocate for our community's needs through our communications, discussions, and decisions. We will continue to engage the community, the High Speed Rail Authority, our state and federal legislators, and other regional agencies to mitigate negative impacts and convey our position that the High Speed Rail Authority should only use the existing Highway 101 right-of-way to avoid all impacts to residents, schools, and businesses. Should the Authority decide the 101 right-of-way is not feasible, we will strongly advocate for the route with the least impact on Morgan Hill.



Inclusiveness

We will celebrate the diversity, history, and culture of our community. Through City Council workshops, community meetings, and researching successes in other communities, the City will listen to and collaborate with the community to define how inclusiveness will be further woven into our community's fabric and to increase public participation. The City's communications, services, public spaces, and projects will embrace all community members as partners, advancing our vision of being a socially responsible community.



Infrastructure

The City will review its streets, parks, and public facilities infrastructure needs initially by updating its 2014 infrastructure study to quantify the funding gap. We will identify potential funding options as ongoing revenue is insufficient to fund our vital community assets at a sustainable level without significantly impacting existing service levels that our community has come to expect. Morgan Hill will actively work with the Valley Transportation Agency, the County, and the State to secure funding for the Santa Teresa extension and road maintenance. We will continue to work closely with our community to inform them of the needs and engage them to find an affordable and sustainable solution.



Regional Initiatives

City Council and staff will focus on influencing regional decisions that benefit Morgan Hill. This regional involvement will include, but not be limited to, partnering with the League of California Cities, Valley Transportation Authority, Santa Clara Valley Water District, Cities Association of Santa Clara County, the City of Gilroy, Santa Clara County, Morgan Hill Unified School District, the Local Agency Formation Commission, the Open Space Authority, and Silicon Valley Clean Energy to advance projects that further Sustainable Morgan Hill.



Telecommunications

The City will collaborate with the private sector to explore ways to provide fast, reliable access and wireless connectivity for residents and businesses. The 2016 Telecommunications Infrastructure and Economic Development Blueprint reports will be the foundation for continuing discussions with broadband providers, public utilities, and other infrastructure service providers in developing an implementation plan for growing our telecommunications infrastructure. The plan will be used to signal Morgan Hill's support for business expansion.

DRAFT



Meeting Minutes Planning Commission

John McKay - *Chairman*
Liam Downey - *Vice Chairman*
Joseph Mueller - *Planning Commissioner*
Wayne Tanda - *Planning Commissioner*
Yvonne Martinez Beltran - *Planning Commissioner*
Mohammad Habib - *Planning Commissioner*
Juan Miguel Munoz Morris - *Planning Commissioner*

Tuesday, August 8, 2017 7:00 PM

Council Chamber
17555 Peak Avenue, Morgan Hill, CA 95037

CALL TO ORDER

ROLL CALL ATTENDANCE

Attendee Name	Title	Status	Arrived
John McKay	Chairman	Present	
Liam Downey	Vice Chairman	Present	
Joseph Mueller	Planning Commissioner	Present	
Wayne Tanda	Planning Commissioner	Present	
Yvonne Martinez Beltran	Planning Commissioner	Present	
Mohammad Habib	Planning Commissioner	Present	
Juan Miguel Miguel Munoz Morris	Planning Commissioner	Present	

DECLARATION OF POSTING AGENDA

Minutes Clerk Luna declared the posting of the agenda.

PLEDGE OF ALLEGIANCE

Minutes Acceptance: Minutes of Aug 8, 2017 7:00 PM (CONSENT AGENDA)

OPEN PUBLIC COMMENT PERIOD

None.

ORDERS OF THE DAY

Commissioner Martinez Beltran requested to have an item agendized for the August 22, 2017 meeting that would establish a process to request joint meetings and workshops with the Commission and City Council when the Planning Commission is working on major initiatives.

PUBLIC HEARINGS

1. **USE PERMIT, UP2016-0017/ ENVIRONMENTAL ASSESSMENT, EA2016-0010: PEET – SCVWD: REQUEST FOR A CONDITIONAL USE PERMIT TO ALLOW NEW CONSTRUCTION OF AN APPROXIMATELY 21,600-SQUARE FOOT WAREHOUSE BUILDING, WITH A BUILDING HEIGHT OF 32 FEET. THE PROJECT WOULD CONSOLIDATE AND PROVIDE DEDICATED INDOOR AND OUTDOOR STORAGE FOR SANTA CLARA VALLEY WATER DISTRICT (SCVWD) MATERIALS. THE PROPERTY, IDENTIFIED BY ASSESSOR PARCEL NUMBER(S) 728-34-008, IS LOCATED ON NORTHERLY SIDE OF PEET ROAD EASTERLY OF THE INTERSECTION WITH AVENIDA DE LOS PADRES; SANTA CLARA VALLEY WATER DISTRICT, OWNER. CEQA: MITIGATED NEGATIVE DECLARATION ADOPTED BY SCVWD.**

Recommendation:

Adopt Resolution approving a Conditional Use Permit to allow construction of a warehouse building for the Santa Clara Valley Water District (SCVWD).

Contract Planner Jim Rowe presented the staff report at 7:09 p.m.

Chair McKay opened public hearing at 7:27 p.m.

Dick Oliver was called to speak.

Mike Coleman was called to speak.

Todd Inman was called to speak.

Paul Schneider was called to speak.

Hearing no further requests to speak, the public hearing was closed.

Motion to approve the Conditional Use Permit to allow construction of a warehouse building for the Santa Clara Valley Water District.

RESULT:	ADOPTED [UNANIMOUS]
MOVER:	Joseph Mueller, Planning Commissioner
SECONDER:	Wayne Tanda, Planning Commissioner
AYES:	McKay, Downey, Mueller, Tanda, Martinez Beltran, Habib, Munoz Morris

OTHER BUSINESS

2. **ZONING CODE UPDATE PLANNING COMMISSION WORKSHOP SCHEDULE**

Recommendation:

Select dates for three Zoning Code Update Workshops.

Minutes Acceptance: Minutes of Aug 8, 2017 7:00 PM (CONSENT AGENDA)

Community Development Director Jennifer Carman presented the staff report.

Chair McKay opened the public hearing at 8:36pm

Dick Oliver was called to speak.

Hearing no further requests to speak, the public hearing closed.

The Commission decided to schedule a workshop on August 29, 2017 at 5:00 p.m.

RESULT: NO ACTION TAKEN

3. LEGAL PRESENTATION: LAND USE OVERVIEW

Assistant City Attorney Cynthia Hasson presented the presentation/discussion of regulations and laws that guide the Planning Commission in their work.

ANNOUNCEMENTS

The Commission made a request for hard copies of the RDCS manual.

ADJOURNMENT

Minutes Acceptance: Minutes of Aug 8, 2017 7:00 PM (CONSENT AGENDA)

DRAFT



Meeting Minutes Planning Commission

John McKay - *Chairman*
Liam Downey - *Vice Chairman*
Joseph Mueller - *Planning Commissioner*
Wayne Tanda - *Planning Commissioner*
Yvonne Martinez Beltran - *Planning Commissioner*
Mohammad Habib - *Planning Commissioner*
Juan Miguel Munoz Morris - *Planning Commissioner*

Tuesday, August 22, 2017 7:00 PM

Council Chamber
17555 Peak Avenue, Morgan Hill, CA 95037

CALL TO ORDER

Attendee Name	Title	Status	Arrived
John McKay	Chairman	Present	
Liam Downey	Vice Chairman	Late	7:06 PM
Joseph Mueller	Planning Commissioner	Present	
Wayne Tanda	Planning Commissioner	Present	
Yvonne Martinez Beltran	Planning Commissioner	Present	
Mohammad Habib	Planning Commissioner	Present	
Juan Miguel Miguel Munoz Morris	Planning Commissioner	Present	

ROLL CALL ATTENDANCE

DECLARATION OF POSTING AGENDA

Minutes Clerk Luna declared the posting of the agenda

PLEDGE OF ALLEGIANCE

Minutes Acceptance: Minutes of Aug 22, 2017 7:00 PM (CONSENT AGENDA)

OPEN PUBLIC COMMENT PERIOD

Chair McKay opened the public comment period at 7:01 p.m.

Sally Casas was called to speak.

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

ORDERS OF THE DAY

CONSENT AGENDA

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

1. APPROVE THE JUNE 13, 2017 MEETING MINUTES

Recommendation:

Approve Minutes.

RESULT:	ACCEPTED [6 TO 0]
MOVER:	Joseph Mueller, Planning Commissioner
SECONDER:	Wayne Tanda, Planning Commissioner
AYES:	McKay, Downey, Mueller, Tanda, Martinez Beltran, Habib
ABSTAIN:	Munoz Morris

2. APPROVE THE JUNE 27, 2017 MEETING MINUTES

Recommendation:

Approve Minutes.

RESULT:	ACCEPTED [6 TO 0]
MOVER:	Joseph Mueller, Planning Commissioner
SECONDER:	Wayne Tanda, Planning Commissioner
AYES:	McKay, Downey, Mueller, Tanda, Martinez Beltran, Habib
ABSTAIN:	Munoz Morris

OTHER BUSINESS

3. JOINT MEETING DISCUSSION

Recommendation:

No action necessary.

Commission Martinez Beltran requested to formalize a process to request joint meetings with the City Council and discuss communication to and from City Council by both the Commission and Staff.

Chair McKay opened the public hearing at 7:38 p.m.

Scott Happer was called to speak.

Hearing no further requests to speak, the public hearing was closed.

RESULT: NO ACTION TAKEN

4. LEGAL PRESENTATION

Recommendation:

No action necessary.

Assistant City Attorney Cynthia Hasson continued a presentation/discussion of regulations and laws that guide the Planning Commission in their work.

ANNOUNCEMENTS

Zoning Code Workshop will be scheduled for August 29, September 19, October 3, 2017 at 5:00 p.m.

ADJOURNMENT

There being no further business Chair McKay adjourned the meeting at 10:03 p.m.

Minutes Prepared By:

Jenna Luna, Minutes Clerk

Minutes Acceptance: Minutes of Aug 22, 2017 7:00 PM (CONSENT AGENDA)



PLANNING COMMISSION STAFF REPORT

MEETING DATE: September 12, 2017

PREPARED BY: Terry Linder, Interim Planning Manager

APPROVED BY: Jennifer Carman, Community Development Director

ZONING AMENDMENT, ZA2017-0001: NINA – BOTROS: REQUEST FOR ZONING AMENDMENT TO CHANGE THE ZONING MAP DESIGNATION FOR THREE PROPERTIES FROM R-1 12, 000/RPD TO R-1 7,000. THE PROPERTIES IDENTIFIED BY ASSESSOR PARCEL NUMBERS 817-60-019, -026 AND -027 ARE LOCATED ON THE SOUTH WEST CORNER OF THE INTERSECTION OF SAN PEDRO AVE (ADEL AND AMAL BOTROS, GUY AND NICOLE BRAULT TRUSTEE, AND LISA VARNEY, OWNERS). CEQA: PROJECT COMPLIES WITH SECTION 15183 (CONSISTENT WITH COMMUNITY PLAN, GENERAL PLAN OR ZONING)

RECOMMENDATION(S)

1. Approve resolution recommending City Council approval of the Zoning Amendment;
2. No further CEQA action is required.

LOCATION MAP



PROJECT SUMMARY:

1. Location: South west corner of the intersection of San Pedro Avenue and Nina Lane (APN's 817-60-019, 026 and 027)
2. Site Area: 5 Acres
3. General Plan: Residential Detached Medium (up to 7 du/ac)
4. Zoning: R-1 12,000/Residential Planned Development

BACKGROUND

In January 1994, the City Council approved Resolution No. 4970 approving the annexation of 32-acres located on the east and west sides of Nina Lane between San Pedro Avenue and Barrett Avenue. As part of the annexation process, the five properties located on the west side of Nina Lane, were pre-zoned R-12,000/Residential Planned Development (RPD) and the four properties located on the east side of Nina Lane were pre-zoned RE 40,000. Both zoning designations correspond to the Single-Family Low (1-3 dwelling units per acre) General Plan land use designation. The RPD was required to establish a transition in density from the RE 40,000 zoning designation to the east and the R-1 7,000 to the west. In 1996, the 32-acre area was officially annexed to the City of Morgan Hill.

In July 2016, the City of Morgan Hill adopted the 2035 General Plan. The 2035 General Plan Land Use Map amended the land use designation on three properties (APNs 817-60-019, -026 and -027) located on the southwest corner of the intersection of San Pedro Avenue and Nina Lane from Single-Family Low (1-3 dwelling units per acre) to Residential Detached Medium (up to 7 dwelling units per acre).

PROJECT DESCRIPTION

A rezone is being initiated for property located on the south west corner of the intersection of San Pedro Avenue and Nina Lane by the applicants Adel and Amal Botros. The proposed amendment would change the zoning map designation from R-1 12,000/RPD to R-1 7,000 to be consistent with the General Plan Land Use Designation of Residential Detached Medium.

To compete in the 2017 Residential Development Control System (RDSCS) process, a project must be consistent with the General Plan and Zoning. The filing deadline for the RDSCS competition is January 4, 2018. The applicant intends to compete in the 2017 RDSCS competition and has filed the Zoning Amendment application to comply with the RDSCS requirements. The requested R-1 7,000 zoning designation would be consistent with the Residential Detached Medium General Plan land use designation.

With this Zoning Amendment, the City has initiated rezoning the two parcels to the north of the project site. The land use designation for these parcels was also changed to

Residential Detached Medium during the 2035 General Plan update. These parcels would also be rezoned to R-1 7,000 to be consistent with the General Plan land use designation.

Site Description

Each of the three parcel is currently developed:

1. APN 817-06-019 (Botros): The 2.43-acre property located at 16675 Nina Lane is developed with a single-family home, with much of the property undeveloped.
2. APN 817-06-026 (Brault): The 1.05-acre property located at 820 San Pedro Avenue is developed with a single-family home, detached accessory dwelling unit with garage and several outbuildings.
3. APN 817-06-027 (Varney): The 0.92-acre property located at 16685 Nina Lane is developed with a single-family home, outbuilding and corrals.

Surrounding Zoning/Land Use

North: R-1 4,500/Single family detached homes on lots approximately 3,900-6,500 square feet in size.
 South: R-1 12,000/RPD Single family detached homes on lots approximately 12,000-42,000 square feet in size.
 East: RE 40,000/Single family detached homes on 1-3 acre lots.
 West: R-1 7,000/Single family detached homes on lots approximately 7,000 square feet in size.

ANALYSIS:

The proposed Zoning Amendment was analyzed for consistency with the: 1) General Plan and 2) Zoning Code:

The City's effort to update the Zoning Ordinance and Zoning Map to reflect the new 2035 General Plan is expected to conclude in early 2018. Without this application, the subject lots will be rezoned to be consistent with the General Plan as part of that process.

General Plan

The General Plan land use designation for the project is Residential Detached Medium (up to 7 du/ac). All the properties are underdeveloped and could be redeveloped to increase the density of each site provided they are developed in accordance with the R-1 7,000 development standards that include a minimum lot area of 7,000 square feet (3,500 square feet for duet units on corner lots) in accordance with the specified density of the General Plan. A maximum of 30 units could be developed in the area.

The R-1 7,000 and R-1 9,000 zone districts are the corresponding zone districts for the Residential Detached Medium General Plan designation. For this application, the applicant has requested a zoning designation of R-1 7,000. The letter of justification has been attached.

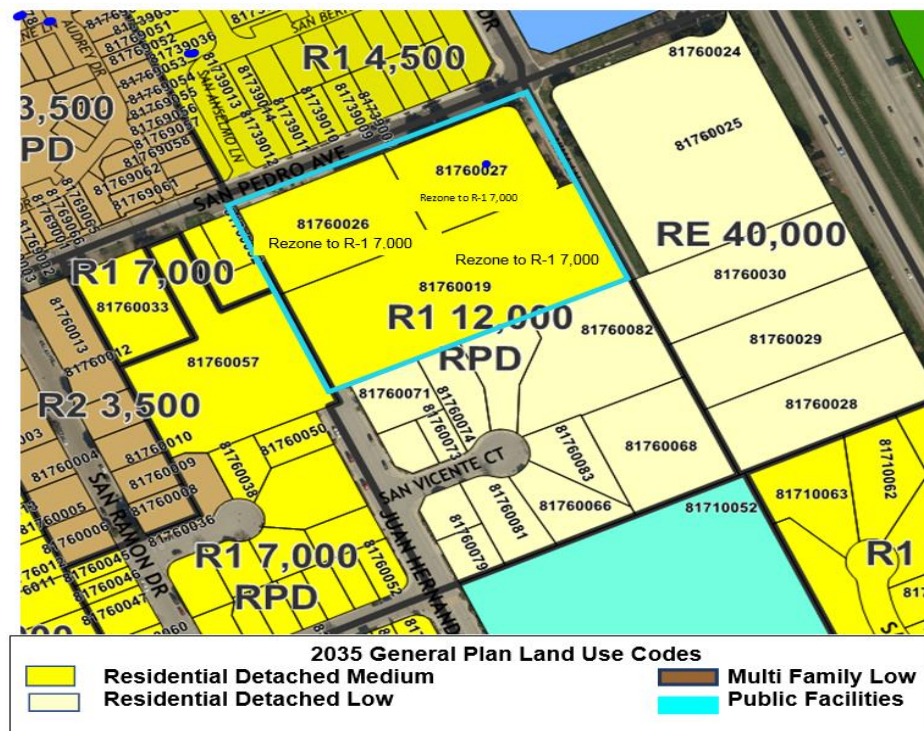
Zoning Ordinance

The Zoning Ordinance sets forth the following requirements for proposed Zoning Amendments:

To amend Division I of the Zoning Ordinance, the City Council shall find the following:

- A. *That the proposed amendment is in general conformance with the General Plan;*

The proposed zoning amendment from R-1 12,000/RPD to R-1 7,000 Single-Family Medium Density Residential would conform to the site's Residential Detached Medium General Plan designation, as demonstrated in the following:



- B. *That the public necessity, convenience and general welfare require the adoption of the proposed amendment.*

The public necessity, convenience and general welfare require the proposed zoning in that as long as the zoning remains inconsistent with the General Plan land use designation, no change in use or development of the site is allowed. Each of the sites are currently developed with single family homes. Amending the site zoning will allow future residential development consistent with the City's General Plan land use diagram and General Plan goals and policies related to the provision of an adequate housing supply.

- C. *The proposed amendment does not grant a change in land use from commercial or industrial to a residential land use for property incorporated into the urban service boundary after December 7, 1990 unless it can be determined pursuant to the terms of [Section 18.78.070](#) of the municipal code that the amount of undeveloped, residentially developable land on the same side of Monterey Road as the proposed amendment is insufficient to accommodate five years' worth of residential growth.*

The properties were included within the Urban Service Area prior to 1990. The requested change in zoning does not change the land use or zoning from commercial or industrial to residential and is therefore not subject to this provision.

Community Engagement

All property owners affected by this request were specifically notified of the pending rezone. Individual letters (attached) were sent to the immediately adjacent neighbors detailing the proposal and reasoning for the proposed rezone.

The proposed project was publicly noticed (mailing to property owners within 300 feet of the project and newspaper legal noticing) for the minimum 10-day period and a sign has been posted.

Conclusion

The proposed R-1 7,000 Single Family Medium Density zone district is the appropriate zoning for the property given its location within a single-family neighborhood and the site's General Plan Designation of Residential Detached Medium (up to 7 dwelling units per acre) Staff recommends approval of the proposed Zoning Amendment.

CEQA (California Environmental Quality Act):

The project was reviewed as part of Master Environmental Impact Report for the 2035 General Plan update and has been found consistent with the California Environmental Quality Act Section 21083 and Guidelines Section 15183 (Projects Consistent with a Community Plan, General Plan, or Zoning), there are no new environmental effects peculiar to the property or the project and no new information, and thus additional environmental review is not required; The Zoning Amendment complies with the General Plan as required by Government Code Section 65860 and as noted in this report.

LINKS/ATTACHMENTS:

1. Resolution Botros
2. Letter of Justification
3. Letter to Adjacent Owners

RESOLUTION NO. _____

A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF MORGAN HILL RECOMMENDING APPROVAL OF ZONING AMENDMENT ZA2017-0001 TO CHANGE THE ZONING DESIGNATION OF AN APPROXIMATELY 2.43 ACRE SITE LOCATED ON THE SOUTH WEST CORNER OF THE INTERSECTION OF NINA LANE AND SAN PEDRO AVENUE (ASSESSOR PARCEL NUMBERS 817-60-019; -026 & -027) FROM R-1 12,000/RPD TO R-1 7,000 SINGLE FAMILY MEDIUM DENSITY RESIDENTIAL DISTRICT

WHEREAS, an application for rezoning of the property located at 16675 Nina Lane, APN 817-60-019 was made by the owners of the property, Adel M. and Amal M. Botros (“Owners”), from R-1 12,000/Residential Planned Development to R-1 7,000 Residential Detached Medium to be consistent with the General Plan;

WHEREAS, the rezoning is necessary to achieve consistency with the General Plan to allow Owners to participate in the 2017 Residential Development Control System (RDCS) process;

WHEREAS, the City initiated rezoning of the two adjacent parcels located at 820 San Pedro Avenue, APN 817-60-026, owned by Guy and Nicole Brault and 16685 Nina Lane, APN 817-60-027, owned by Lisa M. Varney;

WHEREAS, the General Plan designates the three above-referenced parcels as Residential Detached Medium;

WHEREAS, such application was considered by the Planning Commission at their regular meeting of September 12, 2017 at which time the Planning Commission recommended approval of application ZA2017-0001: Nina Lane-Botros; and

WHEREAS, the project site was reviewed as part of Master Environmental Impact Report for the 2035 General Plan update and has been found consistent with the requirements of the California Environmental Quality Act. No new environmental effects peculiar to the property or the project and no new information has been identified, and thus additional environmental review is not required pursuant to Public Resources Code Section 21083.3 and CEQA Guidelines Section 15183; and

WHEREAS, the Zoning Amendment complies with the General Plan as required by Government Code Section 65860; 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 proposed zoning amendment is consistent with the General Plan.

SECTION 2. The zone change is required in order to serve the public convenience, necessity and general welfare as provided in Section 18.62.050 of the Municipal Code.

SECTION 3. Further development and any future building additions shall comply with the site development standards of the R-1 7,000 Single Family Medium Density Residential District.

SECTION 4. The Planning Commission recommends that the City Council approve the Zoning Amendment from R-1 12,000/RPD to the R-1 7,000 Single Family Medium Density Residential District to the site described attached hereto, as Exhibit “A”, and by this reference incorporated herein.

Resolution No. ____

Page 2

PASSED AND ADOPTED THIS 12th DAY OF SEPTEMBER 2017, 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

JOHN McKAY, Chair

Date: _____

R:\PLANNING\WP51\Zoning Amendment\2017\ZA2017-0001 Nina-Botros\PCReso.docx

Attachment: Resolution Botros [Revision 1] (1391 : Nina Lane Botros)

DEVELOPMENT
SERVICES

JUL 21 2017

CITY OF MORGAN HILL

EXHIBIT "A"**LEGAL DESCRIPTION**

All that certain real property in the City of Morgan Hill, County of Santa Clara, State of California, and being ALL of Parcels 1 and 2 as shown on that Parcel Map entitled "All of Lot 66 of the Catherine Dunne Ranch Map No. 5", recorded in Book "I" of Maps, Page 53, recorded May 9, 1980 in Book 463 of Maps, at Page 13 at the Office of the Recorder of Santa Clara County, and being more particularly described as follows:

BEGINNING at the centerline intersection of Nina Lane (60' wide) and San Pedro Avenue (59.70' wide), as said lane and avenue are shown upon said Parcel Map, said intersection being the **POINT OF BEGINNING**; thence along the centerline of Nina Lane South 25°29'09" East, a distance of 412.58 feet; thence leaving said centerline and running along the southerly line of said Parcel 2, South 64°31'00" West, a distance of 527.90 feet to the southwesterly corner of said Parcel 2; thence along the westerly line of said parcel North 25°29'09" West, a distance of 412.58 feet to a point on the centerline of said San Pedro Avenue; thence along said centerline North 64°31'00" East, a distance of 527.90 feet to the **POINT OF BEGINNING** and containing 5.00 acres.

END OF DESCRIPTION.

See "Exhibit B" attached hereto and made a part hereof.

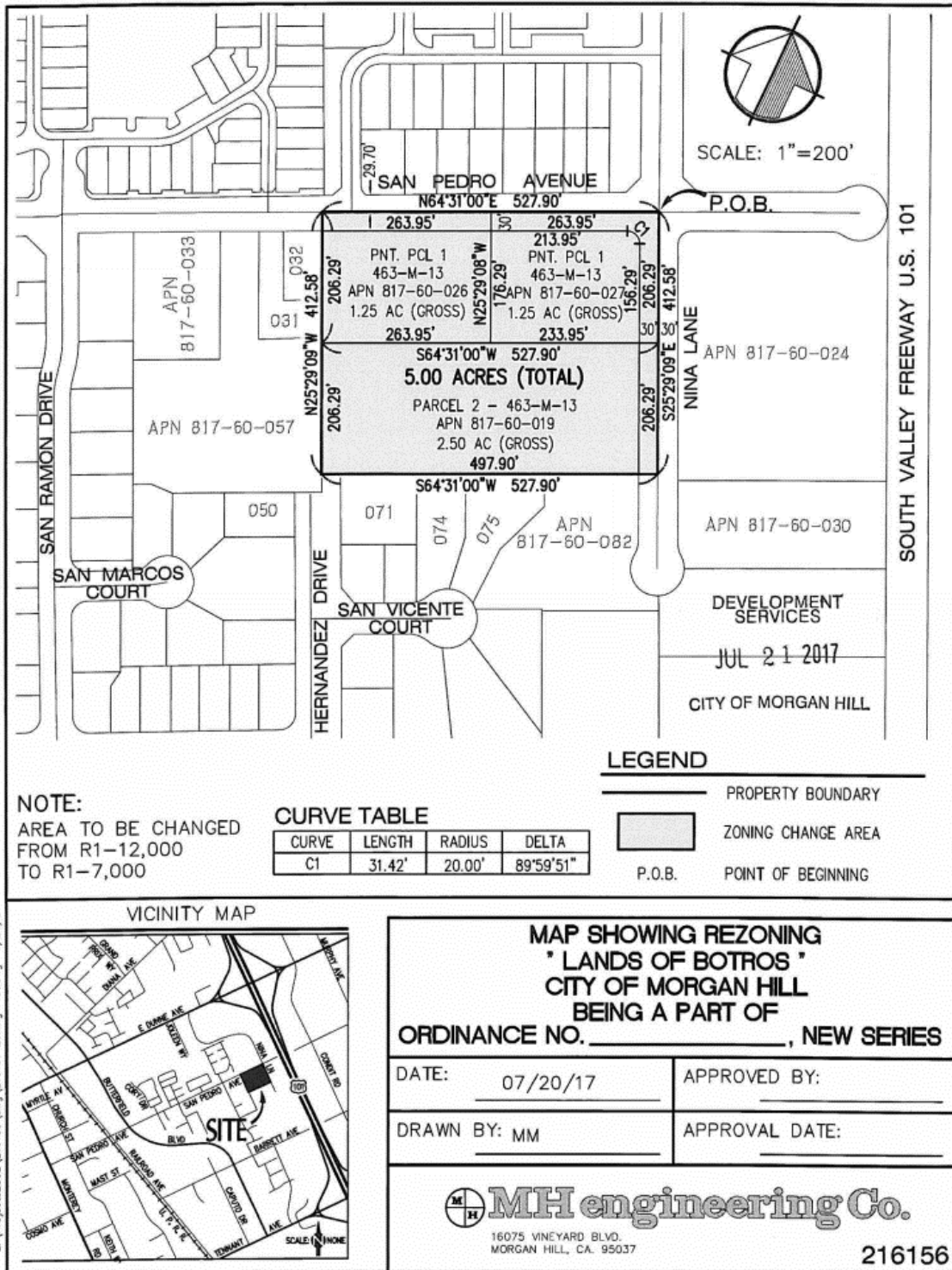
This description was prepared by me or under my direction in conformance with the requirements of the Land Surveyors' Act.


 William J. McClintock, RCE 24893
 Expires: 12/31/2017


 Date

Prepared by the firm of MH engineering Company, Morgan Hill, CA
 K:\2017\20170720\Revising Legal Descriptions.doc





216156 Rezoning.txt

LANDS OF BOTROS
Rezoning
DATE: July 20, 2017
MH JOB: 216156

DEVELOPMENT
SERVICES

JUL 21 2017

CITY OF MORGAN HILL

Parcel name: Rezoning

North: 1870754.5726 East : 6226516.4528
Line Course: S 25-29-09 E Length: 412.58
North: 1870382.1401 East : 6226693.9810
Line Course: S 64-31-00 W Length: 527.90
North: 1870155.0119 East : 6226217.4401
Line Course: N 25-29-09 W Length: 412.58
North: 1870527.4453 East : 6226039.9137
Line Course: N 64-31-00 E Length: 527.90
North: 1870754.5735 East : 6226516.4546

Perimeter: 1880.96 Area: 217,800. sq. ft. 5.00 acres

Mapcheck Closure - (Uses listed courses and chords)
Error Closure: 0.0020 Course: N 64-30-52 E
Error North: 0.00086 East : 0.00181
Precision 1: 940,480.00

Attachment: Resolution Botros [Revision 1] (1391 : Nina Lane Botros)



MH engineering Co.

16075 Vineyard Blvd., Morgan Hill, CA 95037
(408) 779-7381/226-3050; Fax (408) 226-5712

DEVELOPMENT
SERVICES

MAR 15 2017

CITY OF MORGAN HILL

March 8, 2017

MH 216156

Letter of Justification
for
Rezoning from R-1(12,000) to R-1(7,000)

The purpose of this rezoning application is to bring the properties existing zoning R-1(12,000) into the conformance with the new general plan which was changed from single family low (up to 4 du/ac) to single family medium (up to 7 du/ac).

The existing development located to the west is currently R-1(7,000) density and to the north there are two existing lots sized at 54,450 sf each. To the south there is a 10 lot development with lot sizes varying from 4,500 sf. to 15,168 sf.

R-1(7,000) is requested however R-1(9,000) is our alternative.

Attachment: Letter of Justification (1391 : Nina Lane Botros)

ZA2017-0001: NINA-BOTROS



DEVELOPMENT SERVICES CENTER

17575 Peak Avenue Morgan Hill CA 95037 (408) 778-6480 Fax (408) 779-7236

Website Address: www.morgan-hill.ca.gov

Mr. & Mrs. Brault
820 San Pedro Ave.
Morgan Hill, CA

July 19, 2017

RE: Zoning Amendment application ZA 2017-0001: Nina Lane-Botros

Dear Mr. and Mrs. Brault

On July 27, 2016, the City of Morgan Hill adopted a new General Plan which encompassed the adoption of a new Land Use Map. The new Land Use Map included a change to the land use designation on your property from Single Family Low (1-3 dwelling units per acre) to Residential Detached Medium (up to 7 dwelling units per acre). The land use designation was also changed on two other adjacent properties.

The City is currently working on a revised zoning map which will revise the zoning designations on parcels through-out town to correspond to the new General Plan land use designations. The new zoning map is anticipated for City Council review sometime in March 2018.

Instead of waiting until March 2018, for the City to rezone property as part of the adoption of a revised zoning map, your neighbor to the south has applied to the City of Morgan Hill to rezone his 2.5-acre parcel located at 16675 Nina Lane. The specific zoning request within the above referenced application is to amend the zoning designation from R-1 12,000 (Single Family Low Density) to R-1 7,000 (Single Family Medium Density). The application request is consistent with the General Plan land use designation applied with the adoption of the new General Plan in July 2016.

As part of the current zoning amendment application request, the City would like to expand the application to cover your property, thus also changing the zoning designation on your property from R-1 12,000 to R-1, 7,000. The current and proposed zoning designation both allow for single family detached homes. The most notable change is the minimum lot size decreases from 12,000 square feet to 7,000 square feet.

I'd like to discuss this rezone proposal with you before scheduling the zoning amendment application for Planning Commission and City Council review. Please contact me at your convenience either by e-mail or phone so we can discuss the rezoning of your property and so I can answer any possible questions you may have about the rezoning proposal. My direct line is (408) 310-4634 and e-mail address is terry.linder@morganhill.ca.gov. Look forward to hearing from you.

Sincerely,

Terry Linder
Interim Planning Manager
City of Morgan Hill

Attachment: Letter to Adjacent Owners (1391 : Nina Lane Botros)



DEVELOPMENT SERVICES CENTER

17575 Peak Avenue Morgan Hill CA 95037 (408) 778-6480 Fax (408) 779-7236

Website Address: www.morgan-hill.ca.gov

Ms. Lisa Varney
16685 Nina Lane
Morgan Hill, CA

July 19, 2017

RE: Zoning Amendment application ZA 2017-0001: Nina Lane-Botros

Dear Ms. Varney

On July 27, 2016, the City of Morgan Hill adopted a new General Plan which encompassed the adoption of a new Land Use Map. The new Land Use Map included a change to the land use designation on your property from Single Family Low (1-3 dwelling units per acre) to Residential Detached Medium (up to 7 dwelling units per acre). The land use designation was also changed on two other adjacent properties.

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Sincerely,

Terry Linder
Interim Planning Manager
City of Morgan Hill

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PLANNING COMMISSION STAFF REPORT

MEETING DATE: September 12, 2017

PREPARED BY: Jennifer Carman, Community Development Director
APPROVED BY: Jennifer Carman, Community Development Director

LEGAL PRESENTATION

RECOMMENDATION(S)

No action necessary.

REPORT NARRATIVE:

Legal presentation to provide guidance on Land Use Rules and Regulations, the Brown Act, and other public processes.

LINKS/ATTACHMENTS: