



Regular Meeting Agenda
Planning Commission

Liam Downey - Chairman
Juan Miguel Munoz-Morris - Vice Chairman
Mohammad Habib - Planning Commissioner
Joseph Mueller - Planning Commissioner
Wayne Tanda - Planning Commissioner
Laura Gonzalez-Escoto - Planning Commissioner
Malisha Kumar - Planning Commissioner

Tuesday, June 25, 2019 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

OTHER BUSINESS

1. SELECTION OF PLANNING COMMISSION CHAIR AND VICE-CHAIR

Recommendation:

Select members to serve as Chair and Vice-Chair of the Planning Commission for a one-year term.

PUBLIC HEARINGS

2. TDC2017-0001: KRUSE RANCH LANE - VALENCIA: TRANSFER OF DEVELOPMENT CREDITS FROM A 73.05-ACRE PARCEL. THE PROPERTY, IDENTIFIED BY ASSESSOR PARCEL NUMBER 728-01-001 IS LOCATED AT THE EASTERLY END OF KRUSE RANCH ROAD NORTH OF THOMAS GRADE (EVERADO VALENCIA, OWNER).

Recommendation:

1. Continue Planning Commission review.

3. SIGN2018-0044: COCHRANE- SOUTHBAY EVERGREEN: MASTER SIGN PROGRAM FOR AN APPROVED COMMERCIAL DEVELOPMENT. THE PROPERTY, IDENTIFIED BY ASSESSOR PARCEL NUMBER(S) 726-25-035 AND 726-32-021 ARE LOCATED AT THE SOUTHEAST QUADRANT OF COCHRANE ROAD AND BUTTERFIELD BOULEVARD.

Recommendation:

1. Open/close public hearing; and
2. Adopt a Resolution approving a Master Sign Program

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 cityclerk@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 cityclerk@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: June 25, 2019

PREPARED BY: Gina Paolini, Interim Principal Planner
 APPROVED BY: Jennifer Carman, Community Development Director

SELECTION OF PLANNING COMMISSION CHAIR AND VICE-CHAIR

RECOMMENDATION(S)

Select members to serve as Chair and Vice-Chair of the Planning Commission for a one-year term.

PROJECT SUMMARY

Pursuant to City Council Policy CP-96-02, the Planning Commission must select a Chairperson and Vice Chair to serve one-year terms. City Council Policy CP-18-04 allows for the term of the Chairperson and Vice Chair to be extended for one year if there is a need to extend the term due to special circumstances. The term of service for these offices shall be one year, beginning at the first meeting in July of each year. No Planning Commissioner shall serve more than two consecutive full terms as Chairperson.

City Council Policy CP-96-02 provides that the member serving the longest on the Commission without having previously served as Chairperson within the prior 4 years will serve as the Chairperson. The member second in seniority who has not yet served during the previous four years as Chairperson will serve as Vice Chair. The policy further states that if the member serving as Vice Chair is on the Commission at the time the next Chairperson is selected, he or she will become Chairperson the following year. Prior to serving as Chairperson, a member must have been on the Commission at least one year.

Commission Member	Date of Appointment
Joseph Mueller	January 28, 1989
Wayne Tanda	April 25, 2007
Liam Downey	August 5, 2015
Mohammad Habib	May 3, 2017
Juan Miguel Munoz-Morris	June 21, 2017
Laura Gonzalez-Escoto	April 17, 2019
Malisha Kumar	April 17, 2019

Planning Commission Chair (prior 4 years)	
2015/16	Joseph Mueller
2016/17	Wayne Tanda
2017/18	John McKay

2018/19	Liam Downey
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A Commissioner will be eligible to serve another term as Chairperson and Vice Chair provided at least four years have transpired since having previously served as Chairperson or Vice Chair. The period may be reduced by one-year increments if no other Commissioner is eligible or declines the position.

Based on City Council policy, unless the Commission chooses to extend the term of Commissioner Downey, Commissioner Munoz Morris should be selected to serve as Chair being the most senior member of the Commission not having served in the prior years, and Commissioner Habib would serve as Vice Chair. The Chairperson and Vice Chair terms are for one-year, until July 1, 2020.

LINKS/ATTACHMENTS:

1. CP-96-02
2. CP-18-04

CITY OF MORGAN HILL

CITY COUNCIL POLICIES AND PROCEDURES

CP 96-02

SUBJECT: POLICY REGARDING TERM AND SELECTION OF CHAIR AND VICE CHAIR OF CITY BOARDS AND COMMISSIONS

DATE: APRIL 17, 1996

REVISION DATE: DECEMBER 15, 1999, REVIEWED JUNE 27, 2007; AMENDED APRIL 16, 2008

ORIGINATING DEPT: CITY CLERK

In order to provide an efficient method for the selection of Chair and Vice-Chair from the members of the Boards and Commissions, it shall be the policy of the City Council of Morgan Hill to have these officers serve a one (1) year term beginning the first regular meeting date when the Boards and Commissions reorganize; following City Council appointments. A rotation system shall be followed in the selection of the Chair and Vice-Chair. The member who has served the longest on the Board or Commission without serving as Chair during the previous four (4) years shall be selected for the position of Chair. The member second in seniority who has not yet served during the previous four (4) years as Chair shall become Vice-Chair. If the member selected as Vice-Chair is on the Board or Commission at the time the next Chair is selected he/she shall become Chair.

Prior to selection as Chair, a Board or Commission member must serve a minimum of twelve (12) months on the Board or Commission. Each member's seniority shall begin upon the effective date of that member's appointment to the Board or Commission. If two (2) or more members have equal seniority, the Board or Commission shall make the selection. In the event a member otherwise eligible for selection declines the position, the member next in seniority shall be selected. A Board or Commission member will be eligible to serve another term as Chair and Vice Chair provided at least four (4) years have transpired since having previously served as Chair or Vice Chair respectively. Such period may be reduced by one year increments if no other Board or Commission member is eligible to serve due to a recent appointment or because a member otherwise eligible for selection declines the position. If two or more members are eligible to serve another term as Chair, the member who has served the longest on the Board or Commission since having previously served as Chair shall be first in seniority to serve another term as Chair and Vice Chair.

This policy shall remain in effect until modified by the City Council.

APPROVED: _____

STEVE TATE, MAYOR

Attachment: CP-96-02 (2341 : Selection of Planning Commission Chair and Vice-Chair)

CITY OF MORGAN HILL

CITY COUNCIL POLICIES AND PROCEDURES

CP-18-04

SUBJECT: Rules for the Conduct of Planning Commission Meetings
EFFECTIVE DATE: July 18, 2018
ORIGINATING DEPARTMENT: Community Development Department

SECTION 1. SCOPE

- 1.1 These rules shall establish the procedures for the conduct of all meetings of the Planning Commission of the City of Morgan Hill. The purpose of these rules is to provide procedures consistent with the Ralph M. Brown Act, establish procedures which will be convenient for the public, be fair to all Commissioners and contribute to the orderly conduct of City business.

SECTION 2. MEETINGS

- 2.1 Open to Public. All meetings of the Planning Commission, whether regular or special, shall be open to the public, unless a closed session is scheduled as authorized by law.
- 2.2 Regular Meetings. The Planning Commission shall conduct its regular meetings at the time and place established by ordinance or resolution if specified in the ordinance. Regular meetings shall not continue beyond 11:00 p.m. unless extended by a majority vote of the Planning Commission pursuant to Section 5.2 of this policy.
- 2.3 Special Meetings. A special meeting may be called at any time by the Community Development Director or by four Commissioners. Written notice of any such meeting must specify the purpose of the meeting. Notice of the meeting must be made in accordance with the law.
- 2.4 Quorum. Four (4) Commissioners shall constitute a quorum and shall be sufficient to transact business. If less than four Commissioners appear at a regular meeting, the Chair, Vice Chair in the absence of the Chair, any Commissioner, or in the absence of all Commissioners, the Minutes Clerk, shall adjourn the meeting to a stated day and hour.
- 2.5 Adjourned Meetings. The Planning Commission may adjourn any regular, adjourned regular, special, or adjourned special meeting to a time and place specified in the order of adjournment and permitted by law.
- 2.6 Attendance. Any commissioner who will be absent from a meeting shall communicate to the Chair and to the Community Development Director in advance of the meeting the date(s) of the meeting(s) that will be missed.

SECTION 3. POSTING NOTICE AND AGENDA

- 3.1 Posting of Notice and Agenda. For every regular or special meeting, the Minutes Clerk or other authorized person, shall post a notice of the meeting, specifying the time and place at which the meeting will be held, and an agenda containing a brief description of all items of business to be discussed at the meeting. This notice and agenda may be combined in a single document.
- 3.2 Location of Posting. The notice and agenda shall be posted on the City's website and in a place to which the public has unrestricted access during at least normal business hours and where the notice and agenda are not likely to be removed or obscured by other posted materials.
- 3.3 Posting for Regular Meetings. For any regular meeting of the Planning Commission, the notice and agenda shall be posted no later than seventy-two (72) hours prior to the time set for the meeting.
- 3.4 Posting for Special Meetings. For any special meeting of the Planning Commission, the notice and agenda shall be posted no later than twenty-four (24) hours prior to the time set for the meeting.

SECTION 4. AGENDA CONTENTS

- 4.1 Description of Matters. All items of business to be discussed at a meeting of the Planning Commission shall be briefly described on the agenda. The description of the item and the proposed action to be considered should be set forth as clearly as practical so that members of the public will know the nature of the action under review and consideration.
- 4.2 Availability of the Agenda to the Public. The agenda for any regular or special meeting shall be made available to the general public as soon as is practical after delivery to the Commissioners.
- 4.3 Limitation to Act on Only Items on the Agenda. No action shall be taken by the Planning Commission on any item not on the posted agenda.

SECTION 5. ORDER OF BUSINESS

- 5.1 The order of business at meetings of the Planning Commission shall be as follows:
 - A. CALL TO ORDER
 - B. ROLL CALL ATTENDANCE
 - C. DECLARATION OF POSTING AGENDA
 - D. WORKSHOP (as deemed appropriate)
 - E. PLEDGE OF ALLEGIANCE

F. PUBLIC COMMENT

This item refers to those matters not scheduled on the agenda where a member of the public wants to address a matter of importance to the Planning Commission. Since the matter is not one on the agenda, no action by Commission can be taken. If a Commissioner so desires, the matter may be placed on the agenda of a future Commission meeting for review and consideration pursuant to Section 9.

G. CHANGE IN ORDER OF BUSINESS.

The Chair may entertain a motion by a majority request of Commissioners present to take matters listed on the agenda out of the prescribed order.

H. CONSENT CALENDAR

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

I. PUBLIC HEARINGS

These matters are ones that are duly noticed and published in a newspaper of general circulation and, where required by Law, written notice is given to the affected residents who have the opportunity to speak in favor or against a matter or ask questions about the matter. Public hearings shall be conducted pursuant to City Council Policy CP-03-01.

J. OTHER BUSINESS

These are other matters of City business which are not appropriately placed on the consent calendar and do not require published notices and require Commission action and direction.

K. DIRECTOR'S REPORT/ANNOUNCEMENTS

These are communication items from the Director, including future agenda items. Director will take input from Commissioners on items of interest. Examples of a Director's report or announcement include notice of cancellation of meetings, reminders of scheduled workshops, report back to the Commission, and pending agenda items.

L. ADJOURNMENT

- 5.2 Review Status of Agenda at 11:00 p.m. If, at 11:00 p.m., the Planning Commission has not concluded its business, it shall review the status of the agenda and determine by majority vote whether to extend the meeting beyond 11:00 p.m., continue any remaining items, or adjourn the meeting to another date and time.

SECTION 6. PUBLIC COMMENT

- 6.1 Public Comment. Persons present at meetings of the Planning Commission may comment on individual items on the agenda at the time the items are scheduled to be heard. In addition, comments may be offered on items not on the agenda under that portion of the agenda.
- 6.2 Limitations. The public comment period may be 3 minutes for items on the agenda or items not listed on the agenda. Speakers are called in the order the speaker cards are submitted. Project applicants or appellants will be allowed more than the designated 3 minutes in accordance with City Council Policy 03-01. Consistent with this policy, the Chair or Presiding Officer may recall an applicant or appellant to address questions after the public comment is heard. The Chair or Presiding Officer may allow more time and/or allow speakers to concede their time to a designated speaker of a group unless a majority of the Planning Commission objects. Speakers that wish to designate a group speaker shall notify the Minutes Clerk before discussion on the item begins.
- 6.3 Procedure. To address the Planning Commission, each speaker is requested to fill out a Speaker Card and turn it in to the Minutes Clerk before discussion on the agenda item begins. The speaker is requested to provide their name and contact information and the subject or subjects upon which the speaker wishes to address the Planning Commission. Speakers who do not wish to provide their name should provide an alternative designation so that they can be recognized by the Minutes Clerk.

SECTION 7. APPOINTMENT OF OFFICERS

- 7.1 In June of each year, the selection of chair and vice chair shall be pursuant to City Council Policy CP 96-02, except that if a majority of the Commissioners see the need to extend the term due to special circumstances, the term of the Chair and Vice Chair may be extended for one year. The term of service for these offices shall be one year, beginning at the first meeting in July of each year. No commissioner shall serve more than two consecutive full terms as chairperson. The Chair may resign at any time during his or her role as chair, at which time the Vice Chair may serve the remaining term.

SECTION 8. PROCEDURES FOR THE CONDUCT OF MEETINGS

8.1 Role of the Chair/Presiding Officer

- A. The Presiding Officer of the Planning Commission, who shall be the Chair or in the Chair's absence shall be the Vice Chair, or in their absence any other designated Commissioner, shall be responsible for maintaining the order and decorum of meetings. It shall be the duty and responsibility of the Presiding Officer to ensure that the rules of operation and decorum contained herein are observed. The Presiding Officer shall maintain control of communication between Commissioners and between the Commission, staff, and public.
- B. Communication with Commissioners
 1. Commissioners should request the floor from the Presiding Officer before speaking.

2. When one Commissioner has the floor and is speaking, other Commissioners shall not interrupt or otherwise disturb the speaker.
 3. With the concurrence of the Chair, a Commissioner holding the floor may address a question to another Commissioner. The Commissioner being questioned may or may not respond while the floor is still held by the Commissioner asking the question. The reply shall be limited to the question asked.
- C. The Chair/Presiding Officer may declare that an item within the meeting will be conducted in “workshop” format, which means that the procedures described in section 8.1B do not strictly apply. This is to allow for a more open discussion without strict formalities.
- D. Communication with Members of the Public Addressing the Commission
1. The Chair shall open the floor for public testimony (typically referred to as public comment) as appropriate.
 2. Commissioners may question a person addressing the Commission at the conclusion of the person's comments or upon expiration of the person's time to speak. Such questions should be directed to the person through the Presiding Officer unless the Presiding Officer grants the Commissioner permission to directly question the person.
 3. Staff shall be a resource to the Planning Commission to answer questions arising during discussions between Commissioners and between Commissioners and members of the public. Communications in this regard shall be through the Presiding Officer.
 4. Members of the public shall direct their questions and comments through the Presiding Officer.
- 8.2 Rules of Order. The Planning Commission adopts no specific rules of order except those listed herein. The Planning Commission shall refer to *The Standard Code of Parliamentary Procedure* by Alice Sturgis (McGraw Hill) as a guide for the conduct of meetings. The Sturgis guideline regarding not requiring seconds for governmental bodies' motions, resolutions or ordinances is not adopted as the rule in the City. The Chair has the discretion to impose reasonable rules at any particular meeting based upon facts and circumstances found at any particular meeting. These latter rules will be followed unless objected to by a majority of the Commissioners present.
- 8.3 Motions. The Chair or any Commissioner may bring a matter of business on the agenda before the Commission by making a motion. Before the matter can be considered or debated it must be seconded. Once the motion has been properly made and seconded, the Presiding Officer shall open the matter for full debate offering the first opportunity to debate to the moving party and, thereafter, to any Commissioner recognized by the Chair or Presiding Officer. Debate shall be closed upon consent of a majority of the Commission.

- 8.4 Reconsideration. Immediately after a vote on a matter, any Commissioner may request to have his/her vote changed on a matter before the Commission moves on to the next item. Such a request will be granted by the Chair unless a majority of the Commission objects.

A matter may be reconsidered by the Planning Commission if a Commissioner on the prevailing side of the vote requests reconsideration. Such a motion may be made at a meeting where such action is taken or at a subsequent meeting of the Commission, however, nothing in this policy precludes the majority of Commissioners from requesting reconsideration of any item.

8.5 Debate.

- A. The discussions and deliberations at meetings of the Planning Commission are to secure the informed judgement of Commissioners on proposals submitted for decision. This purpose is best served by the exchange of thought through discussion and debate.

Debate is regulated by these rules in order to assure every Commissioner a reasonable and equal opportunity to be heard.

- B. Obtaining the Floor for Debate.

As soon as a debatable motion has been stated to the Commission by the Chair, any Commissioner has a right to discuss it after obtaining the floor. The Commissioner obtains the floor by seeking recognition from the Chair. A Commissioner who has been recognized is entitled to be heard so long as he/she observes the rules of debate.

- C. Speaking More Than Once.

To encourage the full participation of all of the Commissioners, no Commissioner or Commissioners shall be permitted to monopolize the discussion of the question. If a Commissioner has already spoken and other Commissioners wish to speak, the latter Commissioners should be recognized in preference to the Commissioner who has already spoken. However, if no other Commissioners seek recognition, the Chair may recognize the Commissioner who has already spoken.

- D. Relevancy of Debate.

All discussion must be relevant to the motion before the Planning Commission. A Commissioner is given the floor only for the purpose of discussing the pending question; discussion which departs is out of order. The Chair should then direct the speaker to limit discussion to the question before the Planning Commission.

A motion-its nature or consequences-may be attacked vigorously. But, it is never permissible to attack the motives, character, or personality of a Commissioner, City staff, or any member of the public either directly or by innuendo or implication. It is the duty of the Chair instantly to stop any Commissioner who engages in personal attacks. It is the motion, not its proposer, that is the subject of debate. Meetings must

discuss measures and ideas, not people.

Arguments, for or against a measure, should be stated as concisely as possible.

Debate must be fundamentally impersonal. All discussion is addressed to the Chair and must never be directed to any individual.

E. Chair's Duties During Debate.

The Chair has the responsibility of controlling and expediting debate. A Commissioner who has been recognized to speak on a question has a right to the undivided attention of the Commission.

It is the duty of the Chair to keep the subject clearly before the Commissioners, to rule out irrelevant discussion, and to restate the question whenever necessary.

SECTION 9. ITEMS TO BE PLACED ON THE AGENDA

- 9.1 Any Commissioner may at any time request to have any matter that can be legally agendized to be placed on the agenda of the Planning Commission by submitting a memo to the Community Development Director. The memo should be succinct, describe the issue, and the proposed referral, and include any background materials or information relating to the matter. The Community Development Director will transmit all of the documentation to the Deputy City Clerk for distribution to the Planning Commission and public as part of the agenda packets for the meeting.
- 9.2 The Community Development Director will place the item on the next available Planning Commission meeting agenda.
- 9.3 At the meeting at which the referral is agendized, the Planning Commission will consider the proposal and vote on its disposition. A majority of those present are necessary to formally refer an item to the City Staff. Staff will indicate if the referral is inappropriate or otherwise unattainable which shall be considered by the Planning Commission during its deliberation.

SECTION 10. DECORUM

- 10.1 Commissioners. Commissioners value and recognize the importance of the trust invested to them by the public to accomplish the business of the City. Commissioners shall accord the utmost courtesy to each other, to City employees, and to the public appearing before the Planning Commission.
- 10.2 City Employees. City staff and consultants shall observe the same rules of order and decorum applicable to the Planning Commission. City staff shall act at all times in a business and professional manner towards Commissioners and members of the public.
- 10.3 Public. Members of the public attending Planning Commission meetings shall observe the same rules of order and decorum applicable to the Planning Commission.

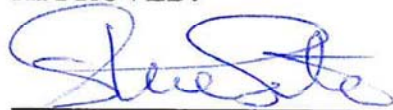
- 10.4 Noise in the Chambers. Noise emanating from the audience within the Commission Chambers or lobby area, which disrupts Planning Commission meetings, shall not be permitted.
- 10.5 Sergeant-at-Arms. The Chief of Police, or his/her designated representative, shall be ex-officio Sergeant-at-Arms of the Planning Commission.

SECTION 11. VIOLATIONS OF PROCEDURES

- 11.1 Nothing in these policies and procedures shall invalidate a properly noticed and acted upon action of the Planning Commission in accordance with State Law.

This Policy Shall remain in effect until modified by the City Council.

APPROVED:



STEVE TATE, MAYOR



PLANNING COMMISSION STAFF REPORT

MEETING DATE: June 25, 2019

PREPARED BY: Jim Rowe, Contract Planner

APPROVED BY: Jennifer Carman, Community Development Director

TDC2017-0001: KRUSE RANCH LANE - VALENCIA: TRANSFER OF DEVELOPMENT CREDITS FROM A 73.05-ACRE PARCEL. THE PROPERTY, IDENTIFIED BY ASSESSOR PARCEL NUMBER 728-01-001 IS LOCATED AT THE EASTERLY END OF KRUSE RANCH ROAD NORTH OF THOMAS GRADE (EVERADO VALENCIA, OWNER).

RECOMMENDATION(S)

1. Continue Planning Commission review.

The proposed Transfer of Development Credit (TDC) application is to be continued to a date uncertain. There are some legal clarifications that need to be resolved prior to the application being reviewed by the Planning Commission.



PLANNING COMMISSION STAFF REPORT

MEETING DATE: June 25, 2019

PREPARED BY: Tiffany Brown, Associate Planner

APPROVED BY: Jennifer Carman, Community Development Director

SIGN2018-0044: COCHRANE- SOUTHBAY EVERGREEN: MASTER SIGN PROGRAM FOR AN APPROVED COMMERCIAL DEVELOPMENT. THE PROPERTY, IDENTIFIED BY ASSESSOR PARCEL NUMBER(S) 726-25-035 AND 726-32-021 ARE LOCATED AT THE SOUTHEAST QUADRANT OF COCHRANE ROAD AND BUTTERFIELD BOULEVARD.

RECOMMENDATION(S)

1. Open/close public hearing; and
2. Adopt a Resolution approving a Master Sign Program

LOCATION MAP:



PROJECT SUMMARY:

1. Location: Southeast corner of Butterfield Boulevard and Cochrane Road (APN: 726-25-035, 726-32-021)
2. Site Area: 20-Acres
3. General Plan: Commercial
4. Zoning: General Commercial Planned Development

BACKGROUND:

The project site was approved for a new 20-acre commercial development known as Evergreen Village on September 26, 2018 (Ordinance No. 2279). The 20-acre site is located on the southeast quadrant of Butterfield Boulevard and Cochrane Road, which will include approximately twelve tenants. A Master Sign Program is required for any non-residential development with four or more tenants and/or any buildings containing more than one business.

PROJECT DESCRIPTION:

The applicant is requesting approval of a Master Sign Program for the commercial development. The program includes standards for wall and window signage in addition to the location and design for five monument signs.

ANALYSIS:

The proposed Master Sign Program 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 property is Commercial. The project is consistent with General Plan Policy:

- Policy CNF-15.1-Mix of Commercial Uses. Encourage a variety of commercial and office development to meet the needs of City residents.

The proposed sign program supports the new commercial center by providing visibility to the public for the various tenants within the development.

2. Zoning Ordinance

The purpose of the Zoning Code is to implement the General Plan and to protect the public health, safety, and welfare.

Pursuant to Morgan Hill Municipal Code (MHMC) Section 18.88.110, a Master Sign program is required for any non-residential development with four or more tenants and/or any building containing more than one business. The purpose of a Master Sign Program is to provide a coordinated approach to signage for multi-tenant commercial developments. The Planning Commission shall consider the following design standards when considering approval of the Master Sign program:

Master Sign Program Design Standards

1. Master Sign Programs shall feature a unified and coordinated approach to the materials, color, size, type, placement and general design of signs proposed for a project or property. Master Sign Programs may allow for variety in the design of

individual signs provided that the signs contribute to a consistent visual theme within the property.

The program provides standards for all new building tenant signage, identifying the allowed materials, size, type and placement which will provide a unified look throughout the shopping center. The program allows for flexibility in colors to allow the signage to match the new business colors. The materials and placement will complement the architecture of the center.

2. A Master Sign Program may deviate from standards contained in this chapter relating to permitted sign height, number of signs, sign area, and type of sign. A Master Sign Program may not allow prohibited signs as defined in Section 18.88.050 (Prohibited Signs).

The following chart summarizes the Master Sign Program proposal and how it compares to the City of Morgan Hill zoning standards for signs (MHMC Section 18.88.080).

Master Sign Program Proposal-Zoning Standards			
Signage Type	Standard	Proposed	Consistency
Max Aggregate sign area	2 square feet per lineal street frontage. Where a lot has three more public street frontages, the length of only two contiguous sides, are added together to determine allowable sign area. Total lineal street frontage = 1,944.4 $1,944.4 \times 2 \text{ square feet} = 3,888.80 \text{ square feet of sign area allowed}$	5,962.50 square feet	The Master Sign Program does not meet the stated standard. When considering three frontages: Total lineal street frontage: 2,948.21 $2,948.21 \times 2 \text{ square feet} = 5,896.42 \text{ square feet}$ The proposal is similar to what would be allowed if the calculation was based on three street frontages.
Wall Signage			
Max number	One per building frontage for single tenant buildings	One sign and one logo per building frontage for single tenant buildings	Consistent

	One per tenant space for multi-tenant buildings	Two per tenant space for multi-tenant buildings Three for corner tenant spaces	Allows one additional sign per tenant. Two additional signs for corner tenant spaces.
Max Height	Not to exceed the roof line or parapet of the building wall to which the sign is attached	No more than 80% of the height or length of the sign band which the sign is attached	Consistent
Max Area	Single-tenant building = 1.5 square feet per lineal foot of building wall Multi-tenant building = 1.5 per lineal foot of tenant frontage	Single-tenant building = 1.5 square feet per lineal foot of building wall Multi-tenant building = 1.5 per lineal foot of tenant frontage	Consistent
Window Signage			
Max Area	25% of window to which it's attached	25% of each window	Consistent
Placement	Ground floor only	Ground floor only	Consistent
Transparency	75% of the total window shall be transparent and free of signage features	75% of the total window shall be transparent and free of signage features	Consistent
Monument Signage			
Max Number	1 per vehicle access point from street	1 per vehicle access point from street	Consistent
Max Height	8-feet	8-feet 12-feet (one sign)	One sign exceeds height by four feet
Max Area	50 square feet	≤ 36 square feet 53.63 square feet (one sign)	One sign exceeds sign area by 3.63 square feet

Approval of a Master Sign Program supersedes the regulations of Chapter 18.88. The City of Morgan Hill Municipal Code does not restrict the number or percentage of deviations allowed within a Master Sign Program. The proposed deviations are consistent with other shopping centers within the vicinity of the project and therefore will be aesthetically harmonious with the neighboring properties. Once the Master Sign Program is approved, signs consistent with the standards and specifications would be allowed with an Administrative Sign Permit. Any sign not addressed by the Master Sign Program would be required to comply with the City of Morgan Hill Sign Regulations (Chapter 18.88).

The proposed Master Sign Program has been provided (Attachment 2). A Resolution has been provided for Planning Commission adoption of the Master Sign Program.

California Environmental Quality Act (CEQA):

An initial study has been completed for the project in compliance with CEQA. The proposed Master Sign Program is Categorically Exempt from further environmental review pursuant to Section 15311 (Accessory Structures) which allows construction or replacement of minor structures accessory to commercial facilities, including but not limited to on-premise signage.

Community Engagement:

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

LINKS/ATTACHMENTS:

1. Sign Resolution
2. Exhibit A- Master Sign Program

RESOLUTION NO. ____

**A RESOLUTION OF THE PLANNING
COMMISSION OF THE CITY OF MORGAN HILL
APPROVING A MASTER SIGN PROGRAM FOR A
COMMERCIAL CENTER (EVERGREEN
VILLAGE) LOCATED AT THE SOUTHEAST
QUADRANT OF COCHRANE ROAD AND
BUTTERFIELD BOULEVARD (APN: 726-25-
035/726-32-021)**

WHEREAS, applicant submitted an application for a Master Sign Program for the Evergreen Village project, and such request was considered by the Planning Commission at their regular meeting of June 25, 2019;

WHEREAS, the Community Development Director has determined that the project is categorically exempt from CEQA pursuant to Section 15311 – on premise signs; 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 Planning Commission approves application SIGN2018-0004: Cochrane – Southbay Evergreen for the Master Sign Program, attached hereto as Exhibit A and incorporated herein by this reference.

SECTION 2. The approved use is consistent with the Zoning Ordinance and the General Plan.

SECTION 3. The approved Master Sign Program has been found consistent with the criteria for Master Sign Program approval contained in Section 18.18.88.110 of the Zoning Code in that it features a unified and coordinated approach to the materials, color, size, type, placement and general design of signs proposed for the project.

SECTION 4. Future signage on the project site shall comply with the standards of the Master Sign Program.

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). These fees do not include fees for processing applications for governmental regulatory actions or approvals, or fees collected (a) under development agreements, (b) pursuant to agreements with the Morgan Hill Redevelopment Agency or (c) as a part of your application for development

City of Morgan Hill
 Resolution No.
 Page 2 of 3

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. This right to protest does not apply to voluntary Residential Development Control System fees.

PASSED AND ADOPTED THIS 25th DAY OF JUNE, 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: Sign Resolution (2349 : Sign Program: Cochrane - South Bay (Evergreen Village))

City of Morgan Hill
Resolution No.
Page 3 of 3

EXHIBIT A

MASTER SIGN PROGRAM
EVERGREEN VILLAGE

Attachment: Sign Resolution (2349 : Sign Program: Cochrane - South Bay (Evergreen Village))

**COMPREHENSIVE
SIGN
PACKAGE**



Evergreen Village

SEC of Butterfield & Cochrane
Morgan Hill, CA

June 12th, 2019

Prepared by:



■ ADDRESS: 4028 W. WHITTON PHX, AZ. 85019
■ PHONE: (602)-272-9356
■ FAX: (602)-272-4608
■ www.bootzandduke.com

**COMPREHENSIVE SIGN PACKAGE
EVERGREEN VILLAGE
MORGAN HILL, CALIFORNIA**

I. INTRODUCTION

The intent of this comprehensive sign package is to establish and maintain a continuity of quality and aesthetics throughout the shopping center for the mutual benefit of all occupants.

II. GENERAL REQUIREMENTS

- A. Each Tenant/Owner (or representative) shall submit two (2) sets of scale drawings of proposed signage for approval by property owner or designee indicating the location, size, layout, design, color and method of attachment. Upon property owner or designee approval, a signed copy will be returned.
- Evergreen Development
2390 E. Camelback Rd. Suite 410
Phoenix, AZ 85016
Zach Lauterbach
602-808-8600
zlauterbach@evergreen.com
- B. All signs shall be constructed and installed at Tenant/Owner's sole expense.
- C. All signs shall be reviewed for conformance with these criteria and overall design quality. Approval or disapproval of sign submittals based on aesthetics of design shall remain the sole right of the property owner or designee.
- D. Signs installed without written approval from the property owner or designee may be subject to removal.
- E. Repairs to sign band or removal of signage shall be the financial responsibility of the Tenant/Owner.
- F. Tenant/Owner and their sign contractor shall repair any damage caused during installation or removal of any signage.
- G. Tenant/Owner shall be responsible for obtaining all sign permits through the City of Morgan Hill prior to the installation of any signage.
- H. All sign companies contracted by Tenant/Owner shall carry workman's compensation and public liability insurance against all damage suffered or done to any and all persons and/or property while engaged in the construction or erection of signs in the amount of one million and no/100 dollars (\$1,000,000.00) per occurrence unless otherwise approved by property owner or designee.
- I. Each building is required to display a street address and within multi-tenant buildings suite numbers shall be displayed above the storefront door and service door. Numbers shall be white vinyl and be no less than four (4) inches in height.

- J. No signage shall be permitted on site in violation of Section 18.88.050 (Prohibited signs) of the Morgan Hill Municipal Code.
- K. If this comprehensive sign package is silent on any sign standard or definition, refer to the Morgan Hill Municipal Code.

III. SPECIFIC RESPONSIBILITIES AND OBLIGATIONS

- A. Each Tenant/Owner shall, at their own expense, install and maintain their own identification sign in accordance with specifications noted herein.
- B. Should Tenant/Owner's sign require maintenance or repair, property owner or designee shall provide Tenant/Owner thirty (30) days written notice to perform said maintenance or repair.
- C. Should Tenant/Owner fail to perform, property owner or designee shall undertake repairs and Tenant/Owner shall reimburse property owner or designee within ten (10) days from receipt of invoice.

IV. CONSTRUCTION REQUIREMENTS FOR BUILDING MOUNTED SIGNAGE

- A. All fasteners shall be made of aluminum.
- B. No labels shall be permitted on the exposed surface of signs, except those required by ordinance.
- C. All electrical signs shall bear the Underwriters Laboratory (UL) label, conform to 2018 International Building Code (IBC) standards or latest edition, and conform to 2015 National Electrical Code Standards or latest edition.

V. SIGNAGE DESIGN REQUIREMENTS FOR SINGLE OCCUPANT BUILDING

- A. Identification signs shall be designed as an integral part of the building fascia in a manner complimentary to adjacent and facing building fronts.
- B. Each Tenant/Owner will be allowed no more than one (1) sign and one (1) logo per elevation for 3 elevations.
- C. All signs shall be within the maximum square feet allowed per elevation. Tenants shall be permitted one and one half (1.5) square feet per linear foot "of store frontage" for signage.
- D. In no case shall tenant's sign exceed 80% of the height or length of the sign band, or length of the frontage to which the sign is attached, whichever is less.
- E. Signs shall not project above the roofline or parapet of the wall.

VI. SIGNAGE DESIGN REQUIREMENTS FOR MULTI-OCCUPANT BUILDING

- A. Identification signs shall be designed as an integral part of the building fascia in a

manner complimentary to adjacent and facing building fronts.

- B. Each Tenant/Owner will be allowed a maximum two (2) signs, unless otherwise specified.
- C. All signs shall be within the maximum square feet allowed per elevation. Tenants shall be permitted one and one half (1.5) square feet per lineal foot of "store frontage" for signage on their store front and rear (if street facing), with a minimum of fifty (50) square feet and a maximum of one hundred and twenty-five (125) square feet of signage.
- D. In no case shall tenant signs exceed 80% of the height or length of the sign band, or length of the frontage to which the sign is attached, whichever is less.
- E. Sign must be affixed to the wall of the business it references.
- F. For tenant suites located on the end of the building, tenants may be permitted three (3) signs: one (1) on the main store front, one (1) on rear facing street and one (1) on the side elevation facing the parking lot.
- G. Signs shall not project above the roofline or parapet of the wall.

VII. SIGNAGE DESIGN / CONSTRUCTION REQUIREMENTS

- A. All building mounted signs shall be defined as pan channel internally illuminated letters.

Pan Channel Internally Illuminated Letter Specifications:

- Aluminum construction with minimum .063 backs and .040 returns
 - 5" deep returns painted Akzo Nobel acrylic polyurethane or equivalent
 - Minimum ¾" trimcap
 - 3/16" translucent acrylic faces - Colors are open for corporate ID
 - 3/16" white plex with translucent vinyl overlay will be acceptable to achieve custom colors
 - No clear plex or clear lexan faces will be acceptable
 - Internal illumination with neon or LED fixtures
 - Neon signs shall use UL approved electrobit housings and 30ma GFI transformers
 - LED signs shall use UL approved components throughout
 - No Exposed Raceways Allowed
- B. Final approval of any building mounted sign is at the sole discretion of the property owner or designee and from the City of Morgan Hill.
 - C. Sign Logo and Letters will be added together to calculate the total square footage of signage. (See typical plan details)

VIII. WINDOW SIGNAGE

- A. No window signs are permitted without written approval from the property owner or designee.
- B. Window signs shall not exceed 25 percent of the window area to which it is attached and shall only be permitted on ground floor windows.
- C. A minimum of 75 percent of the total window area for a use shall be transparent and

free of signage features. This includes any sign attached to a window, within two feet of a window, or attached to a display located within two feet of a window.

IX. TEMPORARY SIGNS

- A. The following temporary signs are prohibited unless approved by City of Morgan Hill:
1. A-frame signs and any portable signs of any nature
 2. Cloth signs or streamers hanging in front of business without landlord approval
 3. Roof Signs
 4. Exposed Neon Tubing
 5. Signs or Letters Painted Directly on Any Surface
 6. A fixed balloon used as a sign (which means any lighter-than-air or gas filled balloon attached by a tether to a fixed place)
 7. Private light pole banners

X. FREESTANDING MONUMENT SIGN DESIGN REQUIREMENTS

- A. Freestanding multi-occupant identification signs. All project identification signs shall be constructed as per the attached approved details. Individual panel design and locations shall be approved by the property owner or designee in writing.
- A1. **Multi-Occupant Monument Sign**
Three (3) Multi-Occupant Monument Signs 8'-0" High, Double Faced, and Internally Illuminated.
- A2. **Multi-Occupant Monument Sign with Fuel Pricing**
One (1) Multi-Occupant Monument Signs 12'-0" High, Double Faced, Fuel Pricing, and Internally Illuminated.
- A3. **Single Occupant Monument Sign**
One (1) Multi-Occupant Monument Signs 8'-0" High, Double Faced and Internally Illuminated.

Sign Consultant: Andy Gibson
 Bootz & Duke Sign Co.
 2831 W. Weldon Ave.
 Phoenix, AZ 85017
 602-272-9356 / 602-272-4608 Fax
 Andy@bootzandduke.com

SIGN	SIGN TYPE	LOCATION	MAX HEIGHT	SQUARE FOOTAGE	RESTRICTIONS	INTERNAL ILLUMINATION	MATERIAL
SINGLE OCCUPANT BUILDING	Wall Mounted Store ID	Building Store Front	80% of the height of the sign band and 80% of the length of the sign band to which the sign is attached	50 square feet minimum and 150 square feet maximum and no more than 3 signs (1.5 square foot per linear ft.)	Placement shall be centered on store frontage while taking into consideration the architectural details of the building.	LED's and/or Neon	Individual Channel Letter Utilizing: Aluminum Acrylic Vinyl
MULTI-OCCUPANT BUILDING	Wall Mounted Store ID	Location on Pad Building TBD	80% of the height of the sign band and 80% of the length of the sign band to which the sign is attached	50 square feet minimum and a 150 square feet maximum 1.5 square foot per linear ft.	Two (2) signs per tenant; Three (3) signs end units	LED's and/or Neon	Individual Channel Letters Utilizing: Aluminum Acrylic Vinyl
A-1 MULTI-OCCUPANT MONUMENT SIGNS	Free Standing Monument Sign A1 Qty. 3	1-Cochrane 1-Jarvis 1-Butterfield	8'-0"	36.00 square feet maximum	To remain within the panel area	LED's or Fluorescent Lamps	Aluminum Steel Acrylic Vinyl
A-2 MULTI-OCCUPANT MONUMENT SIGNS	Free Standing Monument Sign A2 Qty.1	1-Cochrane	12'-0"	53.63 square feet maximum	To remain within the panel area	LED's or Fluorescent Lamps	Aluminum Steel Acrylic Vinyl
A-3 SINGLE OCCUPANT MONUMENT SIGNS	Free Standing Monument Sign A3 Qty.1	1-Jarvis	8'-0"	24.75 square feet maximum	To remain within the panel area	LED's or Fluorescent Lamps	Aluminum Steel Acrylic Vinyl

Notes:

- 1) All monument signs shall be located 6 feet minimum from vehicle access-ways and 3 feet minimum from property lines.
- 2) All monument signs shall be located within an irrigated landscaped planting area.
- 3) Monument signs shall be separated by a minimum of 100 feet.
- 4) Directional Signage is Exempt.

NOT TO EXCEED 80%
LEASED FRONTAGE

NOT TO EXCEED 80%
OF SIGN BAND IN HEIGHT



*SQUARE FOOTAGE WILL BE CALCULATED AS ONE (1) BOX AROUND ENTIRE SIGN FOR MULTI-OCCUPANT BUILDING

CONSTRUCTION

.063" ALUMINUM CONSTRUCTION.

5" DEEP RETURNS, .040" CLC, COLOR AS PER
TENANT.

3/4" TRIM CAP, COLOR AS PER OCCUPANT.

MOUNTING

MOUNT FLUSH TO WALL.

FACE

3/16" SG ACRYLIC, COLOR AS PER TENANT.

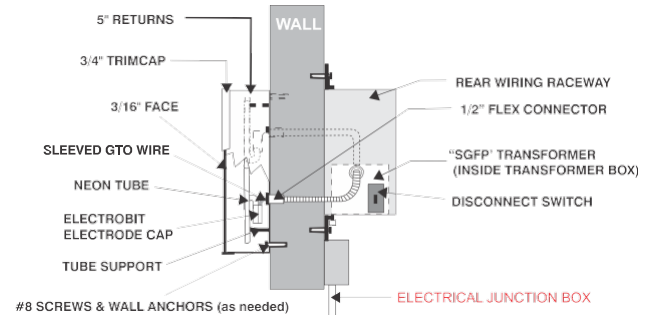
ILLUMINATION

L.E.D. OR NEON, SINGLE OR DOUBLE STROKE. 1
STROKE PER 4"

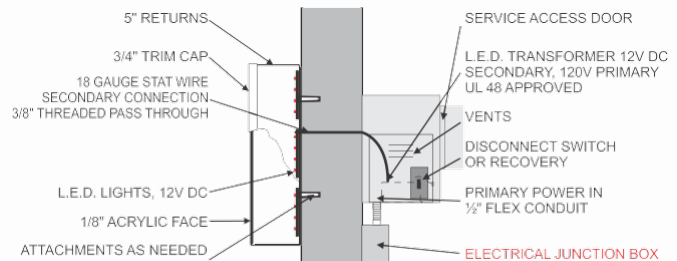
WITH REMOTE TRANSFORMER.

(LOGO DETAILS WILL ADHERE TO THE SAME
SPECIFICATIONS AS THE CHANNEL LETTERS)

NEON ILLUMINATED PAN CHANNEL LETTERS



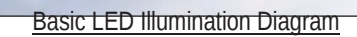
L.E.D. ILLUMINATED PAN CHANNEL LETTERS



35.06 Sq. Ft.

Scale: 3/8" = 1'-0"

- **Structure:** Aluminum Angle Skinned with .090" Aluminum Painted Customer Specified
- **Faces:** .125" Aluminum with Routed Copy Painted Customer Specified
- **Copy:** 1/2" Push Thru Acrylic Backed with 3/16" Acrylic Stud Mounted to the Face
- **Illumination:** LEDs Spaced as Necessary for Ample Illumination
- **Power:** Power Supplies in Sign
- **Base:** Aluminum & Concrete Board with Tile
- **Installation:** On ASA Pipe and Footer at Specified Location

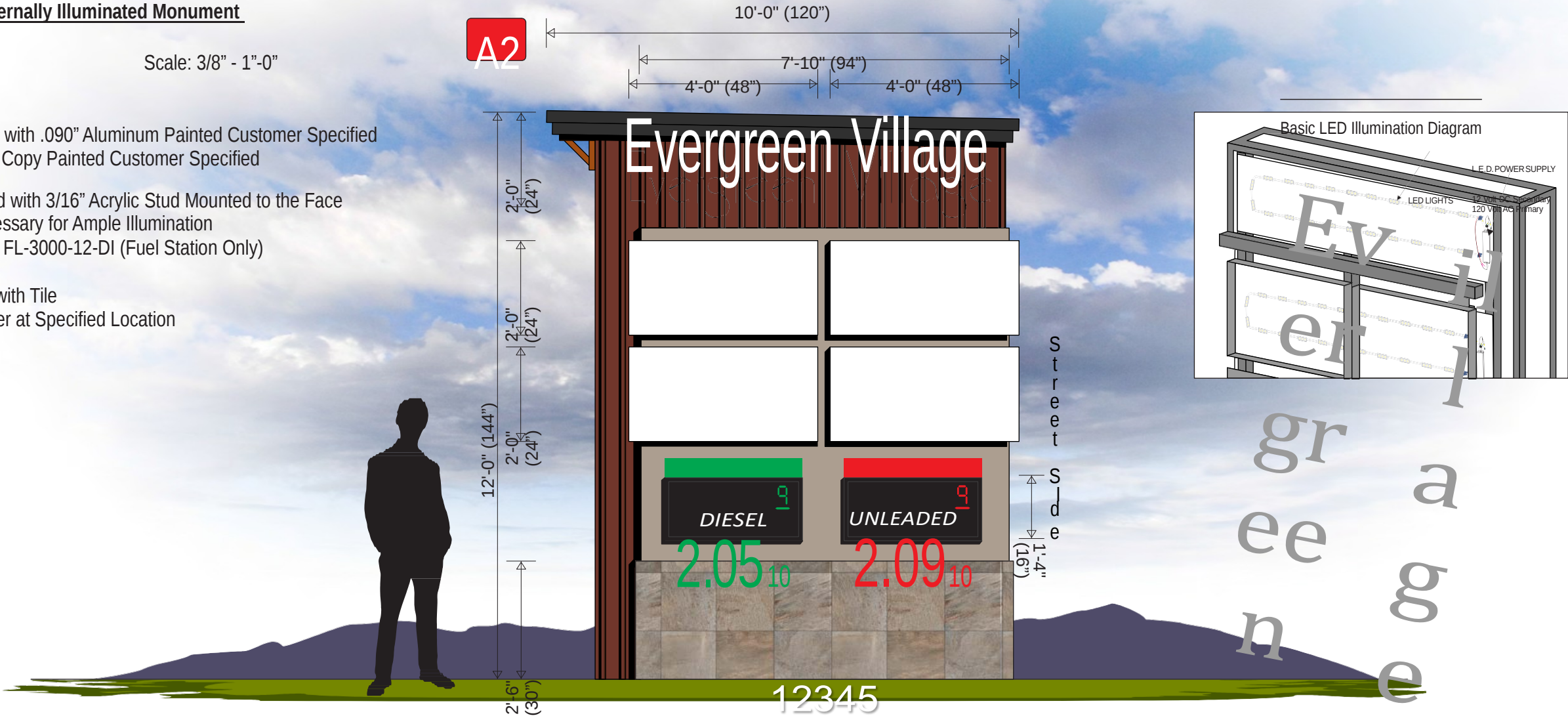


Manufacture and Install One (1) Internally Illuminated Monument Sign

68.75 Sq. Ft.
Monument Sign:

Scale: 3/8" - 1'-0"

- **Structure:** Aluminum Angle Skinned with .090" Aluminum Painted Customer Specified
- **Faces:** .125" Aluminum with Routed Copy Painted Customer Specified
- **Copy:** 1/2" Push Thru Acrylic Backed with 3/16" Acrylic Stud Mounted to the Face
- **Illumination:** LEDs Spaced as Necessary for Ample Illumination
- **Digital Display:** Daktronics Fuelight FL-3000-12-DI (Fuel Station Only)
- **Power:** Power Supplies in Sign
- **Base:** Aluminum & Concrete Board with Tile
- **Installation:** On ASA Pipe and Footer at Specified Location



33.33 Sq. Ft.
Monument Sign:

Scale: 3/8" - 1"-0"

-
- with Tile
ter at Specified Location
- A3
- 10'-0" (120")
7'-10" (94")
8'-4" (100") Panel
- 8'-0" (96")
4'-0" (48") Panel
2'-6" (30")
- Street Side
- 12345
- Basic LED Illumination Diagram
- LED LIGHTS
P.O. POWER SUPPLY
12 VOLT DC BATTERY
120V AC POWER



View from Parking Lot



View of Typical Sidewalk



Example of a the Sign Band
(Sign Band: a designated area for tenant signage.)



View to Corner Plaza from Intersection



View to Plaza between Shops 3 and Market



View to Corner Plaza from Parking Lot



View of Roundabout



- Shops 1
100'+60'+100'x1.5 = 390'
- Shops 2
100'+60'+100'x1.5 = 390'
- Pad A
80'+40'+40'x1.5 = 240'
- Pad B
90'+50'+50'x1.5 = 285'
- C Store
70'+50'+70'x1.5 = 285'
- Hotel
200'+90'+200'x1.5 = 735'
- Tire Store
160'+60'+160'x1.5 = 570'
- Market
175'+120'+120'x1.5 = 622.5'
- Shops 3
100'+60'+60'x1.5 = 330'
- Office
100'+60'+100'x1.5 = 390'
- Medical Office
170'+110'+170'x1.5 = 675'
- Senior Living
260'+220'+220'x1.5 = 1050'
- Total Lineal Feet for Signage
5962.50

A1 = 35.06 x 3 = 105.18 Sq. Ft.
A2 = 68.75 Sq. Ft.
A3 = 33.33 Sq. Ft.
Total Monument Signage
207.26

Evergreen Village

Proposed Site Plan



A-1.1

