

RESOLUTION NO. 19-02

**A RESOLUTION OF THE PLANNING COMMISSION OF THE
CITY OF MORGAN HILL RECOMMENDING APPROVAL OF A
DEVELOPMENT AGREEMENT DA2018-0007: DEPOT-LATALA
FOR A 49-UNIT MIXED USE DEVELOPMENT LOCATED ON
THE EASTERLY SIDE OF DEPOT STREET NORTH OF EAST
DUNNE AVENUE (APN 726-13-049)**

WHEREAS, the Planning Commission, pursuant to Chapter 18.156 of the Morgan Hill Municipal Code, awarded 49 Downtown RDCS set-aside building allotments to application RDCS2018-0002 Depot-Latala; and

WHEREAS, the City Council of the City of Morgan Hill adopted Ordinance Number 1594, as revised by Ordinance Number 2277, 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 authorize 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, said Development Agreement request was considered by the Planning Commission at its regular meeting of January 22, 2019 at which time the Planning Commission recommended City Council approval of Development Agreement application DA2018-0007: Depot-Latala; 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 Development Agreement based on the determination and supporting reasoning described below as required by Morgan Hill Municipal Code Section 18.116.050(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 49 residential units which is consistent with the General Plan. There have been no General Plan policy conflicts 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 mixed-use development is permitted within the Mixed Use-Downtown Specific Plan area and would be compatible with the surrounding residential and small business 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 a mixed-use residential development that would include the same normal daily operations of other surrounding uses.

SECTION 6. The Development Agreement complies with the provisions of the California Environmental Quality Act.

The project is subject to CEQA and an Initial Study/Addendum previously prepared analyzes program level impacts for purposes of the Development Agreement.

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 22TH DAY OF JANUARY 2019, AT A REGULAR MEETING OF THE PLANNING COMMISSION BY THE FOLLOWING VOTE:

AYES: COMMISSIONERS: DOWNEY, MUELLER, HABIB, MUÑOZ-MORRIS, TANDA

NOES: COMMISSIONERS: NONE

ABSTAIN: COMMISSIONERS: NONE

ABSENT: COMMISSIONERS: NONE

ATTEST:


JENNA LUNA, Deputy City Clerk

APPROVED:


LIAM DOWNEY, Chair