



CITY OF MORGAN HILL

Regular Meeting Agenda

Planning Commission

Liam Downey - Chairman

Yvonne Martinez Beltran - Vice Chair

Mohammad Habib - Planning Commissioner

Juan Miguel Munoz Morris - Planning Commissioner

Joseph Mueller - Planning Commissioner

Wayne Tanda - Planning Commissioner

John McKay - Planning Commissioner

Tuesday, October 23, 2018 7:00 pm

Council Chamber

17555 Peak Avenue, Morgan Hill, CA 95037

CALL TO ORDER

ROLL CALL ATTENDANCE

DECLARATION OF POSTING AGENDA

Pursuant to Government Code Section 54954.2

PLEDGE OF ALLEGIANCE

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

MINUTES APPROVAL

1. APPROVE THE APRIL 25, 2017 MEETING MINUTES

Recommendation:

Approve Minutes.

PUBLIC HEARINGS

2. DA2018-0002/EA2018-0014: E. DUNNE-YOUNG: APPROVAL OF A DEVELOPMENT AGREEMENT FOR A 46-UNIT MULTI-FAMILY OWNER OCCUPIED DEVELOPMENT. THE PROPERTY, IDENTIFIED BY ASSESSOR PARCEL NUMBER, 726-02-007 IS LOCATED ON THE NORTH SIDE OF E. DUNNE AVENUE (TSAI YOUNG H AND SO M ET AL, OWNER).

Recommendation:

Open/close the public hearing and continue to the November 13, 2018 Planning Commission meeting.

3. ZA2018-0006: HALF - TRUMARK: ZONING AMENDMENT TO AMEND THE ZONING MAP DESIGNATION FOR TWO PARCELS FROM R-2 3,500/PD TO RAL-3,500. THE PROPERTIES, IDENTIFIED BY ASSESSOR PARCEL NUMBER(S) 728-30-003 AND -004, ARE LOCATED ON THE NORTHERLY SIDE OF HALF ROAD BETWEEN CONDIT ROAD AND MISSION VIEW DRIVE (LLAGAS LLC, OWNER).

Recommendation:

1. Open/close the public hearing; and,
2. Adopt Resolution recommending City Council approval of the Zoning Amendment.

4. UP2018-004 MONTEREY-BLUEWAVE: CONDITIONAL USE PERMIT TO ALLOW A DRIVE-THROUGH, SELF-SERVICE, AUTOMATED CAR WASH ON PROPERTY IDENTIFIED BY ASSESSOR PARCEL NUMBER 764-10-008 LOCATED ON THE NORTHWEST CORNER OF MONTEREY ROAD AND COCHRANE ROAD.

Recommendation:

1. Open/close public hearing; and,
2. Adopt a Resolution approving a Conditional Use Permit for a car wash.

DIRECTOR'S REPORT/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 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.



PLANNING COMMISSION STAFF REPORT

MEETING DATE: October 23, 2018

PREPARED BY: Jenna Luna, Municipal Services Assistant

APPROVED BY: Jennifer Carman, Community Development Director

APPROVE THE APRIL 25, 2017 MEETING MINUTES

RECOMMENDATION(S)

Approve Minutes.

During the transition from the Legistar agenda management system and the Accela agenda management system, it was discovered during the auditing of the City's archival records that these minutes had not been officially adopted by the Planning Commission. The attached minutes are part of the archival record.

LINKS/ATTACHMENTS:

1. 4-27-17 PC Meeting Minutes (Final)

DRAFT



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.

Attachment: 4-27-17 PC Meeting Minutes (Final) (2000 : APRIL 25, 2017 MINUTES)

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 (RDSC) 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 RDSC competition:
 - a. Resolution A
 - b. Resolution B
- 3) Adopt Resolutions recommending City Council approval of the amended Development Agreements incorporating allotments from the 2016 RDSC 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 (RDSCS) COMPETITION MANUAL

Recommendation:

Recommend the City Council adopt the Residential Development Control System (RDSCS) 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 RDSCS 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



PLANNING COMMISSION STAFF REPORT

MEETING DATE: October 23, 2018

PREPARED BY: Cynthia Hasson, Assistant City Attorney

APPROVED BY: Jennifer Carman, Community Development Director

DA2018-0002/EA2018-0014: E. DUNNE-YOUNG: APPROVAL OF A DEVELOPMENT AGREEMENT FOR A 46-UNIT MULTI-FAMILY OWNER OCCUPIED DEVELOPMENT. THE PROPERTY, IDENTIFIED BY ASSESSOR PARCEL NUMBER, 726-02-007 IS LOCATED ON THE NORTH SIDE OF E. DUNNE AVENUE (TSAI YOUNG H AND SO M ET AL, OWNER).

RECOMMENDATION(S)

Open/close the public hearing and continue to the November 13, 2018 Planning Commission meeting.

PROJECT SUMMARY:

The City has requested that this project be continued to allow staff to complete the necessary documentation for the project.



PLANNING COMMISSION STAFF REPORT

MEETING DATE: October 23, 2018

PREPARED BY: Jim Rowe, Contract Planner

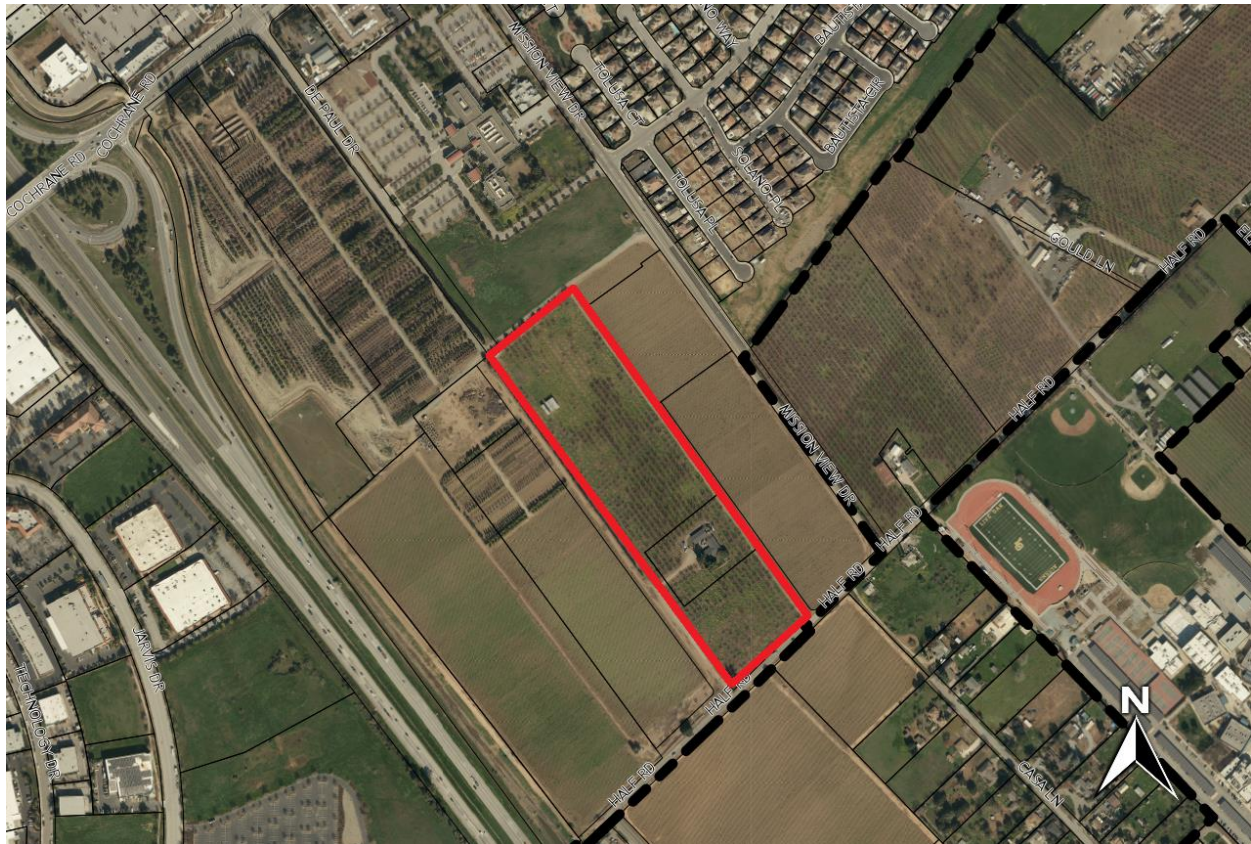
APPROVED BY: Jennifer Carman, Community Development Director

ZA2018-0006: HALF - TRUMARK: ZONING AMENDMENT TO AMEND THE ZONING MAP DESIGNATION FOR TWO PARCELS FROM R-2 3,500/PD TO RAL-3,500. THE PROPERTIES, IDENTIFIED BY ASSESSOR PARCEL NUMBER(S) 728-30-003 AND -004, ARE LOCATED ON THE NORTHERLY SIDE OF HALF ROAD BETWEEN CONDIT ROAD AND MISSION VIEW DRIVE (LLAGAS LLC, OWNER).

RECOMMENDATION(S)

1. Open/close the public hearing; and,
2. Adopt Resolution recommending City Council approval of the Zoning Amendment.

LOCATION MAP



PROJECT SUMMARY:

1. Location: North side of Half Road between Condit Road and Mission View Drive (APN 728-30-003 and -004)
2. Site Area: 16.28 Acres
3. General Plan: Residential Attached Low (6-16 du/ac)
4. Zoning: R-2 3,500

BACKGROUND:

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 the two properties (APNs 728-30-003 and -004) located on the northerly side of Half Road between Condit Road and Mission View Drive from Multi-Family Low (5-14 du/ac) to Residential Attached Low (6-16 du/ac). The applicant is requesting to amend the zoning of the 16.28-acre site from R-2 3,500/PD (Planned Development) to RAL-3,500 to be consistent with the General Plan land use designation. (The City confirmed with the applicant the request is for RAL-3,500, not RAL-3,000 as stated in the attached Letter.)

The current Planned Development (PD) zoning was established upon annexation of the subject property in 1999. Uses allowed in accordance with the PD include long term care and skilled nursing facilities for the elderly. The project was never developed, and the current property owner is requesting the zoning amendment to conform to the 2035 General Plan Land Use Map and to allow for future residential development.

PROJECT DESCRIPTION

A rezone is being initiated for the two parcels on the north side of Half Road by the applicant, Trumark Properties LLC. A letter of justification has been provided (Attachment 4). The proposed amendment would change the zoning map designation from R-2 3,500/PD to RAL-3,500 to be consistent with the General Plan Land Use Designation of Residential Attached Low.

Site Description

One of the two parcels is currently developed:

1. APN 728-30-003: The 13.88-acre property located on the north side of Half Road is in agricultural (orchard) use
2. APN 728-30-004: The 2.39-acre parcel located at 1105 Half Road is developed with a single-family home.

Surrounding Zoning/Land Use

North: PF Public Facilities/DePaul Health Center on 24.55 acres.

South: Unincorporated Commercial/Industrial and Residential Estate (up to 1 du.ac) on Casa Lane.
 East: R-2 3,500/Agricultural use orchard and row crops.
 West: M-L/PD Light Industrial Planned Development/Agriculture row crops on 12.5 acres.

ANALYSIS:

The proposed Zoning Amendment has been analyzed with respect to consistency with the: 1) General Plan; 2) Zoning Ordinance; and, 3) California Environmental Quality Act.

1. General Plan

The General Plan land use designation for the subject properties is Residential Attached Low (6-16 du/ac). The two properties are currently developed with a single family detached home. The applicant intends to apply for future residential development and compete for residential allotments through the Residential Development Control System (RDCS) process. The zoning amendment to RAL-3500 is required to make a finding of consistency with the General Plan.

The RAL-3,000 and RAL-3,500 zone districts are the corresponding zone districts for the Residential Attached Low General Plan designation. For this application, the applicant has requested a zoning designation of RAL-3,500, consistent with the R-2 3,500 zoning to the east.

2. Zoning Ordinance

The purpose of the Zoning Code is to implement the General Plan and to protect the public health, safety, and welfare. The City may approve a Zoning Amendment only if the following findings are made:

- a. The proposed amendment is consistent with the General Plan and any applicable specific plan as provided by Government Code Section 65860.

Consistent

The proposed zoning amendment from R-2 3,500/PD to RAL-3,500 Residential Attached Low would conform to the site's Residential Attached Low-Density General Plan designation.

- b. The proposed amendment will not be detrimental to the public interest, health, safety, convenience, or welfare of the City.

Consistent

Amending the site zoning may 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 affected site is physically suitable in terms of design, location, shape, size, and other characteristics to ensure that the permitted land uses, and development will comply with the Zoning Code and General Plan and contribute to the health, safety, and welfare of the property, surrounding properties, and community at large.

Consistent

The subject properties are adjacent to existing urban development to the north. City utilities, including sewer, water and storm drainage facilities are in DePaul Drive to the north. City water service also extends to Half Road on the south side of the site. The combined 16.28 acres is sufficient in size to accommodate future residential development consistent with the General Plan and zoning. The site is similar in characteristics (level ground and devoid of any significant ground features) to the residential zoned property to the east on Mission View Drive.

Conclusion

The proposed RAL-3,500 Residential Attached Low-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 Attached Low (6 to 16 dwelling units per acre). Staff recommends approval of the proposed Zoning Amendment.

3. CEQA (California Environmental Quality Act):

An Environmental Impact Report (EIR) for the Morgan Hill 2035 Project was prepared in accordance with the California Environmental Quality Act (CEQA) and certified by the Morgan Hill City Council on July 27, 2016 (SCH#2015022074). CEQA Guideline Section 15183 mandates that projects consistent with the development density established by existing zoning, community plan, or general plan policies for which an EIR was certified shall not require additional environmental review, except as might be necessary to examine whether there are project-specific significant effects which are peculiar to the project or its site. A development project is not proposed at this time. This is a rezone of the property consistent with the General Plan land use. There are no new environmental effects peculiar to the property or the project site and no new information that would require additional environmental review.

Community Engagement

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 at the property location pursuant to the Zoning Code requirements.

LINKS/ATTACHMENTS:

1. Resolution Recommending Zoning Amendment
2. Exhibit A
3. Exhibit B Zoning Plat
4. Letter of Justification

RESOLUTION NO. _____

A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF MORGAN HILL RECOMMENDING APPROVAL OF ZONING AMENDMENT ZA2018-0006 TO CHANGE THE ZONING DESIGNATION OF AN APPROXIMATELY 16.28-ACRE SITE LOCATED ON THE NORTH SIDE OF HALF ROAD BETWEEN CONDIT ROAD AND MISSION VIEW DRIVE (ASSESSOR PARCEL NUMBERS 728-30-003 and -004) FROM R-2 3,500/PD TO RAL-3,500 RESIDENTIAL ATTACHED LOW DISTRICT.

WHEREAS, Trumark Properties, LLC applied for rezoning of the property located at 1105 Half Road, APNs 728-30-003 and 728-30-004, on behalf of the owners of the properties, Llagas, LLC, (“Owners”), from R-2 3,500/PD District to RAL-3,500 Residential Attached Low District to be consistent with the General Plan;

WHEREAS, the General Plan designates the two above-referenced parcels as Residential Attached Low which allows 6 to 16 units per net acre;

WHEREAS, application ZA2018-0006: Half - Trumark was considered by the Planning Commission at their regular meeting of October 23, 2018; 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, 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 and any applicable specific plan as provided by Government Code Section 65860.

SECTION 2. The proposed amendment will not be detrimental to the public interest, health, safety, convenience, or welfare of the City as provided in Section 18.114.060 of the Morgan Hill Municipal Code.

SECTION 3. The affected site is physically suitable in terms of design, location, shape, size, and other characteristics to ensure that the permitted land uses, and development will

City of Morgan Hill
 Resolution No.
 Page 2 of 2

comply with the Zoning Code and General Plan and contribute to the health, safety, and welfare of the property, surrounding properties, and community at large as described in the October 23, 2018 Planning Commission Report on the application.

SECTION 3. Additional environmental review is not required pursuant to Public Resources Code Section 21083.3 and CEQA Guidelines Section 15183.

SECTION 4. The Planning Commission recommends that the City Council approve the Zoning Amendment from R-2 3,500/PD to the RAL-3,500 Residential Attached Low-Density Residential District to the site described attached hereto, as Exhibit “A”, Legal Description and Exhibit “B” Zoning Plat and by this reference incorporated herein.

PASSED AND ADOPTED THIS 23rd DAY OF OCTOBER 2018, 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

LIAM DOWNEY, Chair

Attachment: Resolution Recommending Zoning Amendment (2022 : Zoning Amendment Half-Trumark)

"EXHIBIT A"**Rezoning Lands of Llagas LLC, A Limited Liability Company,
Being Part of Ordinance No. _____, New Series**

All that real property situated in the City of Morgan Hill, County of Santa Clara, State of California, being all of "Parcel 1", all of "Parcel 2" and a portion of "Half Road", as shown on the Parcel Map filed August 15, 1969 in Book 258 of Maps, at Page 3, Records of Santa Clara County, California, being more particularly described as follows:

Beginning at the northeast corner of said "Parcel 1"; thence along the northeast line of said "Parcel 1" and it's southerly extension, S35°40'08"E, a distance of 1,676.09 feet to the southeast line of said "Half Road"; thence along said southeast line, S46°06'04"W, a distance of 430.98 feet to the intersection said southeast line of "Half Road" with the southerly extension of the southwest line of said "Parcel 1"; thence along said southwest line of "Parcel 1" and it's southerly extension, N35°38'56"W, a distance of 1,715.53 feet to the northwest line of said "Parcel 2"; thence along said northwest line, N51°20'25"E, a distance of 426.52 feet to the **Point of Beginning**.

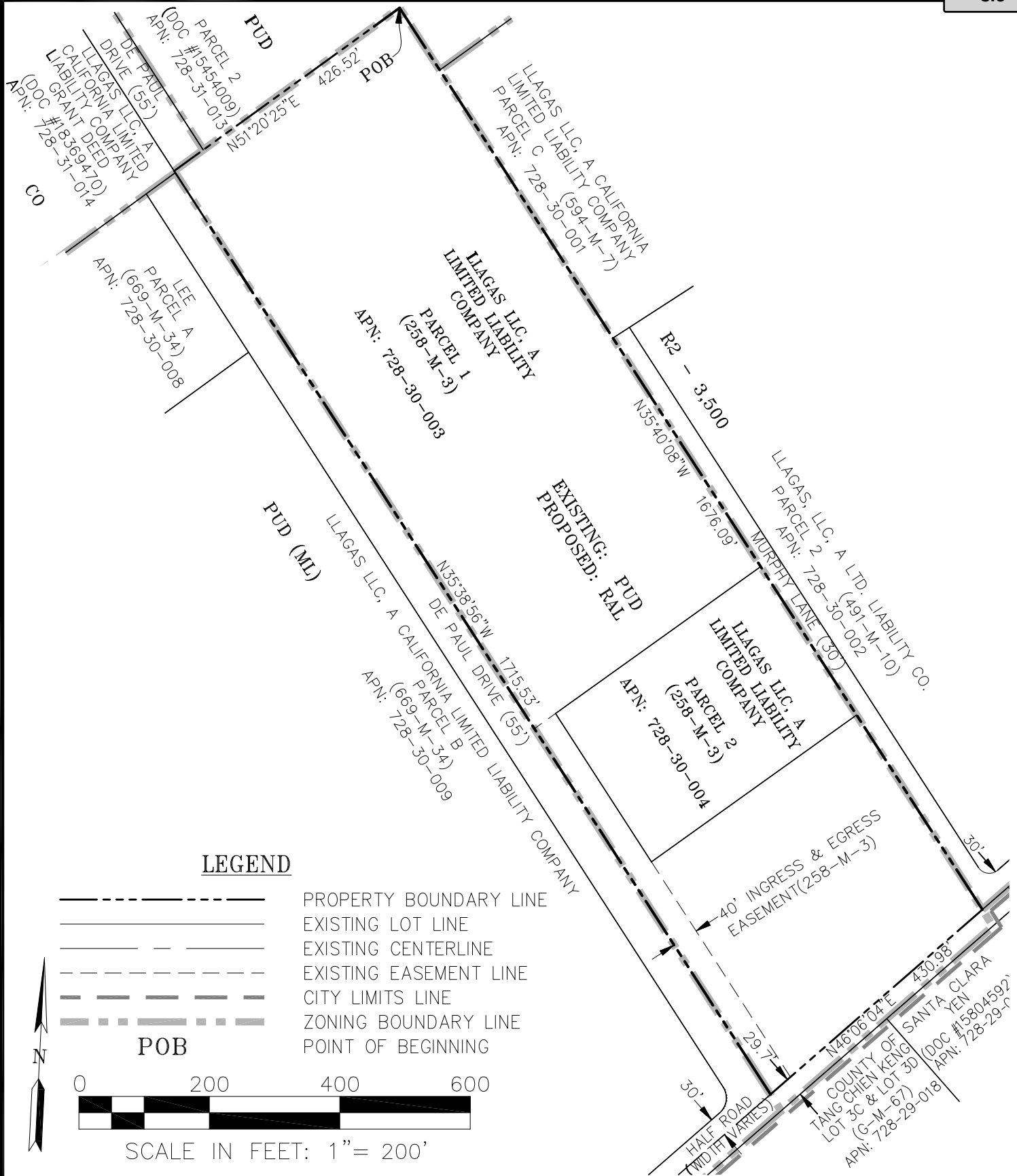
Containing 722,812 square feet or 16.59 acres, more or less.
As shown on "Exhibit B", attached hereto and made a part hereof.

END OF DESCRIPTION.

This description was prepared by me or under my direction pursuant to the requirements of the Professional Land Surveyor's Act.

Bryan Pierce, PLS 8859 Date
Expires: 12/31/2019

Attachment: Exhibit A (2022 : Zoning Amendment Half-Trumark)



Attachment: Exhibit B Zoning Plat (2022 : Zoning Amendment Half-Trumark)

"EXHIBIT B"

MAP SHOWING REZONING LANDS OF
LLAGAS LLC, A LIMITED LIABILITY COMPANY,
BEING A PART OF
ORDINANCE NO. _____, NEW SERIES
MORGAN HILL, CALIFORNIA

RJA**RUGGERI-JENSEN-AZAR**

ENGINEERS ■ PLANNERS ■ SURVEYORS

8055 CAMINO ARROYO GILROY, CA 95020
PHONE: (408) 848-0300 FAX: (408) 848-0302DRAWN BY:
BPSCALE:
1" = 200'DATE:
08/28/2018

JOB NO.:

Packet Pg. 23

JUSTIFICATION FOR REMOVING PUD OVERLAY ON PARCELS 728-030-003 AND - 004

CITY OF MORGAN HILL, SANTA CLARA COUNTY, CALIFORNIA

The subject parcels are currently regulated by a Planned Unit Development (PUD), which was approved by the City Council on April 7, 1999 (Ordinance Number 1427). The allowable uses in this PUD are narrowly limited to an elderly care facility, while specifically excluding the development of residential uses. The development of an elderly-care facility and the preclusion of residential development are both in conflict with the 2035 General Plan. For these reasons, we request a re-zoning from PUD to Residential Attached Low Density (RAL 3,000).



PLANNING COMMISSION STAFF REPORT

MEETING DATE: October 23, 2018

PREPARED BY: Rich Buikema, Contract Planner

APPROVED BY: Jennifer Carman, Community Development Director

UP2018-004 MONTEREY-BLUEWAVE: CONDITIONAL USE PERMIT TO ALLOW A DRIVE-THROUGH, SELF-SERVICE, AUTOMATED CAR WASH ON PROPERTY IDENTIFIED BY ASSESSOR PARCEL NUMBER 764-10-008 LOCATED ON THE NORTHWEST CORNER OF MONTEREY ROAD AND COCHRANE ROAD.

RECOMMENDATION(S)

1. Open/close public hearing; and,
2. Adopt a Resolution approving a Conditional Use Permit for a car wash.

REQUEST:

A Conditional Use Permit is requested to construct a 3,000 square foot automated car wash on a vacant 1.25-acre property.

BACKGROUND:

On September 11, 2018 the Planning Commission conducted a public hearing on the proposed project. The item was continued to provide additional information regarding the proposed project's consistency with the General Plan that requires high quality design at the City's identified Gateways.

To further clarify the project's consistency with the Gateway Standards, the applicant prepared conceptual drawings (Attachment 2) that portray the proposed car wash from various perspectives and its relationship to surrounding development. In addition, the applicant provided photographs of existing development at the various City Gateways (Attachment 3). These photos depict the existing conditions at the City's different Gateway locations and the varying age and quality of development. General Plan Gateway policies are implemented in conjunction with new development proposed at the Gateways.

Design Review is not a part of this discretionary review. The site plan, architectural design and landscaping are conceptual at the Conditional Use Permit stage and may be further refined, however, at this time the proposed project is consistent with the Gateway policies in the following respects:

- The proposed carwash building is placed close to the intersection to screen the visibility of the parking and vacuuming areas at the rear of the site from the

Cochrane Road/Monterey Road intersection.

- The proposed architectural treatment is similar in appearance to the surrounding area and varies from the corporate style typically used by Blue Wave Car Wash. The building is proposed to include a mission-style hipped roof as well as lattices, canopies and windows as further enhancements.
- The site is heavily landscaped and includes trees and low walls along the entire length of the project's Monterey Road frontage to screen the visibility of the cars in the drive-through lane and vacuuming areas. The landscaping in combination with proposed street improvements (curb, gutter, sidewalk) will substantially upgrade the appearance of the site.

The Design Review process will ensure that that the project exhibits a “higher level of design and attention to detail” in accordance with the Morgan Hill Architectural Review Handbook for Gateways (Attachment 4) with the pending Design Permit process.

As described in the September 11, 2018 staff report (Attachment 5), it is recommended that the project be approved as the findings for a Conditional Use Permit can be made for a car wash use.

Refer to the original staff report for further information regarding the project.

LINKS/ATTACHMENTS:

1. Planning Commission Resolution
2. Car Wash Renderings
3. Gateway Development Examples
4. Morgan Hill Architectural Review Handbook - Gateways
5. September 11, 2018- Planning Commission Staff Report

RESOLUTION NO. __-__

**A RESOLUTION OF THE PLANNING
COMMISSION OF THE CITY OF MORGAN HILL
APPROVING A CONDITIONAL USE PERMIT TO
ALLOW A CAR WASH TO LOCATE AT 18625
MONTEREY ROAD (APN: 764-10-008)**

WHEREAS, such request was considered by the Planning Commission at their regular meeting of September 11, 2018 and October 23, 2018 at which time the Planning Commission approved application UP2018-0009: Monterey-Bluewave; 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 approved conditional use is consistent with the Zoning Ordinance and the General Plan.

SECTION 2. The project is categorically exempt from CEQA pursuant to Section 15332, Infill Development.

SECTION 3. The approved conditional use has been found consistent with the criteria for Conditional Use Permit approval contained in Section 18.108.030 of the Zoning Code and are hereby adopted:

a. **The proposed use is allowed in the applicable district.**

Vehicle washing is identified as a “Conditional Use” in the CG General Commercial Zoning District with the approval of a Conditional Use Permit.

b. **The proposed use is consistent with the General Plan, Zoning Code, and any applicable specific plan or area plan adopted by the City Council.**

Vehicle washing is considered a commercial use that is consistent with the Commercial land use designation. The proposed site design conforms with the General Plan policies for Gateway locations as well as the Architectural Review Handbook, including a prominent building location and a 30-foot landscape setback. The site plan and building architecture will be finalized as a part of the corresponding Design Review permit. Measures to improve the functioning of the car wash exit will be included as part of the Design Permit to facilitate on-site vehicle circulation and overall traffic circulation within the private drive.

c. **The site is suitable and adequate for the proposed use.**

The site's relatively small size, irregular shape and other constraints make it challenging to develop for commercial purposes. The proposed free-standing car wash is designed to maximize the utilization of the site while providing landscaped setbacks, screen walls, enhanced architecture and building placement in accordance with the City standards including Architectural Review Handbook. With the proposed building layout and Monterey Road improvements, the site will be suitable and adequate for an automobile-oriented use such as a car wash.

d. **The location, size, design, and operating characteristics of the proposed use will be compatible with the existing and future land uses in the vicinity of the property.**

The regular business hours will be 8:00 AM to 7:00 PM, daily. The potential hours of operation are appropriate with the surrounding land uses. It is expected that many customers will arrive at the car wash on their way to or from work, or other times such as on the weekends.

e. **The proposed use will not be detrimental to the public health, safety, and welfare.**

Chemicals used in the cleaning process will be bio-degradable and non-hazardous. The equipment will not generate noise above levels allowed by the Zoning Code.

The project's operations would not adversely affect the peace, health, safety, morals or welfare of persons residing or working in the surrounding areas. The project would not impair the utility or value of the property of other persons located near the site and will not be detrimental to the health, safety or general welfare.

f. **The proposed use would not have a substantial adverse effect in traffic circulation and on the planned capacity of the street system.**

A Trip Generation Memorandum has been prepared for the project dated July 31, 2018 (Attachment 6).

The southwest corner of the Monterey Road and Cochrane Road intersection is undeveloped and proposed to be developed with the car wash. The southeast corner of the intersection is developed as a gas station including a convenience market and car wash and a commercial building. The northerly leg of the intersection is Cochrane Road and the southerly leg (Gateway Plaza) provides access to the existing development on the southeast corner. A proposed access would be provided to the new car wash site approximately 100 feet south of Monterey Road from Gateway Plaza. There is no outlet from Gateway Plaza. The intersection is signalized with fully-protected left turns on the Monterey Road approaches and

split phasing on the Cochrane Road and Gateway Plaza approaches.

The Trip Generation Memorandum identifies the anticipated weekday peak hour traffic generated by the proposed car wash. The forecast trip volumes (34 AM peak hour trips (7:00 AM-9:00 AM) and 58 PM peak hour trips (4:00 PM-6:00 PM)) would be below the threshold of 100 peak hour trips for the preparation of a traffic analysis as contained in the Planning Commission Policy regarding Guidelines for Preparation of Transportation Impact Reports. It is estimated that a minimum of 25% of the customers will be “pass by trips” that are already traveling on Monterey Road or Cochrane Road and thus not adding additional traffic to the roadways. Primary access to the project site will be from Cochrane Road and enough on-site stacking is provided to avoid any impact to circulation on Cochrane and Monterey Roads.

g. The proposed use is properly located within the city and adequately served by existing or planned services and infrastructure.

The proposed site is within the City’s Urban Service area where utilities, such as gas, water, sewer, and electricity, and public services are and will be provided. The project includes dedication and improvements to Monterey Road including a 5 foot bike lane, right-turn/deceleration lane, and curb/gutter. The proposed project will be adequately served by existing and planned services and infrastructure.

SECTION 4. The use shall be expressly conditioned in conformance with conditions incorporated herein and as attached as Exhibit “A”.

SECTION 5 The approved project shall be conducted in a manner consistent with the proposed operations explained within the staff report of the Planning Commission Meeting of September 11, 2018.

SECTION 6. Notice is hereby given that, pursuant to the Mitigation Fee Act, the City of Morgan Hill charges certain fees (as such term is defined in Government Code Section 66000) in connection with approval of your use for the purpose of defraying all or a portion of the cost of public facilities related to your development project (Mitigation Fee Act Fees). The Mitigation Fee Act Fees applying to your project are listed in the schedule of fees provide. Notice is also hereby given that you have the opportunity to protest the imposition of the Mitigation Fee Act Fees within 90 days of the approval of the approval or conditional approval of your development project and that the 90-day approval period in which you may protest has begun. This right to protest does not apply to voluntary Residential Development Control System fees.

PASSED AND ADOPTED THIS 23rd DAY OF OCTOBER 2018, AT A REGULAR MEETING OF THE PLANNING COMMISSION BY THE FOLLOWING VOTE:

City of Morgan Hill
 Resolution No.
 Page 4 of 8

AYES: COMMISSIONERS:

NOES: COMMISSIONERS:

ABSTAIN: COMMISSIONERS:

ABSENT: COMMISSIONERS:

ATTEST:

APPROVED:

Jenna Luna, Deputy City Clerk

Liam Downey, Chair

R:\PLANNING\WP51\Use Entitlements\UP\2018\UP2018-0009Monterery-Bluewave \ PC RESOLUTION NO.docx

Attachment: Planning Commission Resolution [Revision 1] (1948 : UP2018-0004 Monterey Blue Wave)

EXHIBIT "A"

STANDARD CONDITIONS

APPLICATION: UP2018-0004 Monterey-Blue Wave

THE FOLLOWING ARE STANDARD CONDITIONS OF APPROVAL THAT MUST BE MET PRIOR TO THE ISSUANCE OF BUILDING PERMITS AND/OR SITE DEVELOPMENT PERMITS EXCEPT AS MAY BE SPECIFIED IN THE CONDITIONS. THE APPROVAL REQUIREMENTS INCLUDE THESE REQUIREMENTS AND ANY SPECIAL CONDITIONS THAT ARE APPLIED THROUGH THE DEVELOPMENT APPROVAL PROCESS. APPLICANTS ARE REQUIRED TO SIGN THE APPROVAL CERTIFICATE/RESOLUTION FORM INDICATING THEY UNDERSTAND AND AGREE TO IMPLEMENT THESE STANDARD CONDITIONS AND ANY SPECIAL CONDITIONS APPLIED TO THEIR PERMIT APPROVAL.

ACRONYMS:

MHMC – Morgan Hill Municipal Code

MHARH – Morgan Hill Architectural Review Handbook

PLANNING DIVISION

I. TIME LIMITS

- A. The Conditional Use Permit approval granted as described in the Planning Commission Staff report dated September 11, 2018 shall remain in effect for 24 months to October 23, 2020. Failure to exercise the use within this term shall result in termination of approval unless an extension of time is granted prior to the expiration date. **(MHMC 18.104.210)**

II. DESIGN PERMIT

- A. Final site development and architectural plans shall be reviewed and approved by the Development Services Department as required through a Design Permit prior to issuance of a building permit.
- B. Prior to final inspection, the owner or designee shall provide the City's Planning Department with a supplemental acoustical report conducted by a member of the National Council of Acoustical Consultants that demonstrates noise samples taken from the project operating at the worst-case scenario (the blower and all vacuums at the same time) complies with City noise standards of 60 dbA to 70dbA (exterior) at the applicable lot line.

III. OTHER CONDITIONS

- A. The Conditional Use Permit is approved solely for the operation of the car wash as described in the applicants proposed statement of operations on file with the Planning Division and as explained within the staff report (Application UP2018-0004: Monterey-Blue Wave). Any expansion, intensification, or changes to the uses approved under this Conditional Use Permit shall be permitted only upon amendment of this Conditional Use Permit or approval of a separate Conditional Use Permit application.
- B. The hours of operation are restricted to 8:00AM-7:00PM, 7 days a week.
- C. Applicant agrees to defend and indemnify and hold City, its officers, agents, employees, officials and representatives free and harmless from and against all claims, losses, damages, injuries, costs and liabilities arising from any suit for damages or for equitable or injunctive relief which is filed against City by reason of its approval of this Conditional Use Permit approval. In addition, applicant shall pay all pre-tender litigation costs incurred on behalf of the City including City's attorney's fees and all other litigation costs and expenses, including expert witnesses, required to defend against any lawsuit brought as a result of City's approval or approvals, but shall not be required to pay any litigation from the City. However, applicant shall continue to pay reasonable internal City administrative costs, including but not limited to staff time and expense spent on the litigation, after tender is accepted. The undersigned hereby represents that they are fully empowered by the applicant as their agent to agree to provide the indemnification, defense and hold harmless obligations, and the signature below represents the unconditional agreement by applicant to be bound by such conditions.
- D. Notice is hereby given that, pursuant to the Mitigation Fee Act, the City of Morgan Hill charges certain fees (as such term is defined in Government Code Section 66000) in connection with approval of your development project for the purpose of defraying all or a portion of the cost of public facilities related to your development project (Mitigation Fee Act Fees). These fees do not include fees for processing applications for governmental regulatory actions or approvals, fees collected under development agreements, or as a part of your application for development allocations under the City's Residential Development Control System. The Mitigation Fee Act Fees applying to your project are listed in the schedule of fees provide. Notice is also hereby given that you have the opportunity to protest the imposition of the Mitigation Fee Act Fees within 90 days of the approval of the approval or conditional approval of your development project and that the 90-day approval period in which you may protest has begun.
- E. Submit two (2) signed copies of Resolution No. _____ to the Planning Division prior to issuance of building permits.

ENGINEERING DIVISION

- A. **Stormwater:** This project shall comply with the San Bay Francisco Regional Water Board's stormwater requirements. The project's stormwater compliance will be reviewed at Architecture & Site Review stage.
- B. **Flood:** A majority of the project site is in Flood Zone X and a small portion in Zone AH, Elevation 354.00' North American Vertical Datum of 1988 (NAVD88). Zone AH is within a designated Federal Emergency Management Agency (FEMA) 100-year floodplain.
 - 1. If any portion of the proposed carwash building is within Flood Zone AH, the building will be required to comply with the City's Flood Damage Prevention requirements. **(MHMC 15.80)**
- C. **Street Improvements:**
 - 1. Provide street dedication along the project's Monterey Road frontage to accommodate a 5' bike lane and a right-turn/deceleration lane to the project site.
 - 2. Construct the public street improvements along the project's entire Monterey Road frontage including, but not limited to, curb and gutter, 5' detached sidewalk, and 5' park strip with street trees in conformance with City standards.

II. GENERAL

- A. The applicant shall cause the construction of all public and private improvements in accordance with the latest City Standard Drawings and Specifications. **(MHMC 12.02.090 A; 17.32.010 A)**
- B. Obtain necessary encroachment permits from the City of Morgan Hill and provide guarantee covering off-site improvements. **(MHMC 12.08.040 A; 12.08.090)**
- C. Improvement plans are to show water lines, sanitary sewer, storm drain system, pavement widths, curve radius, and existing utilities.
- D. Enter into an Improvement Agreement with the City of Morgan Hill to cover required improvements. **(MHMC 12.02.150; 17.32.010 B; 17.32.160)**
- E. **IMPACT FEE INCREASE** - The City of Morgan Hill, pursuant to City Code Chapter 3.56 has established impact fees to finance the cost of improvements required by new development. City Code Chapter 3.56.050 provides for automatic annual (July 1st) adjustment of those fees in existence utilizing the Engineering News Record Index for the preceding twelve months. The City Public Works Department maintains historical records on the Engineering News Record Index. These records are available for inspection during normal business hours. **(MHMC 3.56.010; 3.56.030; 3.56.050)**

III. STREET IMPROVEMENTS

- A. The applicant shall cause the design and construction of all new public and private streets serving the project. The design of all new public and private streets shall be consistent with the General Plan Land Use and Circulation Element as well as the Street Standard Details as contained within the Public Works Standards Details. The construction of the streets shall be undertaken to the lines and grades and in a manner satisfactory to the Director of Public Works. All street improvements shall be constructed to the satisfaction of the Director of Public Works. The timing of the improvements will be determined by the City. **(MHMC 12.02.010; 12.02.090; 17.32.060 B; CMH General Plan; CMH Design Standards and Standard Details for Construction)**
- B. The project shall install and dedicate street improvement including, but not limited to, curb and gutter, sidewalk, compaction, street paving, oiling, storm drainage facilities, sewer and water, fire protection, undergrounding of utilities and street lighting in conformance with City of Morgan Hill requirements. **(MHMC 12.02.010; 12.02.50; 12.02.080; 12.02.100; 17.28.010; 17.32.060)**
- C. Dedication (total width to be determined) from center line of public right-of-way on Monterey Road. **(MHMC 12.02.010; 12.02.50; 12.02.080; 12.02.90; 12.02.100; 17.28.010)**
- D. Dedication of the required corner cutoff at the intersection of Monterey Road and existing paved road (formerly an extension of Cochrane Road). **(MHMC 12.02.010; 12.02.50; 12.02.080; 12.02.100; 17.28.010)**
- E. Underground existing utilities: all existing overhead utilities adjacent to any site boundary or along any street frontage of site shall be placed underground in accordance with City standards and affected utility company guidelines. **(MHMC 12.02.090 B; 17.32.020 E.1)**

PRETREATMENT

An underground interceptor is required that shall be included as part of the Building Permit submittal.









Attachment: Car Wash Renderings (1848: UPP2018-0004 Monterey Blue Wave)

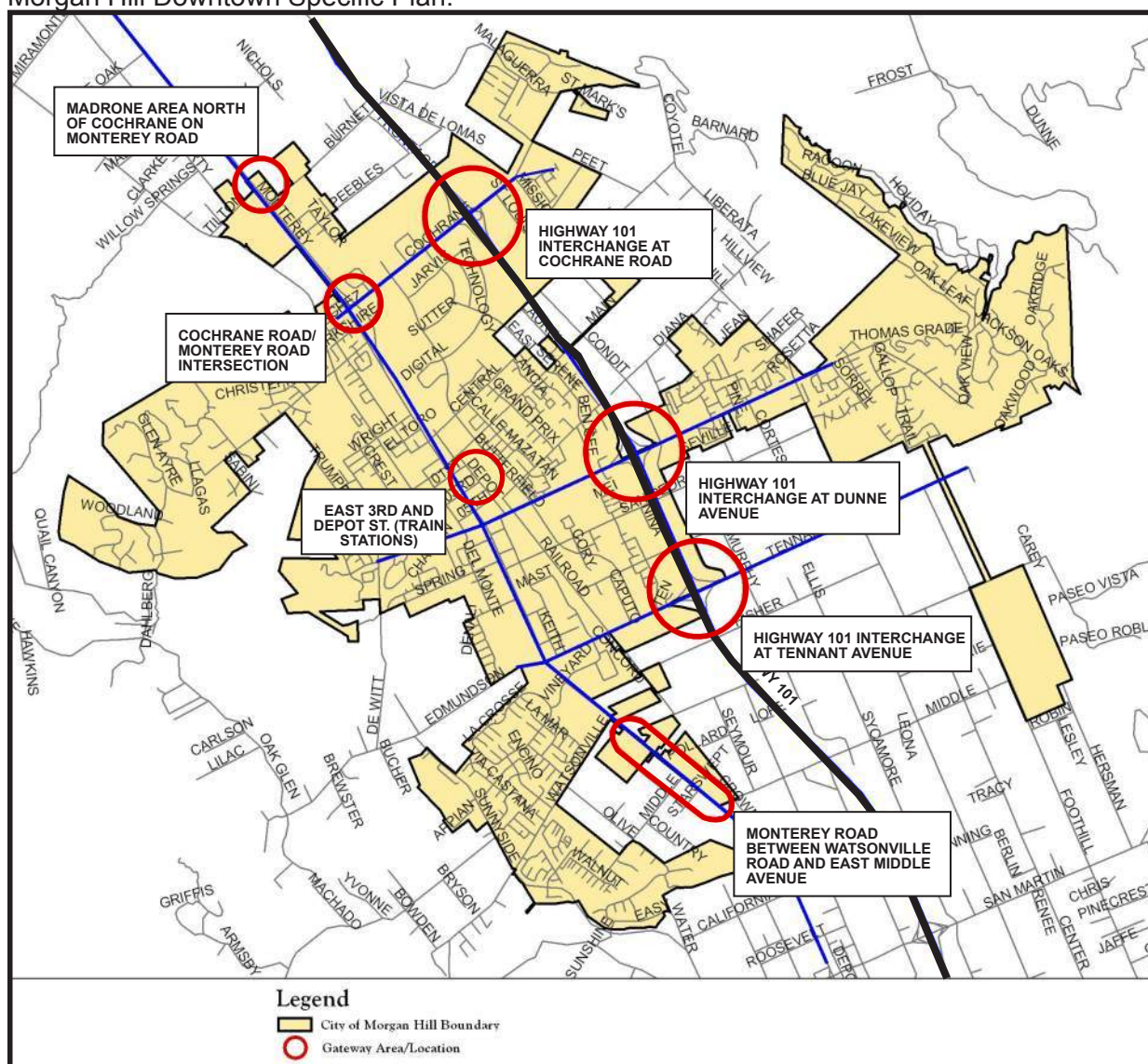
Objectives

Gateways

Gateways identify primary entrances to the City of Morgan Hill, convey a sense of arrival, and provide initial and lasting impressions; therefore, they warrant a higher level of design and attention to detail. Seven key areas have been identified as Morgan Hill's primary gateways:

- Madrone area north of Cochrane on Monterey Road
- Cochrane Road/Monterey Road intersection
- Monterey Road between Watsonville Road and East Middle Avenue
- Highway 101 interchange at Cochrane Road
- Highway 101 interchange at Dunne Avenue
- Highway 101 interchange at Tennant Avenue
- East 3rd and Depot Street (Train Station)

Properties that face onto these gateway intersections and corridors must comply with all preceding design guidelines as well as the following gateway guidelines. The provisions of this section apply to any addition, exterior remodeling, relocation or construction, requiring a design permit within the city. Guidelines for the train station gateway can be found in the Morgan Hill Downtown Specific Plan.

















Gateways

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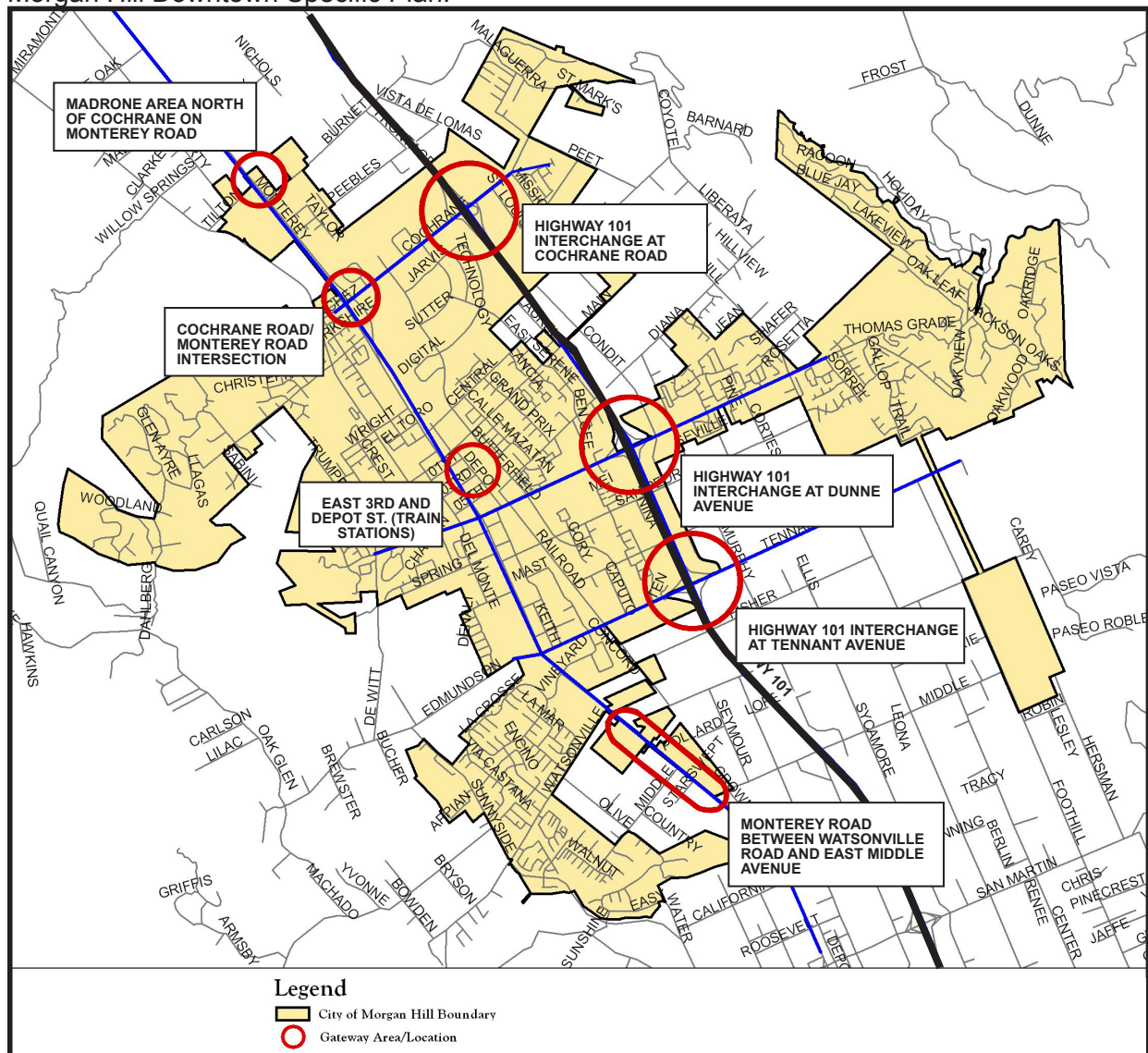
Objectives

Gateways

Gateways identify primary entrances to the City of Morgan Hill, convey a sense of arrival, and provide initial and lasting impressions; therefore, they warrant a higher level of design and attention to detail. Seven key areas have been identified as Morgan Hill's primary gateways:

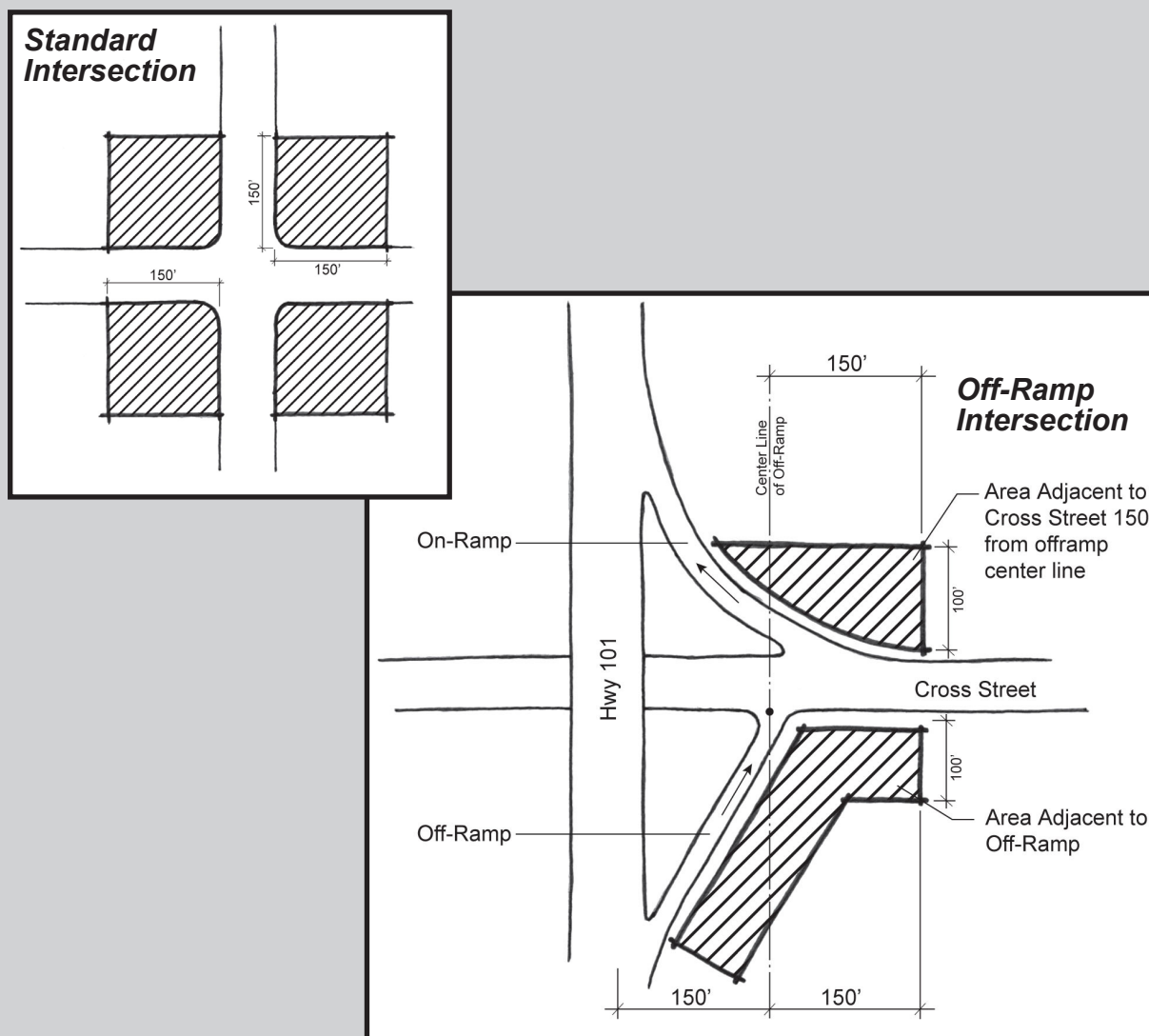
- Madrone area north of Cochrane on Monterey Road
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- Highway 101 interchange at Dunne Avenue
- Highway 101 interchange at Tennant Avenue
- East 3rd and Depot Street (Train Station)

Properties that face onto these gateway intersections and corridors must comply with all preceding design guidelines as well as the following gateway guidelines. The provisions of this section apply to any addition, exterior remodeling, relocation or construction, requiring a design permit within the city. Guidelines for the train station gateway can be found in the Morgan Hill Downtown Specific Plan.



Gateway Intersection Definitions:

- **Standard Intersection Property:** Developments (buildings, improvements, drive-throughs) that are within 150 feet in either direction measured from cross street corner (see diagram).
- **Off-Ramp Intersections:** Properties highly visible as one enters Morgan Hill, including properties directly adjacent to and within 150 feet of off-ramp, as well as, intersection of off-ramp and cross street. The 150 feet is measured from centerline of off-ramp street.
- Note: If any portion of building footprint or drive-through aisle is within the 150' area, the building or drive-through shall follow these Gateway Standards and Guidelines.



A. Lot Layout

Intent: Create attractive gateway properties with ample landscaping and minimal impacts from parking areas.

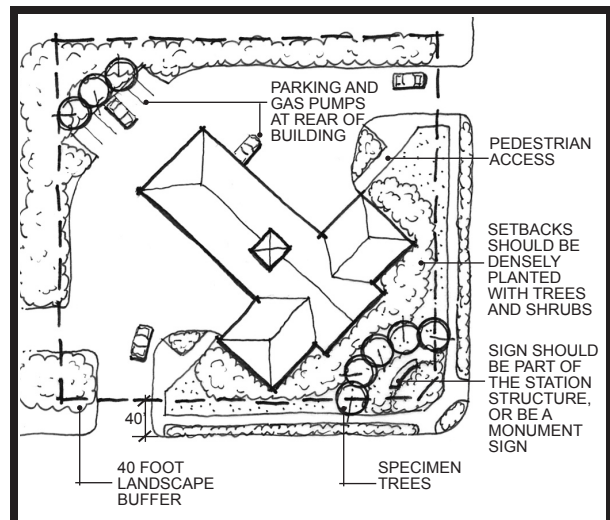
- Gateway buildings shall be located to be the predominant visual element at intersections, not parking lots or drive-through lanes.
- A 30' deep landscape buffer should be located at gateway intersections between the street and building. Parking lots and drive aisles are not permitted within the buffer.
- A 25' landscape buffer should be provided along gateway corridors between the street and building. Parking lots and drive aisles are not permitted within the 25' buffer.
- Service station buildings should be positioned to screen gas pumps, canopies, and parking lots from primary right-of-way.

Site Planning



This graphic illustrates many of the desirable features identified by the guidelines of the drawing below.

- Fast food establishment and service station driveway cuts should be limited to two cuts per site.
- Drive-through aisles should be located to the rear of the building, away from the street frontage.
- Service and carwash bays should not face an intersection or primary street. The visibility of service bays and car wash openings should be minimized.



B. Signage

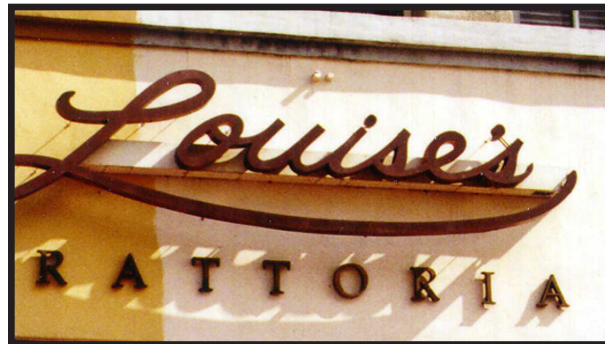
Intent: Promote quality signage that complements gateway development.

- Monument signs located at an intersection shall be a maximum of 8' high.
- Monument signs shall incorporate complementary colors, materials, and lettering fonts used on the buildings.
- Monument signs shall be accented with landscaping.
- Monument signs shall not be internally illuminated.
- Pole signs are not permitted.
- Building signage area shall be minimized. Maximum sign area shall be 1 square foot per linear foot of building frontage.
- Corporate signage and color banding shall not dominate the building façade.



Monument signs are to incorporate complementary materials and landscaping.

- Internally illuminated channel letter signs are strongly discouraged. Externally illuminated lettering or awning signage are recommended as suitable alternatives.
- Cabinet and can signs are prohibited.
- More than one material is recommended on a monument sign.



This sign design relied on two methods of attachment to the building, which are integrated into the overall design chosen.

A. Building Design

Intent: Ensure high quality architecture and attractive buildings at gateways

- Corporate, franchise, or “chain” architecture is not allowed.
- Drive-thrus are prohibited on corner sites. Where drive-thrus are allowed, a canopy should be provided at the drive-thru pick-up window area.
- Play structures associated with commercial uses should be enclosed and integrated within the building design.
- Gas pump canopies should be designed to be architecturally compatible with the building and signage contained thereon shall not be illuminated. Light fixtures should be recessed into the underside of the canopy.

Building Design



Columns that support trellises in each of these photos are thick and convey strength and proportion.



This “chain” food outlet utilizes a unique architecture.

- A heightened quality of architecture is warranted at gateways. This includes articulated facades and roofs, varied wall planes and roof forms, and quality materials.
- Gateway buildings should accentuate their importance with stately entries, planters, columns, architectural details, building height, towers, and arcades on street facing facades.

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D. Landscaping

Intent: Encourage ample landscaping at gateway intersections.

- At intersections, focal points should be incorporated within the 30' deep landscape buffer. Features should include accent trees, plaza, fountain, boulders, public art, decorative lighting, and/or monument signs.
- Minimum 36" box specimen or accent trees should be used at corners, placed in a stately manner to accentuate the importance of these intersections.
- Oak trees and fieldstones should be used to emphasize gateways into Morgan Hill.

Landscape Design



A deep landscape buffer screens parking areas and drive aisles of this development.



Above, a fountain provides focal point in the street buffer. Below, an example of enhanced planting of a median.

- Enhanced median treatments including specimen/accent trees, boulders, and intensified landscaping, should be used to accentuate gateways.
- The city should work with Caltrans to enhance off-ramp and on-ramp landscaping.
- Parking areas should incorporate intensified landscaping (i.e. landscaped planter fingers and trees) and be segmented into smaller components, where feasible.



Appendix

1. Build it Green, Green Building Guidelines are available at buildsagreen.org/BuildSAGreen/checklists
2. Building Security Chapter 15.40 of the Morgan Hill Municipal Code is available at morganhill.ca.gov
3. Community Design & Transportation Best Practices by the Valley Transportation Authority (VTA): Contact VTA at 3331 North First St., San Jose CA, 95134 or customerservice @ VTA.Org
4. Cultural Resources Preservation Chapter 18.75 of the Morgan Hill Municipal Code is available at morganhill.ca.gov
5. Guidelines and Standard for Land Use Near Streams is available at the Santa Clara Valley Water District at valleywater.org
6. Morgan Hill Downtown Plan is available at morganhill.ca.gov under the Community Development, Planning Division.
7. Off-Street Parking and Paving Standards Chapter 18.50 of the Morgan Hill Municipal Code is available at morganhill.ca.gov
8. Pacific Gas & Electric, New Homes Program is available at pge.com/comfort
9. Parks and Recreation Master Plan is available at morganhill.ca.gov under the Recreation Department, Parks and Recreation Commission.
10. Residential Development Control System Chapter 18.78 of the Morgan Hill Municipal Code is available at morganhill.ca.gov
11. Storm Water Management Plan and the State NPDES permit information is available at morganhill.ca.gov under the Public Works Department Engineering Division.
12. Sunset Western Garden Book, The Unthirsty 100 by Sunset Magazine is available at bookstores or Santa Clara County Libraries.
13. Trees and Shrubs for Dry California Landscapes by Bob Perry is available at bookstores or Santa Clara County Libraries.
14. Water Conserving Landscapes Chapter 18.73 of the Morgan Hill Municipal Code is available at morganhill.ca.gov
15. Water Conserving Plant and Landscapes for the Bay Area is available at East Bay Municipal Utilities District, ebmud.com/conserving_&_recycling/water_smart_tips