

**RESOLUTION NO. 21-07**

**A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF MORGAN HILL RECOMMENDING APPROVAL OF AMENDMENTS TO DEVELOPMENT AGREEMENT DA2018-0001: OLD MONTEREY-KELLY VO FOR A 6-UNIT RESIDENTIAL DEVELOPMENT ON A 1.13-ACRE SITE LOCATED ON THE SOUTHWEST CORNER OF OLD MONTEREY ROAD AND MUSTARD AVENUE (APN 764-24-061)**

**WHEREAS**, the current owner of the property, 18755 Old Monterey, LLC, applied for an amendment to the Development Agreement (application AAE2021-0002: Old Monterey-Appletree (Kelly Vo));

**WHEREAS**, the City Council of the City of Morgan Hill enacted Ordinance No. 1594 as amended, establishing a procedure for processing Development Agreements in Chapter 18.116 for projects receiving allotments through the Residential Development Control System, Chapter 18.156, of Title 18 of the Morgan Hill Municipal Code; and

**WHEREAS**, Sections 65864 through 65869.5 of the California Government Code authorizes the City of Morgan Hill to enter into binding Development Agreements with persons having legal or equitable interests in real property for the development of such property; and

**WHEREAS**, the City Council adopted Ordinance No. 2303 on September 18, 2019, approving a Development Agreement for the Old Monterey-Kelly Vo project; and

**WHEREAS**, an amendment to Development Agreement DA2018-0001 was considered by the Planning Commission at its regular meeting of June 8, 2021; 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, BE IT RESOLVED BY THE PLANNING COMMISSION OF THE CITY OF MORGAN HILL THAT:**

**SECTION 1.** The Planning Commission recommends that the City Council approve the amendment to the Development Agreement (DA2018-0001) application AAE2021-0002: Old Monterey-Appletree (Kelly Vo) based on the determination and supporting reasoning described below as required by Morgan Hill Municipal Code Section 18.116.040.C.

**SECTION 2.** The Development Agreement is consistent with the goals, objectives, policies, general land uses and programs specified in the General Plan and any applicable specific plan.

The project would provide 6 single-family residential units. No General Plan policy conflicts have been identified with the proposed project.

**SECTION 3. The Development Agreement is compatible with the uses authorized in the zoning district in which the real property is located.**

The proposed residential use is permitted within the RDM-7,000 zoning district and would be compatible with the surrounding residential and commercial uses.

**SECTION 4. The Development Agreement duly considers city mitigation programs in effect at the time of execution of the agreement.**

The project would be subject to the payment of applicable impact fees and community benefit commitments as part of the RDCS process.

**SECTION 5. The Development Agreement will be non-detrimental to the public health, safety and general welfare of persons residing or working in the neighborhood and to property and improvements in the neighborhood.**

The project's construction would adhere to state, local and federal laws. The project is residential housing and would be compatible with the surrounding neighborhood.

**SECTION 6. The Development Agreement complies with the provisions of the California Environmental Quality Act and city's procedures adopted pursuant thereto.**

The project is Categorical Exempt from CEQA and meets the criteria for a Class 15332 - In-Fill Development exemption. A CEQA Categorical Exemption Memorandum has been prepared and adopted for the project.

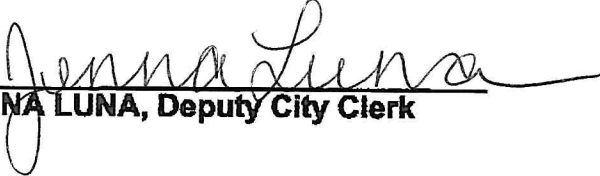
**SECTION 7. The Development Agreement will not adversely affect the orderly development of property or the preservation of property values.**

The project will provide high quality architecture consistent with the City's Architectural Design Guidelines. The project will also be consistent with state and local laws.

**PASSED AND ADOPTED THIS 8TH DAY OF JUNE 2021, AT A REGULAR MEETING OF THE PLANNING COMMISSION BY THE FOLLOWING VOTE:**

|                 |                       |   |
|-----------------|-----------------------|---|
| <b>AYES:</b>    | <b>COMMISSIONERS:</b> | <b>KUMAR, MUELLER, TANDA, GONZALEZ-ESCOTO, DOWNEY, MUNOZ-MORRIS</b> |
| <b>NOES:</b>    | <b>COMMISSIONERS:</b> | <b>NONE</b>   |
| <b>ABSTAIN:</b> | <b>COMMISSIONERS:</b> | <b>NONE</b>   |
| <b>ABSENT:</b>  | <b>COMMISSIONERS:</b> | <b>HABIB</b>  |

**ATTEST:**

  
JENNA LUNA, Deputy City Clerk

**APPROVED:**

  
MALISHA KUMAR, Vice Chair

RECORDING REQUESTED BY AND  
WHEN RECORDED MAIL TO:

City of Morgan Hill  
Development Services Department  
17575 Peak Avenue  
Morgan Hill, CA 95037

RECORDING FEES EXEMPT  
PURSUANT TO GOVERNMENT  
CODE SECTION 27383

---

(INSERT DEVELOPMENT AGREEMENT)