



**Regular Meeting Agenda
Planning Commission**

LIAM DOWNEY - CHAIR
PAUL LAKE - VICE-CHAIR
MOHAMMAD HABIB - PLANNING COMMISSIONER
JAMES WILSON - PLANNING COMMISSIONER
DAVID LOVATO - PLANNING COMMISSIONER
JOSEPH MUELLER - PLANNING COMMISSIONER
WAYNE TANDA - PLANNING COMMISSIONER

**Tuesday, June 24, 2025
7:00 PM**

**Council Chamber Building
17555 Peak Avenue, Morgan Hill, CA 95037**

MEETING PARTICIPATION

Morgan Hill Planning Commission meetings are held in person. The community can participate by attending in person, joining via Zoom (video/teleconference). The meetings are also live-streamed on the City's website, Facebook page, and Channel 17.

Those wishing to participate in the meetings remotely must register in advance at <https://bit.ly/PlanningCommissionMtg>. Additionally, Zoom participants must be running the latest version or will be required to update to the latest version before being able to join the meeting remotely.

Remote participation is also available by calling (669) 900-9128 and entering webinar id: 862 0324 6251#. Dial *9 to raise your hand, and be called upon to speak for up to 3 minutes. Dial *6 to unmute.

As a courtesy, and technology permitting, for members who attend online, the City cannot guarantee that the public's access to online technology will be uninterrupted, and technical difficulties may occur from time to time. Unless required by the Ralph M. Brown Act, the meeting will continue despite technical difficulties for participants using the online option.

PUBLIC COMMENT

Public comment may be offered verbally at the meeting or in writing before the meeting.

Those attending remotely may only offer public comment for items on the agenda in any of these three categories:

- Consent Calendar
- Other Business
- Public Hearings

Public comment will be heard from those attending in person first with the submission of a speaker card. Once that is complete, we will move to those on Zoom that have their hand raised. Following public comment from Zoom, we will close the public comment period for that item.

Remote public comment for items not on the agenda will not be accepted.

Written public comment may be submitted to the Planning Office:

- In person at the Planning Commission Meeting;
- Via email to pcpubliccomment@morganhill.ca.gov; or
- Hand delivered or mailed to the Planning Division at 17575 Peak Avenue, Morgan Hill, CA 95037

Please email your comments to the Planning Office no later than 3:00 p.m. on Monday (the day before the Planning Commission meeting) so that your comments can be submitted to the members of the Planning Commission with sufficient time to review them. You may continue to provide written comments up to noon on Tuesday (the day of the meeting), although Planning Commissioners may not have sufficient time to review them before the meeting. Public comments submitted to the Planning Division after noon (12:00 p.m.) the day of the meeting will be provided to the Planning Commission as time allows.

Written comments WILL NOT be read aloud during the Planning Commission Meeting. Please note that written comments are posted on the City's website. It is recommended that you do not include any personal information that you do not want to be posted on the web. Please be advised that communications directed to the Planning Commission are public records and are subject to disclosure pursuant to the California Public Records Act and Brown Act unless exempt from disclosure under the applicable law. Communications will NOT be edited for redactions and will be printed/posted as submitted.

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 Planning Office at (408) 310-4709 or by email at planning@morganhill.ca.gov. Requests must be made as early as possible and at least two full business days before the start of the meeting.

CALL TO ORDER

ROLL CALL ATTENDANCE

DECLARATION OF POSTING

Pursuant to Government Code Section 54954.2

PLEDGE OF ALLEGIANCE

PUBLIC COMMENT

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 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. MAY 13, 2025 MEETING MINUTES

Recommendation:

1. Accept Meeting Minutes

PUBLIC HEARINGS

None

OTHER BUSINESS

2. SELECTION OF PLANNING COMMISSION CHAIRPERSON AND VICE CHAIR

Recommendation:

Planning Commission to select a Chairperson and Vice Chair

3. WORKSHOP: CONDIT ROAD ZONING AMENDMENTS - AUTO PARK PLANNED UNIT DEVELOPMENT (PUD) AND CONDIT PUD

Recommendation:

Review and provide feedback on the proposed zoning amendments and advise on staff's recommended changes.

DIRECTOR'S REPORT/ANNOUNCEMENTS

ADJOURNMENT

NOTICE

Any documents produced by the City and distributed to the majority of the Planning Commission less than 72 hours prior to an open meeting, will be made available for public inspection at the front counter at City Hall located at 17575 Peak Avenue, Morgan Hill, CA, 95037 and at the Morgan Hill Public Library located at 660 West Main Avenue, Morgan Hill, California, 95037 during normal business hours. (Pursuant to Government Code 54957.5)

PUBLIC COMMENT

Members of the Public are entitled to directly address the Planning 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 Planning Commission on any issue that is on this agenda, please complete a speaker request card located in the foyer of the Council 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 Planning Commission, but it is very helpful. When you are called, proceed to the podium and the Chair will recognize you. If you wish to address the Planning 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 Planning Commission.

Persons interested in proposing an item for the Planning 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 Planning's action, your request may be placed on the next appropriate agenda. Planning 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.



**Meeting Minutes
Planning Commission**

LIAM DOWNEY - CHAIR
PAUL LAKE - VICE-CHAIR
MOHAMMAD HABIB - PLANNING COMMISSIONER
MALISHA KUMAR - PLANNING COMMISSIONER
JAMES WILSON - PLANNING COMMISSIONER
JOSEPH MUELLER - PLANNING COMMISSIONER
WAYNE TANDA - PLANNING COMMISSIONER

Tuesday, May 13, 2025

**Council Chambers
17555 Peak Avenue, Morgan Hill, CA 95037**

CALL TO ORDER

Chair Downey called the Planning Commission meeting to order at 7:01 p.m.

ROLL CALL ATTENDANCE

Minutes Clerk Luna called the roll.

PRESENT	Liam Downey, Mohammad Habib, James Wilson, Joseph Mueller
EXCUSED	Paul Lake, Wayne Tanda, Malisha Kumar,

DECLARATION Of POSTING

Minutes Clerk Luna declared the posting of the agenda at 7:02 p.m.

PLEDGE OF ALLEGIANCE

Planning Commissioner Habib led the Pledge of Allegiance at 7:02 p.m.

PUBLIC COMMENT

Chair Downey opened the Public Comment Period at 7:02 p.m. Hearing no requests to speak, the Public Comment Period was closed.

MINUTES APPROVAL

1. APRIL 22, 2025, MEETING MINUTES

Recommendation:

1. Accept the April 22, 2025 Meeting Minutes

MOTION:

Accept the April 22, 2025 meeting minutes.

RESULT:	Passed
MOVER:	None
SECONDER:	None
AYES:	Planning Commissioner Downey, Planning Commissioner Wilson, Planning Commissioner Mueller
NAYS:	None
ABSTAIN:	Planning Commissioner Habib
ABSENT:	Vice Chair Lake, Planning Commissioner Tanda, Planning Commissioner Kumar

ORDERS OF THE DAY

There were no changes made.

PUBLIC HEARINGS

2. SD2024-0010: EDMUNDSON – PANCAL: REQUEST FOR A TENTATIVE MAP FOR AN 8-LOT SINGLE-FAMILY RESIDENTIAL SUBDIVISION ON A 2.5-ACRE PARCEL LOCATED ON THE SOUTH SIDE OF W. EDMUNDSON AVENUE IN THE RDM 7000 ZONING DISTRICT.

Recommendation:

1. Open/close public hearing; and
2. Adopt a Resolution approving a Tentative Map for an 8 lot subdivision of a 2.5 acre lot.

Planner, Rich Buikema presented the staff report at 7:06 p.m.

Chair Downey opened the Public Hearing 7:17 p.m. The following individuals were called to speak:

- Bill McClintock
- Robert J. Kelley
- Prithpac Khajurin
- Robert J. Kelley

Hearing no further requests to speak, the Public Hearing was closed.

Chair Downey re-opened the Public Hearing at 7:36 p.m.

- Bill McClintock
- Prithpac Khajurin

Hearing no further requests to speak, the Public Hearing was closed.

MOTION:

Adopt a resolution approving the Tentative Map.

RESULT:	Passed
MOVER:	Planning Commissioner Mueller
SECONDER:	Planning Commissioner Wilson
AYES:	Chair Downey, Planning Commissioner Habib, Planning Commissioner Wilson, Planning Commissioner Mueller
NAYS:	None
ABSTAIN:	None
ABSENT:	Vice Chair Lake, Planning Commission Tanda, Planning Commissioner Kumar

3. **UP2025-0001: XCEL COLLISION CENTER: REQUEST FOR A CONDITIONAL USE PERMIT TO ALLOW AN AUTO REPAIR AND PAINT FACILITY AT AN EXISTING WAREHOUSE LOCATED AT 16880 JOLEEN WAY IN THE LIGHT INDUSTRIAL ZONING DISTRICT.**

Recommendation:

1. Open/close public hearing; and
2. Adopt a Resolution approving a Conditional Use Permit for an auto repair and paint facility located within an existing warehouse zoned as Light Industrial.

Assistant Planner Roshni Saxena presented the staff report at 7:47 p.m.

Chair Downey opened the Public Hearing at 7:58 p.m.

- Randy Orozco

Hearing no further requests to speak, the Public Hearing was closed.

MOTION:

Adopt a resolution approving the Conditional Use Permit.

RESULT:	Passed
MOVER:	Planning Commissioner Mueller
SECONDER:	Planning Commissioner Wilson
AYES:	Chair Downey, Planning Commissioner Habib, Planning Commissioner Wilson, Planning Commissioner Mueller
NAYS:	None
ABSTAIN:	None
ABSENT:	Vice Chair Lake, Planning Commissioner Tanda, Planning Commissioner Kumar

OTHER BUSINESS

None

DIRECTOR'S REPORT/ANNOUNCEMENTS

Principal Planner Adam Paszkowski made an announcement at 8:12 p.m.

Assistant City Attorney Cynthia Hasson made an announcement at 8:17 p.m.

Development Services Director Jennifer Carman made an announcement at 8:20 p.m.

ADJOURNMENT

There being no further business, Chair Downey adjourned the meeting at 8:25 p.m.

MINUTES PREPARED BY:

Jenna Luna, Minutes Clerk



Memorandum

Date: June 24, 2025

To: Chair and Planning Commission

From: Jennifer Carman, Development Services Director

Subject: Selection of Planning Commission Chairperson and Vice Chair

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
Paul Lake	March 2, 2022
James Wilson	August 3, 2022
David Lovato	June 1, 2025

Planning Commission Chair (prior 4 years)	
2021/22	Malisha Kumar
2022/23	Joseph Mueller
2023/24	Wayne Tanda
2024/2025	Liam Downey

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 Lake should be selected to serve as Chairperson being the most senior member of the Commission not having served in the prior years, and the member who served as Vice Chair last year. Commissioner Habib would serve as Vice Chair being the next in seniority who has not yet served during the previous four years. The Chairperson and Vice Chair terms are for one-year, until July 1, 2026.

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

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 24, 2025

PREPARED BY:
Brittney Sherman, Economic Development Coordinator
APPROVED BY: Jennifer Carman

WORKSHOP: CONDIT ROAD ZONING AMENDMENTS - AUTO PARK PLANNED UNIT DEVELOPMENT (PUD) AND CONDIT PUD

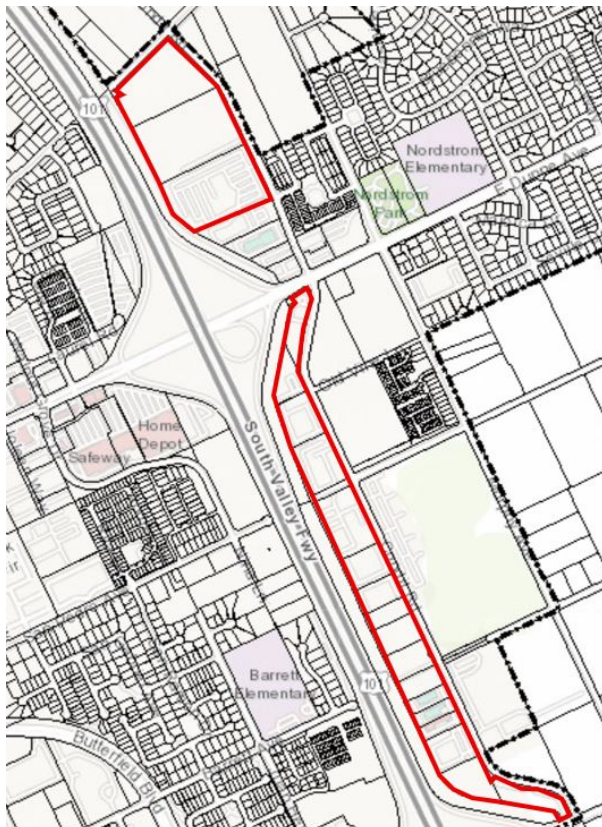
RECOMMENDATION(S)

Review and provide feedback on the proposed zoning amendments and advise on staff's recommended changes.

LOCATION MAP/PROJECT INFORMATION:

Auto Park PUD: The 25.3-acre site, identified by Assessor Parcel Numbers 728-17-031,035,036, is located on the west side of Condit Road, south of Diana Avenue.

Condit Road PUD: The approximately 35-acre area, identified by Assessor Parcel Numbers 817-12-001,-003, -004, -018, -019; 817-13-019-022, -024, -026,027, 029-032, and 034-035, is located on the west side of Condit Road between East Dunne Ave and Tennant Avenue.



BACKGROUND:

The City's Economic Blueprint identified Retail and Tourism as two of the top four key industries for Morgan Hill's economic development strategy. Strategies in these two industries include:

- Improving retail flexibility
- Supporting lodging development and reinvestment
- Support a tourism environment
- Enhance facility utilization and grow sports/recreation facilities

More specifically, the Blueprint identified the following action items:

- #15) Pursue sports and recreation uses as anchor tenants; increase permitted use allowance up to 15,000 SF
- #17) Change Zoning to allow incidental wine, beer, and alcohol tasting rooms and distilleries in Downtown and throughout the City in Commercial and Industrial zoned areas.
- #25) Ensure the General Plan and Zoning Code addresses Bed & Breakfasts, Air BnBs and Hotel Development.
- #26) Develop plan to help upgrade or transition aging hotel facilities
- #27) Identify pre-zoned loading sites
- #30) Target retail attraction towards sports recreation, entertainment, boutique and food retailers.

PROJECT DESCRIPTION:

A Planned Development district (PD) is a customized zoning district that has historically been used across the City in commercial, industrial and residential areas. The goal of the City's PD program is to allow for high-quality development that deviates from standards and regulations applicable to base zoning districts. The PD combining district is intended to promote creativity in building design, flexibility in permitted land uses and innovation in development concepts.

Economic Development staff is advancing zoning updates to support the attraction of new investments, increase tourism, and advance policies that support the City's General Fund. In alignment with the goals and key focus areas outlined in the Economic Blueprint. To attract new investment and reinvestment in the Condit Road area, staff is proposing to update the Planned Developments (PDs) known as Condit PUD and Auto Park PUD that regulate zoning on the west side of Condit Road between Diana Avenue and Tennant Avenue (see map). The proposed zoning changes are designed to increase sales tax and transient occupancy tax (TOT) by removing barriers to development associated with retail, hotel, recreation, and auto sales. The historic and current ordinances governing the two Planned Development districts are attached. The titles "Condit North" and "Condit South" differentiate them in the attachments.

PROJECT ANALYSIS AND FINDINGS:

CONDIT PUD: The Morgan Hill Outdoor Sports Center and Aquatics Center on Condit Road is a primary driver of visitors to the City of Morgan Hill. Tens of thousands of athletes, family members, and special event attendees that use the complex contribute to the City's financial sustainability through hotel transient occupancy tax generated during hotel night stays and through sales tax resulting from purchases at local restaurants and stores.

Staff are proposing zoning changes that include:

- Removing maximums on fast food restaurants with drive thrus (currently 1), square footage requirements on permitted commercial indoor recreation (currently 3,000 sq.ft. or larger requires a conditional use permit), motels and hotels (currently 5), motor vehicle sales and

- service uses that involve outdoor sales display (currently 2),
- Add outdoor recreation (currently, only indoor recreation is referenced),
- Expanding permitted tasting rooms (currently allowed for only wine) will support these goals.

AUTO PARK PUD: Auto dealerships are top sales tax-generating uses within the City, and, as such, are significant contributors to the General Fund. Removing the restriction on the number of auto dealerships allowed within the Auto Park PUD would open opportunities for additional new dealerships to be located in Morgan Hill.

Staff are proposing zoning changes that include:

- Removing maximums on new auto dealerships (currently 4)

CONCLUSION:

The proposed zoning update work will support the attraction of new investment, increase tourism, and generate additional General Fund revenues, in alignment with the goals and key focus areas outlined in the City's 2017 Economic Blueprint.

CEQA (California Environmental Quality Act):

Holding a workshop is not a project as defined in Section 15378 of the State CEQA guidelines because it is an administrative activity that does not involve any commitment to any specific project that may result in physical environmental impacts.

COMMUNITY ENGAGEMENT:

Staff is reaching out to property and business owners in the Condit PUD and Auto Park PUD and notices will be included in the City's 411 and the Economic Development e-Newsletters and published in the Morgan Hill Times. Public Hearings are expected on July 22nd with the Planning Commission and September 3rd with the City Council.

ATTACHMENTS:

1. Condit North - ORD1926ns Original Auto Park Development Plans and Guidelines (2009)
2. Condit North - March 18, 2009 City Council Staff Report for Approval of ORD1926ns
3. Condit South - ORD1488ns Original Condit PUD (Area 5) (2000)
4. Condit South - ORD1544ns Original Condit PUD Precise Development Plan and Design Guidelines (2002)
5. Condit South - ORD1865ns Condit PUD Amendment to Development Planning Guidelines (2008)
6. Condit South - February 6, 2008 City Council Staff Report for Approval of ORD1865ns

ORDINANCE NO. 1926, NEW SERIES

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF MORGAN HILL APPROVING A ZONING AMENDMENT TO ESTABLISH A DEVELOPMENT PLAN AND GUIDELINES FOR A PLANNED DEVELOPMENT AREA AT THE SOUTHWEST CORNER OF CONDIT ROAD AND DIANA AVENUE FOR THE CONSTRUCTION OF THREE NEW AUTO DEALERSHIPS AND ONE EXISTING DEALERSHIP (ZA-98-06: Condit-Kubo)

THE CITY COUNCIL OF THE CITY OF MORGAN HILL DOES HEREBY ORDAIN AS FOLLOWS:

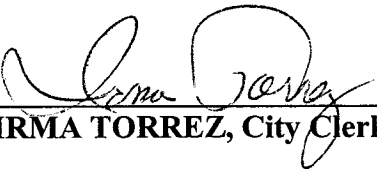
- SECTION 1.** The proposed zoning amendment is consistent with the Zoning Ordinance and the General Plan.
- SECTION 2.** The zone change is required in order to serve the public convenience, necessity and general welfare as provided in Section 18.62.050 of the Municipal Code.
- SECTION 3.** An environmental initial study has been prepared for this application and has been found complete, correct and in substantial compliance with the requirements of the California Environmental Quality Act. A Mitigated Negative Declaration was adopted with the related urban service boundary adjustment and pre-zoning applications which included analysis for future development of the site including auto dealerships. The adopted Mitigated Negative Declaration provides appropriate CEQA compliance for the present actions.
- SECTION 4.** The City Council finds that the proposed PD Overlay District is consistent with the criteria specified in Chapter 18.30 of the Morgan Hill Municipal Code.
- SECTION 5.** The City Council hereby approves a preliminary development plan as contained in that certain series of documents date stamped February 14, 2008, on file in the Community Development Department, entitled "Auto Park PUD" prepared by Fred Goree A.I.A. Architects. These documents, as amended by site and architectural review, show the general location and sizes of all lots in this development and the location and dimensions of all proposed buildings, vehicle and pedestrian circulation ways, parking areas, landscape areas and any other purposeful uses on the project. Modifications to the "Auto Park PUD" development plan are required to comply with the adopted Auto Park PD Guidelines as attached (APNs 728-17-011, -024, -025, & 026).
- SECTION 6.** The City Council hereby approves adoption of the Auto Park PD Guidelines attached as Exhibit A and hereby incorporated by reference. Future development within the PD shall comply with the adopted PD Guidelines.
- SECTION 7.** Severability. If any part of this Ordinance is held to be invalid or inapplicable to any situation by a court of competent jurisdiction, such decision shall not affect the validity of the remaining portions of this Ordinance or the applicability of this Ordinance to other situations.

SECTION 8. Effective Date; Publication. This Ordinance shall take effect thirty (30) days after the date of its adoption. The City Clerk is hereby directed to publish this ordinance pursuant to §36933 of the Government Code.

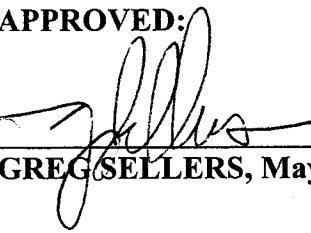
The foregoing Ordinance was introduced at a regular meeting of the City Council of the City of Morgan Hill held on the 18th day of March 2009, and was finally adopted at a regular meeting of said Council on the 25th day of March 2009, and said ordinance was duly passed and adopted in accordance with law by the following vote:

AYES:	COUNCIL MEMBERS:	Larry Carr, Marby Lee, Marilyn Librers, Greg Sellers
NOES:	COUNCIL MEMBERS:	None
ABSTAIN:	COUNCIL MEMBERS:	None
ABSENT:	COUNCIL MEMBERS:	Steve Tate

ATTEST:


IRMA TORREZ, City Clerk

APPROVED:

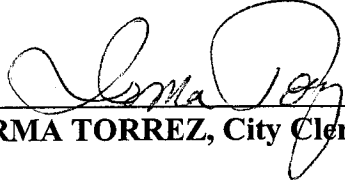

GREG SELLERS, Mayor Pro Tempore

∞ CERTIFICATE OF THE CITY CLERK ∞

I, IRMA TORREZ, CITY CLERK OF THE CITY OF MORGAN HILL, CALIFORNIA, do hereby certify that the foregoing is a true and correct copy of Ordinance No. 1926, New Series, adopted by the City Council of the City of Morgan Hill, California at a regular meeting held on the 25th day of March 2009.

WITNESS MY HAND AND THE SEAL OF THE CITY OF MORGAN HILL.

DATE: April 8, 2009


IRMA TORREZ, City Clerk

'EXHIBIT A'

A U T O P A R K P D G U I D E L I N E S

REVISED 02/24/2009

Allowed Uses

- AU-1. Uses allowed within this planned development (PD) shall include four (4), motor vehicle sales dealerships for the sale of automobiles, boats, and/or recreational vehicles. The four dealerships shall include the existing Ford Store. Minor and major motor vehicle repair shall also be allowed in the PD provided the repair use is ancillary to the principally permitted motor vehicle sales use and the repair service is provided by the dealership. No independent or freestanding vehicle repair use shall be allowed in the PD.
- AU-2. Any other use proposed in the PD shall require an amendment to the PD Guidelines and zoning.

Design (Site, Building and Landscape)

- D-1. Future development within the PD shall comply with the adopted PD Guidelines as contained herein. The Auto Park PD Development Plan prepared by Fred Goree A.I.A. Architects, dated February 14, 2008, on file at the Community Development Department, identifies an overall master plan for development of the PD; the design and location of all physical and landscape improvements shall be substantially consistent with the Auto Park PD Development Plan. However, the exact plan as presented is not approved as part of the PD zoning. Modifications to the Auto Park PD Development Plan will be necessary to comply with the adopted PD Guidelines.
- D-2. Future development of the PD shall require a Design Permit and shall be subject to compliance with the site development standards of the HC, Highway Commercial Zoning District and the City of Morgan Hill Architectural Review Handbook. At a minimum, the following design measures shall be implemented in the PD:
- a. A minimum 30-ft wide landscape buffer (excluding any landscaping in the public right-of-way) shall be provided along the Condit Road frontage. The 30-ft wide Condit Road landscape buffer shall include rolling berms and minimum 24-inch box size trees.
 - b. A minimum 15-ft wide landscape buffer (excluding any landscaping in the public right-of-way) shall be provided along the Diana Avenue frontage.
 - c. A minimum 30-ft wide landscape buffer shall be provided along the Madrone Channel frontage.
 - d. Areas of required parking shall be landscaped in strict adherence to the Morgan Hill Architectural Review Handbook, including but not limited to the provision of

landscape planters and minimum five feet of landscaping between the interior side property lines and parking stalls and/or drive aisles.

- e. A path of travel from the sidewalk to each building shall be provided via a four-ft wide sidewalk set within a minimum 14-ft wide landscape area on at least one side of both internal drive aisles labeled Utility Drive and Sales Avenue on the Auto Park PD Development Plan.
- f. The buildings for the three new dealerships shall be compatible in design and scale with the existing Ford Store dealership.
- g. To the greatest extent possible, service bay roll-up doors should not face Condit Road or Diana Avenue. If service bay roll-up doors do face Condit Road and/or Diana Avenue, landscape screening shall be provided to minimize visibility from the public right-of-way.
- h. Any flag poles installed on-site shall not exceed 30 feet in height, except as may be permitted by approval of a conditional use permit for a telecommunications facility.

D-3. On-site stormwater detention/retention will be required with development of the site, subject to the review and approval of the Morgan Hill Public Works Department. Detention/retention pond(s) shall not be located within the required Condit Road or Diana Avenue landscape buffers, and there shall be no new storm drainage outfalls directly into Madrone Channel from the project site.

Circulation

- C-1. Cross access circulation shall be maintained between the adjoining dealerships and throughout the PD as shown on the Auto Park PD Development Plan. As part of any future subdivision of the project site, the applicant shall record cross access easements along common drive aisles and reciprocal ingress/egress easements at all driveway entrances.
- C-2. To the greatest extent possible, dead end drive aisles should be avoided. Dead end drive aisles shall only be allowed in areas designated for vehicle display, storage, or temporary parking of service vehicles. Dead end drive aisles shall not be allowed in any public or customer parking areas.
- C-3. The internal drive aisles labeled Utility Drive and Sales Avenue on the Auto Park PD Development Plan shall be a minimum 30 ft in width.
- C-4. Test driving of vehicles shall be limited to Condit Road, Highway 101 and segments of E. Dunne Avenue, Cochrane Road and/or Tennant Avenue required for access to and from the freeway. Test driving of vehicles is prohibited along Murphy Avenue, on Condit Road north of Main Avenue and south of Dunne Avenue and on East Dunne Avenue, east of Condit Road. A map of the approved, designated test driving route as

described above shall be included in all Sales Employee Handbooks for all dealerships located within the Auto Park PD.

Parking

- P-1. The parking and/or display of vehicles in any landscape area are expressly prohibited within the PD.
- P-2. All employee and customer parking shall be clearly marked and shall be provided entirely on-site.
- P-3. Parking required for an ancillary motor vehicle service use shall be calculated separately and in addition to parking required for the principally permitted motor vehicle sale use.

Deliveries/Loading & Unloading

- D/L&U-1. Motor vehicle deliveries to the dealerships shall be restricted to the hours of 9 a.m. to 4 p.m. Monday through Saturday to minimize traffic/circulation conflicts.
- D/L&U-1. All loading and unloading of motor vehicles shall be conducted entirely on-site.

Lighting

- L-1. As part of the Design Permit review process for any future dealership, the applicant shall provide for City review and approval a photometric plan identifying lighting levels resulting from all exterior lighting. Lighting levels at the new dealerships shall be equal to or less intensive than the lighting levels at the existing Ford Store dealership. Also, lighting standards for the PD shall include the following:
 - a. Parking lot lights located between the building and Condit Road and/or Diana Avenue shall not be more than 18 ft in overall height, except that lights located within 85 feet of Condit Road and/or Diana Avenue shall not be more than 15 ft in overall height (e.g., 2'-6" base with 12'-6" pole or 3'-0" base with 12'-0" pole). All other parking lot lights shall not exceed an overall height of 20 ft.
 - b. The existing lights at the Ford Store dealership shall remain at their current height as approved under Building Permit No. BLD2003-01108.
 - c. Flood lights aimed at the sky or used to spot light display areas are expressly prohibited. Accent uplighting of buildings and/or landscaping may be permitted subject to review and approval of the required Design Permit.
- L-2. All lighting shall be shielded and directed in such a manner so as not to produce harmful effects upon neighboring property. Adjustments to the lighting intensity may be required

after commencement of the use.

Signage

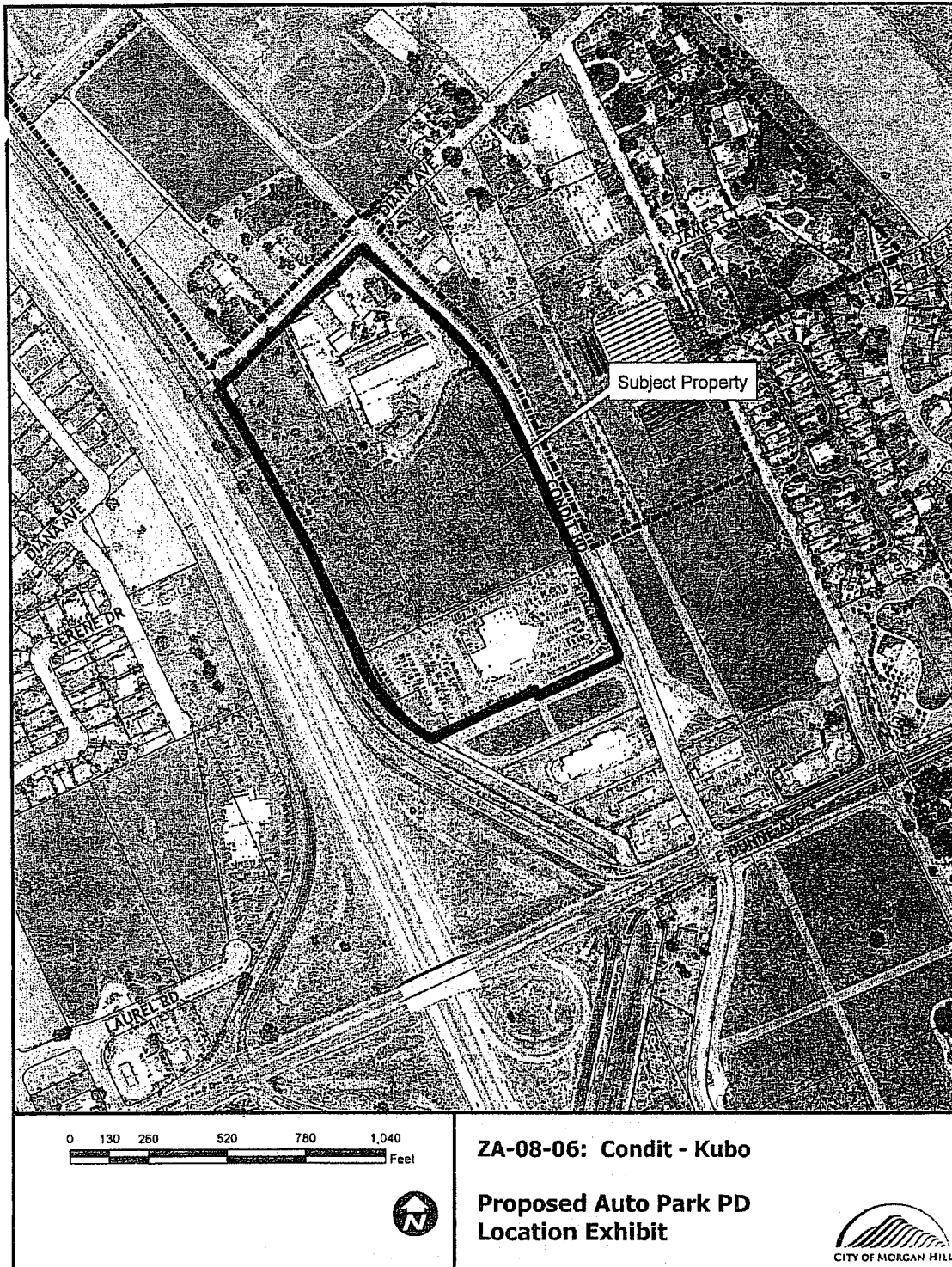
- S-1. One (1) shared use freeway sign advertising the names of the four dealerships shall be allowed for the Auto Park PD. The freeway sign shall be designed in accordance with the provisions of the City Sign Code, and shall not be installed until after a second dealership is established within the Auto Park PD.
- S-2. All signage shall comply with Chapter 18.76, Sign Code, of the Morgan Hill Municipal Code and require sign permits prior to installation.
- S-3. Individually mounted channel letters shall be utilized for building attached signs.
- S-4. The use of flags, banners, tassels, balloons or other inflatable objects is prohibited in the PD except as expressly permitted in Chapter 18.76, Sign Code, of the Morgan Hill Municipal Code.

Noise

- N-1. The use of any exterior public address system or other noise intrusive communication system is expressly prohibited in the PD.

General Provisions

- GP-1. Any modification to these PD Guidelines shall be subject to review and approval of a PD Amendment.





CITY COUNCIL STAFF REPORT

MEETING DATE: March 18, 2009

ZONING AMENDMENT, ZAA-98-16B: CONDIR-HORIZON LAND/FORD STORE AND ZA-08-06: CONDIR-KUBO

RECOMMENDED ACTIONS:

1. Open/close Public Hearing
2. Waive the First and Second Reading of Horizon Land PD Ordinance
3. Introduce Horizon Land PD Ordinance
4. Waive the First and Second Reading of Auto Park PD Ordinance
5. Introduce Auto Park PD Ordinance

EXECUTIVE SUMMARY: The applicant is requesting approval to amend the development plan and planned development (PD) guidelines for the existing Horizon Land PD, located between Condit Rd. and Highway 101, approximately 1,130 ft. south of Diana Ave. The purpose of the amendment is to exclude The Ford Store dealership from the Horizon Land PD so that it may be included in a new auto park PD proposed to the north. As a separate action, the applicant is also requesting approval of a zoning amendment to establish a development plan and PD guidelines for a proposed Auto Park PD located between Condit Rd. and Highway 101, directly south of Diana Ave. The proposed plan and guidelines would allow future construction of three auto dealerships and the inclusion of the existing Ford Store dealership in the PD.

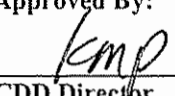
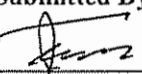
Horizon Land PD. The Horizon Land PD currently consists of five properties including a gas station and Jack in the Box, McDonald's, Holiday Inn Express, The Ford Store, and vacant undeveloped land. With exclusion of The Ford Store, the Horizon Land PD will be built out with the exception of the northern 2.6 acres. This area is planned for a future 56-room motel and 9,500-sf sit down restaurant.

Auto Park PD. The Auto Park PD consists of four parcels: a mushroom farm, private undeveloped land, a City well site, and The Ford Store. The current zoning of the site lists motor vehicle sales and service as a permitted use. The proposed zoning amendment would establish a development plan for the site and further define the zoning specifically to allow four auto dealerships (three new and one existing). PD Guidelines are also proposed that are specific to auto dealerships and include the same provisions required of The Ford Store when it was first established. It is important to note construction of the dealerships is not proposed at this time. The purpose of the zoning amendment is to help facilitate future development of the site. According to the applicant, the proposed site layout is consistent with actual dealerships in Northern California. Therefore, the applicant is hopeful the plan will accommodate any future interested auto dealer. Future development applications will be required to comply with the established Auto Park PD Guidelines and be in substantial conformance with the development plan.

The Planning Commission reviewed the two zoning amendment requests on Feb. 24, 2009, and unanimously recommended approval with the addition of the following conditions: 1) a map of the approved, designated test driving route as described in the PD Guidelines (#C-4) shall be included in all Dealership Sales Employee Handbooks, and 2) the one, shared-use freeway sign allowed in the Auto Park PD shall not be installed until after a second dealership is established. For the Council's reference, a copy of the Commission staff report and draft minutes is attached.

FISCAL/RESOURCE IMPACT: No budget adjustment required.

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Agenda Item # 24
Prepared By:  Senior Planner
Approved By:  CDD Director
Submitted By:  City Manager

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ORDINANCE NO.

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF MORGAN HILL AMENDING ORDINANCE NO. 1621, N.S., TO EXCLUDE THE FORD STORE DEALERSHIP FROM THE DEVELOPMENT PLAN AND GUIDELINES FOR THE HORIZON LAND PD LOCATED AT THE NORTHEAST QUADRANT OF E. DUNNE AVENUE AND HIGHWAY 101

WHEREAS, on October 6, 1999, the City Council adopted Ordinance No. 1444, N.S., establishing a preliminary plan and guidelines for a planned development (PD) area located at the northeast quadrant of E. Dunne Avenue and Highway 101; and

WHEREAS, the PD, referred to hereafter as the "Horizon Land PD," is 12.25 acres and included the Holiday Inn Express, McDonald's, Jack in the Box, gas station, and 8.65 acres of undeveloped land (APNs 728-17-006, -020, -021, -026 & -027); and

WHEREAS, on July 2, 2003, the City Council adopted Ordinance No. 1621, N.S., amending the Horizon Land PD development plan and guidelines to include The Ford Store dealership on the northern 6.05 acres of undeveloped land in the Horizon Land PD; and

WHEREAS, the applicant has submitted a separate zoning amendment application (ZA-08-06: Condit-Kubo) to establish an auto park planned development on the properties located directly north of the Horizon Land PD; and

WHEREAS, the applicant is requesting to amend the Horizon Land PD development plan and guidelines to exclude The Ford Store site from the Horizon Land PD so that it may be included in the adjacent Auto Park PD; 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.

THE CITY COUNCIL OF THE CITY OF MORGAN HILL DOES HEREBY ORDAIN AS FOLLOWS:

- SECTION 1.** The proposed zoning amendment is consistent with the Zoning Ordinance and the General Plan.
- SECTION 2.** The zone change is required in order to serve the public convenience, necessity and general welfare as provided in Section 18.62.050 of the Municipal Code.
- SECTION 3.** An environmental initial study has been prepared for this application and is complete, correct and in substantial compliance with the requirements of California Environmental Quality Act. A mitigated Negative Declaration was adopted with establishment of and previous amendment to the Horizon Land PD, and that CEQA document provides appropriate CEQA compliance for the present actions.

- SECTION 4.** The City Council finds that the proposed PD Overlay District is consistent with the criteria specified in Chapter 18.30 of the Morgan Hill Municipal Code.
- SECTION 5.** The City Council hereby approves an amendment to the Horizon Land PD development plan as contained in that certain series of documents date stamped May 20, 2003 on file in the Community Development Department, entitled "The Ford Store at Morgan Hill" prepared by Fred Goree A.I.A., Architects to exclude the northern 6.05 acres of land containing The Ford Store (APN 728-17-026).
- SECTION 6.** The City Council hereby approves an amendment to the Horizon Land PD Guidelines as attached in Exhibit A and hereby incorporated by reference to exclude provisions regarding auto dealerships in the PD.
- SECTION 7.** Approval of this zoning amendment application applies only to the exclusion of The Ford Store dealership and site from the Horizon Land PD. All other sites and uses (existing and future) located within the Horizon Land PD shall comply with the adopted PD Guidelines.
- SECTION 8.** Severability. If any part of this Ordinance is held to be invalid or inapplicable to any situation by a court of competent jurisdiction, such decision shall not affect the validity of the remaining portions of this Ordinance or the applicability of this Ordinance to other situations.
- SECTION 9.** Effective Date; Publication. This Ordinance shall take effect thirty (30) days after the date of its adoption. The City Clerk is hereby directed to publish this ordinance pursuant to §36933 of the Government Code.

THE FOREGOING ORDINANCE WAS INTRODUCED AT A MEETING OF THE CITY COUNCIL HELD ON THE 18TH DAY OF MARCH 2009, AND WAS FINALLY ADOPTED AT A MEETING OF THE CITY COUNCIL HELD ON THE ____ DAY OF _____, 2009, AND SAID ORDINANCE WAS DULY PASSED AND ADOPTED IN ACCORDANCE WITH LAW BY THE FOLLOWING VOTE:

AYES: COUNCILMEMBERS:

NOES: COUNCILMEMBERS:

ABSTAIN: COUNCILMEMBERS:

ABSENT: COUNCILMEMBERS:

ATTEST:

APPROVED:

IRMA TORREZ, City Clerk

STEVE TATE, Mayor

~ CERTIFICATION ~

I, IRMA TORREZ, CITY CLERK OF THE CITY OF MORGAN HILL, CALIFORNIA, do hereby certify that the foregoing is a true and correct copy of Ordinance No. , New Series, adopted by the City Council of the City of Morgan Hill, California at its regular meeting held on the day of , 2009.

WITNESS MY HAND AND THE SEAL OF THE CITY OF MORGAN HILL.

DATE: _____

IRMA TORREZ, City Clerk

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‘EXHIBIT A’

H O R I Z O N L A N D P U D G U I D E L I N E S

(APNs 728-17-006, -020, -021, & -027)

Allowed Uses

1. Uses allowed within the PUD shall include all permitted uses of the Highway Commercial zoning district, as specified in the City of Morgan Hill Planning and Zoning Codes, Chapter 18.26, as well as conditionally permitted uses of the Highway Commercial zoning district, subject to issuance of a conditional use permit. Exceptions to permitted and conditionally permitted uses within the PUD include the following:
 - A. A maximum of two hotels shall be permitted within the PUD, including the existing Holiday Express, not to exceed 84 room occupancy and one additional new hotel, not to exceed 56 room occupancy;
 - B. No restaurants with drive-up windows/menu boards, including “quick stop” restaurants, shall be permitted within the PUD, other than the existing Jack-in-the-Box and McDonald’s restaurants; and
 - C. No gas stations other than the existing “Gas and Food” facility shall be permitted within the PUD.

Appurtenant Uses/Devices

2. Uses within the PUD that utilize shopping carts shall provide indoor storage of the carts and shall provide for collection areas throughout the parking lots.
3. Vending machines, rides, newspaper racks or any coin operated devices shall not be placed on the exterior of the retail buildings.

Architecture/Site Planning

4. The general aesthetic character of the building exteriors shall be of a harmonious architectural theme.
 - a. Use of structural, architectural design elements, i.e. corridors, arches, modified arches, columns,
 - b. Earthen colors. Colors range from grays, yellows, bone, browns and rust.
 - c. Wall relief (graphics, three dimensional design, etc.)
 - d. Strong window statement (treatment of frame, wood mullions and border.)
 - e. Roof materials on gabled or hipped roofs shall be colored roof tiles, satin finish (non-glossy), barrel type.
 - f. Materials, textures, color and details shall be appropriate expressions of its design concept and function.
5. The existing “Holiday Inn Express” or a replacement motel building on that same site shall be limited to no more than three stories and 35 feet in height. All other buildings within the PUD shall not exceed two stories.
6. Rooflines, except for the existing Holiday Inn Express, shall vary in height, not to exceed 30 ft., and shall incorporate a maximum of two varying roof types (e.g., hip, gable) or a minimum of two varying roof heights will be provided on flat roofed structures.

7. Structures shall incorporate breaks in horizontal planes by stepping or staggering setbacks and recessing windows and entrances, to provide substance and scale.
8. Doors and windows shall be enhanced by use of various sizes and shapes, and highlighted by the use of accent trim or accent colored window framing.
9. The number of materials on the exterior elevation shall be limited to prevent visual overload.
10. All exterior wall elevations visible from and/or facing public roadways shall have architectural treatment. No building surface fronting on a public roadway shall have a flat, void surface without architectural treatment.
11. Facade architectural treatment shall be applied to all building elevations with the same degree of detail as the building entrance.
12. No franchise architecture shall be permitted. Building designs shall incorporate harmonious architectural elements identified in Item No. 4, above, in order to achieve the desired design objectives of the PUD and to create building products that are unique to the City of Morgan Hill.
13. The design criteria for the development shall be included within the CC&R's.
14. Buildings at the front setback shall provide public access.
15. The design shall be compatible with the immediate environment and provide harmonious transition between various commercial uses.
16. No mechanical equipment shall be exposed on the wall surface of a building.
17. Mechanical and utility equipment shall be located below the roofline or parapet wall and out of public view. Location within the building or at ground level is preferred to roof mounting. When such equipment cannot be so located, all roof-mounted mechanical equipment or ductwork which project vertically above the roof or roof parapet shall be screened by an enclosure which is detailed consistently with the building design.
18. Gutters and downspouts shall be designed elements of the project. Gutters and downspouts that are designed with parapet walls shall be located interior to the wall when adjacent to a roadway frontage. All other gutters and downspouts that cannot be located interior to the wall shall be treated to blend into the facade to which it is attached, unless used as a major design element, in which case the color shall be consistent with the color schemes of the building.
19. All outdoor storage of goods, materials or equipment shall be visually screened up to 8 ft. in vertical height. The screening shall be designed as an integral part of the building design and site layout. Chain link fencing with wood inserts is not an acceptable manner of screening.

20. Trash enclosures shall be constructed of solid masonry material, consistent with the buildings on-site, and shall be a minimum 6 ft. in height, with solid view obstructing gates. Trash enclosures shall be located in inconspicuous locations.
21. Fences and walls shall be designed to be compatible with the surrounding landscape and architectural concepts.
22. Approved numbers or addresses shall be placed on all new and existing buildings in such a position as to be plainly visible and legible from the street or road fronting the property.
23. All buildings shall be protected by an approved automatic fire sprinkler system, per City of Morgan Hill Ordinance.
24. The amount and arrangement of open space and landscaping shall be appropriate to the design and function of the structure.
25. Landscaping shall be compatible with and complement the site planning as well as the design of the building.
26. A representative site plan for the entire PUD which illustrates building envelopes, parking areas, pedestrian access, landscaping, reciprocal easements, sign location, storm water detention and other features shall be included in the development standards. Drawings of building elevations, which embody the style and design concepts for the PUD and represent the level of architectural quality to be achieved, shall be included.
27. Provisions for connecting driveways and walkways with adjacent property owners are to be provided for in each design.
28. Parking lots are to be designed to include curb planters around existing trees where possible.
29. Compressors shall be screened by a wall or fence and be located below the fascia and/or roofline of the building. Further, they shall be located on the rear or hidden side of the building and shall be painted to match the surface to which attached, if that surface is visible.
30. Any future changes in color palette for any building within the Horizon Land PUD shall be reviewed and approved by the Architectural Review Board.
31. All plans shall be subject to site approval by the City of Morgan Hill.

Easements

32. Easements for the installation and maintenance of utilities, walkways, future roads and drainage facilities, and shared driveways shall be recorded as part of any subdivision map or lot line adjustment. Other easements, such as paved parking shall be recorded as an offer of easement if secondary users are unknown.

Grading

33. The practice of balanced grading shall be implemented to the greatest extent possible.

Landscaping

Design criteria for landscaping shall be consistent throughout the PUD. Each development within the PUD shall follow the requirements contained herein when preparing their landscaping plans. Additional landscaping design criteria is available from the City of Morgan Hill, Planning Division.

34. The general characteristics of the plant palette for the PUD shall be a combination of year round color and textural interest. Plants shall be selected on the basis of color combinations, growth patterns, low maintenance and water conservation characteristics. At time of installation, the tree sizes shall be a minimum of 15 gallon and 24 inch box material.
35. At time of installation, all shrub planting shall be a minimum of 5-gallon size, unless otherwise approved by the Community Development Department. Minimum 15-gallon containers shall be installed along the project frontage(s) with minimum shrub height of three feet, unless otherwise required by the Architectural Review Board.
36. All street trees and trees planted within the front setback areas shall be a minimum of 24-inch box size.
37. The street trees shall be consistent with the City Morgan Hill Master Street Tree program.
38. A minimum 30-foot wide landscape area (excluding any landscaping in the right of way) shall be provided adjacent to all public streets within the PUD.
39. Landscaping shall be placed adjacent to a minimum of 50 percent of a building's perimeter.
40. Landscaping at the entrance of a building shall include box size and/or accent trees to create a focal point to help direct people to the building entrance.
41. Native oaks and fieldstones shall be incorporated into the landscape plan.
42. A minimum of 15 percent of all required parking areas shall be landscaped. Required setback and perimeter planting areas shall not be counted in this area, but may include the building perimeter landscaping.
43. A canopy like tree shall be planted in the parking lot planter islands to produce shade.
44. The entrance to the PUD shall be well landscaped and serve as a focal point.
45. Landscaping shall be compatible with, and complement the site planning, as well as the architecture of the building. Plantings in parking lots shall help soften and visually tie the buildings to landscaping.
46. Shrubs and vine planting shall be provided to screen utilities and trash enclosures.
47. The developer shall be required to follow the landscape design criteria, which is available from the City of Morgan Hill, Community Development Department. A landscape buffer shall be established, as required, to provide screening and noise abatement from the highway.

- 48. All parking areas shall be screened from view of public streets by use of berming or masonry walls of a minimum three-foot effective height.
- 49. Proper trimming and pruning of trees within the Horizon Land PUD will be monitored by the City of Morgan Hill. The improper "Topping" of trees will be prohibited.
- 50. Any future alterations or modifications of the landscaping within the Horizon Land PUD shall be reviewed and approved by the Architectural Review Board.
- 50a. Landscaping and berming within the 30-foot Condit Road frontage shall be designed so as to mitigate noise generated on site.

Lighting

- 51. The design of the exterior building lighting and parking lot lighting fixtures shall be compatible with the architecture to be used in the development.
- 52. Lighting for pedestrian pathways shall be reduced in height and scale, to create a more human-scale feeling and atmosphere.
- 53. All lighting shall be shielded and directed in such a manner so as not to produce harmful effects upon neighboring property.
- 54. The lighting for all of the uses within the PUD shall be subject to review and approval of the Community Development Director. Adjustments to the lighting intensity may be requested after commencement of the use.

Parking and Loading/Circulation

- 55. Parking shall be screened from public view through the use of berming, hedgerow planting, shrubs, trees, fences or walls, or any combination thereof, provided that no more than 35% of the total screening shall consist of fences or walls. At time of installation, shrub plantings shall be minimum 5-gallon size, trees shall be a minimum 15-gallon, and berming/fences/walls shall be a minimum 3 ft. in height.
- 56. No angled parking or one-way drive aisles shall be utilized in the parking lot.
- 57. A maximum of one-third of total parking for the Planned Unit Development (PUD) shall be allowed to front Condit Road, or be located in front of the main development frontage.
- 58. Parking for the restaurant parcel shall be restricted to the rear or side of the building, and shall not front Condit Road.
- 59. Parking areas shall be designed to include provision for pedestrian walkways to provide access to building entrances. Walkways that cross traffic lanes shall have special design features such as raised and/or textured pavement, narrowed roadway, or combination thereof. Walkways shall be provided through landscaped areas to protect landscaping from foot traffic damage.
- 60. Parking areas of adjoining property owners shall be located to utilize shared or reciprocal access and shared parking whenever possible.

61. Loading areas and docks shall be screened from view by a solid wall. The wall shall be architecturally treated and screened with landscaping. Loading areas shall not be located adjacent to or visible from Condit Road or Dunne Avenue.
62. Truck deliveries to all uses in the PUD shall be limited to 7 a.m. to 7 p.m., Monday through Saturday.
63. Parking lots shall be designed to provide for safe and efficient movement of vehicles between properties by providing joint access easements and reciprocal easements wherever possible.
- 63a. All employee and customer parking shall be provided on-site.
64. Cross access easements and drive aisles shall be provided throughout the PUD.
65. Drive aisles shall allow for complete circulation within the PUD, with sufficient width for emergency vehicles, and shall not include dead end drive aisles.
66. PUD driveways shall align with those across the street.
67. Drive aisles shall align and be situated perpendicular to the main building frontage.
68. Adequate auto stack-up areas shall be designed to permit a minimum of two cars to enter the parking lot area without obstructing either street through traffic or vehicle backup areas within the parking lot.
69. The number of curb cuts connecting the site with collector or arterial streets shall be minimized.
70. Mutual access easements and mutual driveways shall be used to minimize paved areas and curb cuts.
71. A minimum of a 5 ft. wide walkways or landscaping shall be provided around architectural features to provide a visual of pedestrians crossing into the drive aisle from the storefronts.
72. Access to the property and circulation thereon shall be safe and convenient for pedestrians, cyclists, and vehicles. Vertical and horizontal sight lines shall be sufficient to ensure safe vehicular and pedestrian movements.

Signage/Displays

73. A uniform sign program identifying locations of signs both on- and off-site shall be prepared for review and approval of the Community Development Department, as part of the Architectural and Site Review Process.
74. PUDs which are, due to their location, eligible for freeway signage shall utilize a single freeway sign consistent with the provisions of the City sign ordinance.

75. Monument freestanding signs shall be allowed for those uses located adjacent to the Condit Road frontage, in compliance with the City of Morgan Hill Planning and Zoning Codes, Section 18.76.250.
76. Signs shall be approved by the City of Morgan Hill at the time of site review. Signs shall have design elements and colors consistent with the Mediterranean architecture theme of the PUD. Individually mounted channel letters shall be utilized for building attached signs.
77. Address numbers shall contrast with their background, and shall be six inches in height. Address numbers shall also occur on the monument sign.
78. No exterior retail displays shall be allowed.

Utilities

79. There shall be shared use storm water detention facilities. Location and method of storm water mitigation shall be reviewed and approved as part of the Architectural and Site Review process.
80. A maximum of one detention pond, or one interlinked detention pond system with one outfall into the Madrone Channel, shall be used to serve the entire development. The detention pond shall not be located within any setback area and shall not be visible from any public street.
81. All backflow devices, fire risers and check valves shall be screened with landscaping.
82. All future development applications shall be subject to review and condition of the appropriate utility and public service providers for the City of Morgan Hill.
83. No utility equipment shall be located within the front setback area unless placed within an underground vault. All transformers shall be located interior to the site, outside of the front setback area, and shall be screened with landscape material.

Noise

84. Uses within the PUD shall not use any exterior public address systems or other noise intrusive communication systems.

General Provisions

85. Any modification to these PUD Guidelines shall be subject to review and approval of a PUD Guidelines Amendment.
86. Any flag poles installed on-site shall not exceed 30 feet in height.

ORDINANCE NO.

**AN ORDINANCE OF THE CITY COUNCIL OF THE
CITY OF MORGAN HILL APPROVING A ZONING
AMENDMENT TO ESTABLISH A DEVELOPMENT
PLAN AND GUIDELINES FOR A PLANNED
DEVELOPMENT AREA AT THE SOUTHWEST
CORNER OF CONDIT ROAD AND DIANA AVENUE
FOR THE CONSTRUCTION OF THREE NEW AUTO
DEALERSHIPS AND ONE EXISTING DEALERSHIP**

**THE CITY COUNCIL OF THE CITY OF MORGAN HILL DOES HEREBY
ORDAIN AS FOLLOWS:**

- SECTION 1.** The proposed zoning amendment is consistent with the Zoning Ordinance and the General Plan.
- SECTION 2.** The zone change is required in order to serve the public convenience, necessity and general welfare as provided in Section 18.62.050 of the Municipal Code.
- SECTION 3.** An environmental initial study has been prepared for this application and has been found complete, correct and in substantial compliance with the requirements of the California Environmental Quality Act. A Mitigated Negative Declaration was adopted with the related urban service boundary adjustment and pre-zoning applications which included analysis for future development of the site including auto dealerships. The adopted Mitigated Negative Declaration provides appropriate CEQA compliance for the present actions.
- SECTION 4.** The City Council finds that the proposed PD Overlay District is consistent with the criteria specified in Chapter 18.30 of the Morgan Hill Municipal Code.
- SECTION 5.** The City Council hereby approves a preliminary development plan as contained in that certain series of documents date stamped February 14, 2008, on file in the Community Development Department, entitled "Auto Park PUD" prepared by Fred Goree A.I.A. Architects. These documents, as amended by site and architectural review, show the general location and sizes of all lots in this development and the location and dimensions of all proposed buildings, vehicle and pedestrian circulation ways, parking areas, landscape areas and any other purposeful uses on the project. Modifications to the "Auto Park PUD" development plan are required to comply with the adopted Auto Park PD Guidelines as attached (APNs 728-17-011, -024, -025, & 026).
- SECTION 6.** The City Council hereby approves adoption of the Auto Park PD Guidelines attached as Exhibit A and hereby incorporated by reference. Future development within the PD shall comply with the adopted PD Guidelines.
- SECTION 7.** Severability. If any part of this Ordinance is held to be invalid or inapplicable to any situation by a court of competent jurisdiction, such decision shall not affect the validity of the remaining portions of this Ordinance or the applicability of this Ordinance to other situations.

SECTION 8. Effective Date; Publication. This Ordinance shall take effect thirty (30) days after the date of its adoption. The City Clerk is hereby directed to publish this ordinance pursuant to §36933 of the Government Code.

THE FOREGOING ORDINANCE WAS INTRODUCED AT A MEETING OF THE CITY COUNCIL HELD ON THE 18TH DAY OF MARCH 2009, AND WAS FINALLY ADOPTED AT A MEETING OF THE CITY COUNCIL HELD ON THE ____ DAY OF _____, 2009, AND SAID ORDINANCE WAS DULY PASSED AND ADOPTED IN ACCORDANCE WITH LAW BY THE FOLLOWING VOTE:

AYES: COUNCILMEMBERS:

NOES: COUNCILMEMBERS:

ABSTAIN: COUNCILMEMBERS:

ABSENT: COUNCILMEMBERS:

ATTEST:

APPROVED:

IRMA TORREZ, City Clerk

STEVE TATE, Mayor

~ CERTIFICATION ~

I, IRMA TORREZ, CITY CLERK OF THE CITY OF MORGAN HILL, CALIFORNIA, do hereby certify that the foregoing is a true and correct copy of Ordinance No. _____, New Series, adopted by the City Council of the City of Morgan Hill, California at its regular meeting held on the _____ day of _____, 2009.

WITNESS MY HAND AND THE SEAL OF THE CITY OF MORGAN HILL.

DATE: _____

IRMA TORREZ, City Clerk

‘EXHIBIT A’

A U T O P A R K P D G U I D E L I N E S

REVISED 02/24/2009

Allowed Uses

- AU-1. Uses allowed within this planned development (PD) shall include four (4), motor vehicle sales dealerships for the sale of automobiles, boats, and/or recreational vehicles. The four dealerships shall include the existing Ford Store. Minor and major motor vehicle repair shall also be allowed in the PD provided the repair use is ancillary to the principally permitted motor vehicle sales use and the repair service is provided by the dealership. No independent or freestanding vehicle repair use shall be allowed in the PD.
- AU-2. Any other use proposed in the PD shall require an amendment to the PD Guidelines and zoning.

Design (Site, Building and Landscape)

- D-1. Future development within the PD shall comply with the adopted PD Guidelines as contained herein. The Auto Park PD Development Plan prepared by Fred Goree A.I.A. Architects, dated February 14, 2008, on file at the Community Development Department, identifies an overall master plan for development of the PD; the design and location of all physical and landscape improvements shall be substantially consistent with the Auto Park PD Development Plan. However, the exact plan as presented is not approved as part of the PD zoning. Modifications to the Auto Park PD Development Plan will be necessary to comply with the adopted PD Guidelines.
- D-2. Future development of the PD shall require a Design Permit and shall be subject to compliance with the site development standards of the HC, Highway Commercial Zoning District and the City of Morgan Hill Architectural Review Handbook. At a minimum, the following design measures shall be implemented in the PD:
- a. A minimum 30-ft wide landscape buffer (excluding any landscaping in the public right-of-way) shall be provided along the Condit Road frontage. The 30-ft wide Condit Road landscape buffer shall include rolling berms and minimum 24-inch box size trees.
 - b. A minimum 15-ft wide landscape buffer (excluding any landscaping in the public right-of-way) shall be provided along the Diana Avenue frontage.
 - c. A minimum 30-ft wide landscape buffer shall be provided along the Madrone Channel frontage.
 - d. Areas of required parking shall be landscaped in strict adherence to the Morgan Hill Architectural Review Handbook, including but not limited to the provision of landscape planters and minimum five feet of landscaping between the interior side property lines and parking stalls and/or drive aisles.

- e. A path of travel from the sidewalk to each building shall be provided via a four-ft wide sidewalk set within a minimum 14-ft wide landscape area on at least one side of both internal drive aisles labeled Utility Drive and Sales Avenue on the Auto Park PD Development Plan.
 - f. The buildings for the three new dealerships shall be compatible in design and scale with the existing Ford Store dealership.
 - g. To the greatest extent possible, service bay roll-up doors should not face Condit Road or Diana Avenue. If service bay roll-up doors do face Condit Road and/or Diana Avenue, landscape screening shall be provided to minimize visibility from the public right-of-way.
 - h. Any flag poles installed on-site shall not exceed 30 feet in height, except as may be permitted by approval of a conditional use permit for a telecommunications facility.
- D-3. On-site stormwater detention/retention will be required with development of the site, subject to the review and approval of the Morgan Hill Public Works Department. Detention/retention pond(s) shall not be located within the required Condit Road or Diana Avenue landscape buffers, and there shall be no new storm drainage outfalls directly into Madrone Channel from the project site.

Circulation

- C-1. Cross access circulation shall be maintained between the adjoining dealerships and throughout the PD as shown on the Auto Park PD Development Plan. As part of any future subdivision of the project site, the applicant shall record cross access easements along common drive aisles and reciprocal ingress/egress easements at all driveway entrances.
- C-2. To the greatest extent possible, dead end drive aisles should be avoided. Dead end drive aisles shall only be allowed in areas designated for vehicle display, storage, or temporary parking of service vehicles. Dead end drive aisles shall not be allowed in any public or customer parking areas.
- C-3. The internal drive aisles labeled Utility Drive and Sales Avenue on the Auto Park PD Development Plan shall be a minimum 30 ft in width.
- C-4. Test driving of vehicles shall be limited to Condit Road, Highway 101 and segments of E. Dunne Avenue, Cochrane Road and/or Tennant Avenue required for access to and from the freeway. Test driving of vehicles is prohibited along Murphy Avenue, on Condit Road north of Main Avenue and south of Dunne Avenue and on East Dunne Avenue, east of Condit Road. A map of the approved, designated test driving route as described above shall be included in all Sales Employee Handbooks for all dealerships located within the Auto Park PD.

Parking

- P-1. The parking and/or display of vehicles in any landscape area are expressly prohibited within the PD.
- P-2. All employee and customer parking shall be clearly marked and shall be provided entirely on-site.
- P-3. Parking required for an ancillary motor vehicle service use shall be calculated separately and in addition to parking required for the principally permitted motor vehicle sale use.

Deliveries/Loading & Unloading

- D/L&U-1. Motor vehicle deliveries to the dealerships shall be restricted to the hours of 9 a.m. to 4 p.m. Monday through Saturday to minimize traffic/circulation conflicts.
- D/L&U-1. All loading and unloading of motor vehicles shall be conducted entirely on-site.

Lighting

- L-1. As part of the Design Permit review process for any future dealership, the applicant shall provide for City review and approval a photometric plan identifying lighting levels resulting from all exterior lighting. Lighting levels at the new dealerships shall be equal to or less intensive than the lighting levels at the existing Ford Store dealership. Also, lighting standards for the PD shall include the following:
 - a. Parking lot lights located between the building and Condit Road and/or Diana Avenue shall not be more than 18 ft in overall height, except that lights located within 85 feet of Condit Road and/or Diana Avenue shall not be more than 15 ft in overall height (e.g., 2'-6" base with 12'-6" pole or 3'-0" base with 12'-0" pole). All other parking lot lights shall not exceed an overall height of 20 ft.
 - b. The existing lights at the Ford Store dealership shall remain at their current height as approved under Building Permit No. BLD2003-01108.
 - c. Flood lights aimed at the sky or used to spot light display areas are expressly prohibited. Accent uplighting of buildings and/or landscaping may be permitted subject to review and approval of the required Design Permit.
- L-2. All lighting shall be shielded and directed in such a manner so as not to produce harmful effects upon neighboring property. Adjustments to the lighting intensity may be required after commencement of the use

Signage

- S-1. One (1) shared use freeway sign advertising the names of the four dealerships shall be allowed for the Auto Park PD. The freeway sign shall be designed in accordance with the provisions of the City Sign Code, and shall not be installed until after a second dealership is established within the Auto Park PD.
- S-2. All signage shall comply with Chapter 18.76, Sign Code, of the Morgan Hill Municipal Code and require sign permits prior to installation.
- S-3. Individually mounted channel letters shall be utilized for building attached signs.
- S-4. The use of flags, banners, tassels, balloons or other inflatable objects is prohibited in the PD except as expressly permitted in Chapter 18.76, Sign Code, of the Morgan Hill Municipal Code.

Noise

- N-1. The use of any exterior public address system or other noise intrusive communication system is expressly prohibited in the PD.

General Provisions

- GP-1. Any modification to these PD Guidelines shall be subject to review and approval of a PD Amendment.

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Disclosure: Chair Koepp-Baker had discussion (only) with a Principal at the school about a month ago.

Chair Koepp-Baker opened, and then closed, the public hearing as there were none in attendance to speak to the matter.

COMMISSIONERS MUELLER/ESCOBAR MOTIONED TO CONTINUE THE MATTER OF UPA-00-02: LLAGAS-OLD MORGAN HILL ELEMENTARY SCHOOL TO THE MARCH 10, 2009 PLANNING COMMISSION MEETING IN ORDER TO PROVIDE ADEQUATE TIME FOR STAFF TO COMPLETE PROCESSING OF THE MATTER. THE MOTION PASSED (7-0) WITH THE UNANIMOUS AFFIRMATIVE VOTE OF ALL THE COMMISSIONERS PRESENT; NONE WERE ABSENT.

As noted on the printed agenda, items 4 and 5 were considered concurrently.

**4) ZA-08-06:
CONDIT-KUBO**

The applicant is requesting approval of a zoning amendment to establish a precise development plan and planned development (PD) guidelines to allow future construction of three auto dealerships and the inclusion of an existing auto dealership (The Ford Store) in a PD area located between Condit Rd. and Highway 101, directly south of Diana Ave. The PD area is 25.86 acres in size and is zoned PUD, Planned Unit Development; car dealerships are currently permitted uses within the PD.

AND

**5) ZAA-98-16B:
CONDIT-
HORIZON
LAND/FORD
STORE**

The applicant is requesting approval to amend an existing precise development plan and PD guidelines for an area referred to as the Horizon Land PD, located between Condit Rd. and Highway 101, approximately 1,130 ft. south of Diana Ave. The purpose of the amendment is to exclude The Ford Store dealership from the Horizon Land PD so that it may be included in an adjacent PD area proposed specifically for auto dealerships.

SP Tolentino gave the staff report, explaining the history of how both PD areas were established. Explaining the detail of this two-part request further, SP Tolentino said, "The action being requested is to: 1) amend the development plan and PD guidelines for the Horizon Land PD to exclude the existing Ford Store dealership, and 2) establish a development plan and PD guidelines for a proposed Auto Park PD, which would include the existing Ford Store and allow future construction of three additional dealerships. SP Tolentino said the applicant has provided information that this model is consistent with other existing dealerships in Northern California.

Regarding the Auto Park PD, SP Tolentino highlighted features of the plan:

- cross circulation between the four dealerships
- ingress/egress to be shared
- PD guidelines specific to auto dealerships

SP Tolentino also referenced the revision to the proposed resolution for the Horizon Land PD which was distributed at this meeting:

- page 8: correction to item 62 (regarding truck deliveries)
- revision to title

Chair Koepp-Baker opened the public hearing.

Vince Burgos, Development Processing Service, addressed the Commissioners, saying he had been working with staff on the application, as well as with the applicant.

Mr. Burgos reiterated the intent of the request: moving the Ford Dealership from one Planned Development to another as the Ford Store is 'looking at expanding with more dealerships in one PD'. Mr. Burgos acknowledged that Tim Paulus is still with this project, and is "Looking to be ready when the market improves."

Commissioner Lyle noted there was a question as to whether this design represents the 'state of the art' for auto dealerships, and asked "What is that?" Mr. Burgos replied, "How the buildings are designed and function. For example, the older dealerships function with sales at the front and service at the rear. The proposed concept presents the dealership differently – the functions will be more complete for new and existing auto owners. There may be more interaction between the different dealerships as well."

Commissioner Lyle asked, "Why is this request coming forward now as we've been hearing that the number of dealerships will most likely be substantially reduced." Mr. Burgos responded, "Yes, that is true. But the property owner is now telling us that he believes the state of the art dealership planning is essential."

Commissioner Mueller commented, "The whole industry <auto> is in a state of flux now. I perceive the applicant wants to be sure what will be built reflects more modern approaches to selling cars and not look backward." Commissioner Mueller expressed concern the project layout represents the old way of designing auto dealerships.

Mr. Burgos reiterated that the owner is not focusing on product but how the building works internally, as he repeated the focus of 'all in the lobby' for the buyer. "Right now," he said, "we can't anticipate changes for the future."

Commissioner Lyle led discussion of freeway signage. Mr. Burgos said the applicant 'wants to move ahead with the sign as described in the staff report'. Asked by Commissioner Lyle if the applicant would be agreeable to installing the freeway sign only after a second dealership was established in the PD, Mr. Burgos indicated that would not create a problem.

With no others in the audience indicating a wish to speak to the matter, the public hearing was closed.

COMMISSIONER MUELLER said, "I'm prepared to move forward", and then **OFFERED A RESOLUTION RECOMMENDING APPROVAL OF A ZONING AMENDMENT TO ESTABLISH A DEVELOPMENT PLAN AND GUIDELINES FOR A PLANNED DEVELOPMENT DISTRICT ON A 25.92-ACRE SITE LOCATED AT THE SOUTHWEST CORNER OF CONDOT ROAD AND DIANA AVENUE TO ALLOW FOR THE CONSTRUCTION OF THREE NEW AUTO DEALERSHIPS AND ONE EXISTING DEALERSHIP, WITH THE MODIFICATIONS SO NOTED:**

- A map of the approved, designated test driving route shall be included in the Sales Employee Handbooks for all dealerships located within the Auto Park PD.

- The freeway sign shall not be installed until after a second dealership is established within the Auto Park PD.

NOTING THE FINDINGS AND CONDITIONS CONTAINED WITHIN THE RESOLUTION, COMMISSIONER ESCOBAR PROVIDED THE SECOND, AND NOTED THAT THE DISTRIBUTED REVISED RESOLUTION WAS BEING DISCUSSED. THE MOTION PASSED (7-0) BY THE FOLLOWING VOTE: ACEVEDO, KOEPP-BAKER, ESCOBAR, LYLE, MONIZ, MUELLER, TANDA; NOES: NONE; ABSTAIN: NONE; ABSENT: NONE.

COMMISSIONER MUELLER OFFERED A RESOLUTION RECOMMENDING APPROVAL TO AMEND THE DEVELOPMENT PLAN AND GUIDELINES FOR THE HORIZON LAND PD LOCATED AT THE NORTHEAST QUADRANT OF E. DUNNE AVE. AND HWY 101 TO EXCLUDE THE FORD STORE DEALERSHIP SITE, INCLUSIVE OF THE FINDINGS AND CONDITIONS CONTAINED THEREIN, TOGETHER WITH THE CHANGES TO PAGE 8 PROVIDED AT THE ONSET OF THE MEETING. COMMISSIONER ESCOBAR SECONDED THE MOTION, WHICH PASSED (7-0) WITH THE FOLLOWING VOTE: ACEVEDO, KOEPP-BAKER, ESCOBAR, LYLE, MONIZ, MUELLER, TANDA; NOES: NONE; ABSTAIN: NONE; ABSENT: NONE.

**6) UP-09-01:
MONTEREY-
CITY OF MH
PARKING LOT**

The Morgan Hill Public Works Department is requesting approval of a conditional use permit to construct and operate an interim public parking lot on a 0.26-acre site located at 17270 Monterey Rd. in the CC-R, Central Commercial-Residential Zoning District.

SP Tolentino presented the staff report, explaining the required findings* for a Conditional Use Permit (CUP) at the site proposed (0.26 acres). This proposal, she said, will provide a surface parking lot of 13 spaces during construction activity in the downtown area including on Third Street.

- *site suitability – relatively level lot; contains three trees, one of which will be retained; proximity to future construction areas; and opportunity to connect with existing parking lot
- *circulation – no adverse effects anticipated; connects with existing parking lot
- *general welfare – project will most likely benefit area businesses by providing parking during construction activity
- *design compatibility - 13 parking spaces, new lights (similar to others downtown), on-site detention, and minimal landscaping

Commissioner Lyle asked about the depth of the detention and if there would be a barrier of some type around it, as he indicated, “It is very near the sidewalk.” SP Tolentino said, “The design is for it to be shallow enough whereby no fencing is required.”

SCE Creer joined the meeting at the request of the Chair.

Commissioner Moniz called attention to page 3 of the staff report, asking if crushed granite had been explored? He noted that the Granary project had a portion of the parking lot covered with crushed granite.

SP Tolentino reminded the Commission that the City looked into the use of permeable pavement at the interim parking lot on Depot. It was determined the thick clay Page 50 of 123



MEMORANDUM

To: PLANNING COMMISSION

Date: February 24, 2009

From: COMMUNITY DEVELOPMENT DEPARTMENT

**Subject: ZONING AMENDMENT APPLICATION, ZA-08-06: CONDIT – KUBO
AND ZONING AMENDMENT APPLICATION, ZAA-98-16B: CONDIT –
HORIZON LAND/FORD STORE**

REQUEST

The applicant is requesting approval of a zoning amendment to establish a development plan and planned development (PD) guidelines for a PD area located between Condit Road and Highway 101, directly south of Diana Avenue. The proposed plan and guidelines would allow future construction of three auto dealerships and the inclusion of an existing auto dealership (The Ford Store) in the PD.

The applicant is also requesting approval to amend the development plan and PD guidelines for an existing PD referred to as the Horizon Land PD, located between Condit Road and Highway 101, approximately 1,130 ft. south of Diana Avenue. The purpose of the amendment is to exclude The Ford Store dealership from the Horizon Land PD so that it may be included in the auto park PD proposed to the north.

RECOMMENDATION

Application, ZA-08-06: Adopt Resolution recommending Council approval of zoning amendment request

Application, ZAA-98-16B: Adopt Resolution recommending Council approval of zoning amendment request

BACKGROUND/PROJECT DESCRIPTION

In October 1999, the City Council adopted Ordinance No. 1444, establishing the Horizon Land PD at the northeast quadrant of E. Dunne Avenue and Highway 101. At the time, the PD included the Holiday Inn Express, McDonald's, Jack in the Box, gas station, and 8.65 acres of undeveloped

land at the north end of the PD. In 2003, the City approved an amendment to the Horizon Land PD to include The Ford Store auto dealership; The Ford Store occupied the northern 6.05 acres of undeveloped land in the Horizon Land PD.

Directly north of the Horizon Land PD is 19.87 acres of land consisting of a mushroom farm, private undeveloped land and a City well site. This area was annexed into the City in 2006 and pre-zoned PD, Planned Development. PD Guidelines were adopted as part of the pre-zoning action and established the list of permitted, conditional and prohibited uses within the PD and included general development standards. 'Motor vehicle, boat and recreational vehicle sales and service' is listed as a permitted use under the existing PD zoning.

The current zoning amendment application is a request to further define the PD zoning for the site specifically to allow motor vehicle sales and service. The applicant has prepared a development plan identifying four auto dealerships (three new and one existing - - The Ford Store). The applicant has also developed, in collaboration with City staff, PD Guidelines specific to auto dealerships. The proposed PD Guidelines include the provisions required of The Ford Store when it was first established.

CASE ANALYSIS

Zoning Amendment – Auto Park PD

The applicant is requesting approval of a zoning amendment to establish a development plan and PD Guidelines for the proposed Auto Park PD. The Auto Park PD will include the existing Ford Store dealership and allow for future construction of three additional dealerships. The Auto Park PD is 25.92 acres in size and is located between Condit Rd. and Highway 101, directly south of Diana Avenue. The current PD zoning of the site lists motor vehicle sales and service as a permitted use.

The development plan proposed by the applicant identifies three new points of access to the project site off Condit Road and two points of access off Diana Avenue. Cross access circulation will be provided between the adjoining dealerships and throughout the PD. The dealership buildings are anticipated to be 32,525 sf to 61,120 sf in size; although, physical construction of the auto dealerships is not proposed at this time. The applicant is requesting approval to establish the development plan and PD Guidelines to help facilitate future development of the site. According to the applicant, the proposed site layout is consistent with actual dealerships in Northern California. Therefore, the applicant is hopeful the plan will accommodate any future interested auto dealer. It should be noted the exact development plan as presented will not be approved as part of the PD zoning. Modifications to the Auto Park PD Development Plan are necessary to comply with the written PD Guidelines. For example, the PD Guidelines require a 30-ft landscape buffer along Condit Road and the freeway and a 15-ft landscape buffer along Diana Avenue. The Auto Park PD Plan shows only a 10-ft buffer along the freeway and Diana Avenue. The PD Guidelines also include provisions for the installation of one, shared use freeway sign to advertise the name of the four auto dealerships. Future development applications within the Auto Park PD

will be required to comply with the established PD Guidelines and be in substantial conformance with the development plan. A separate Design Permit will also be required.

Zoning Amendment – Horizon Land PD

The applicant is requesting approval to amend the existing development plan and PD guidelines for the Horizon Land PD to exclude The Ford Store dealership. With exclusion of The Ford Store, the Horizon Land PD will be built out with the exception of the northern 2.6 acres. This area is planned for a future 56-room motel and 9,500-sf sit down restaurant.

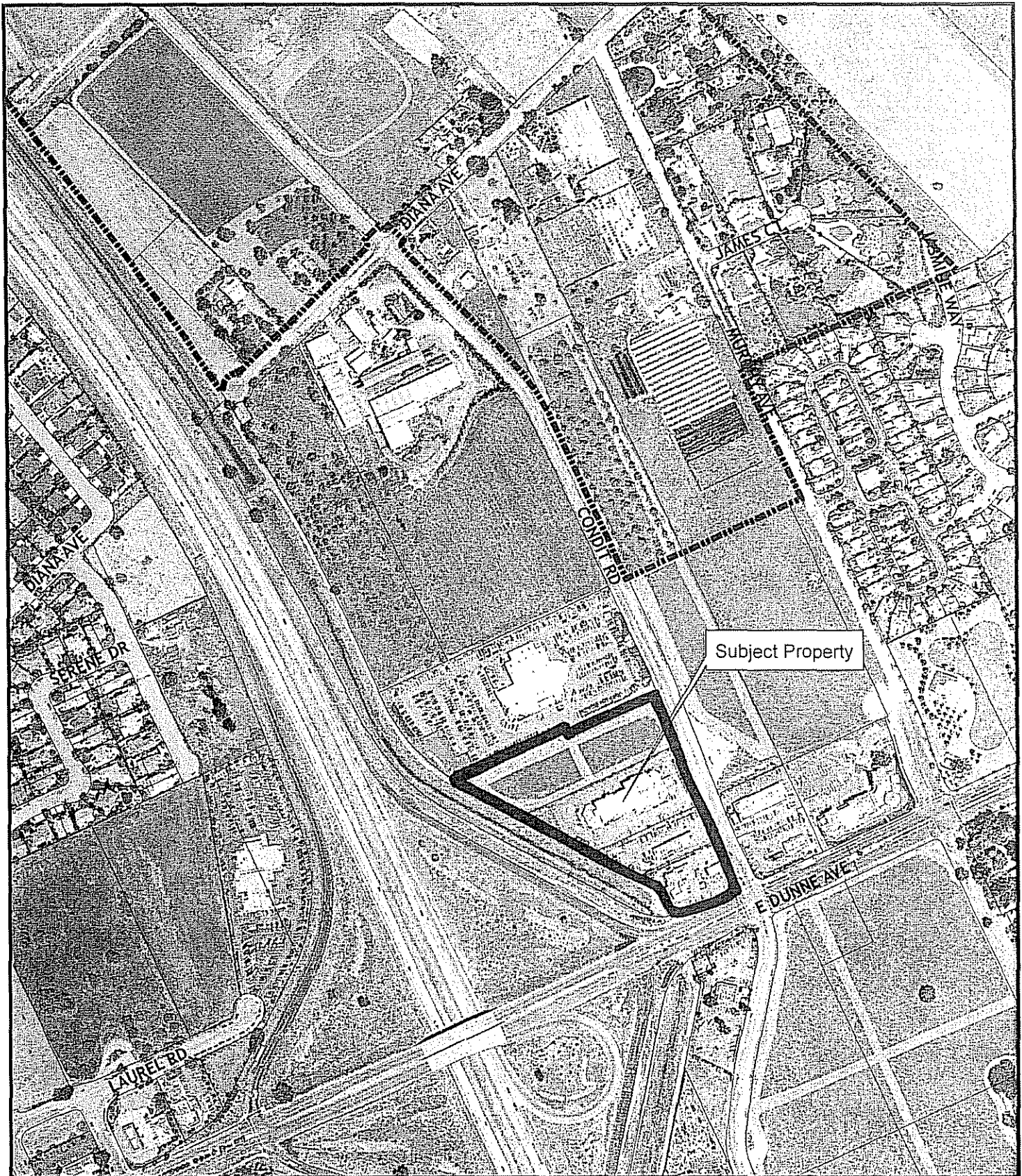
RECOMMENDATION

Staff recommends adoption of the attached Resolutions recommending Council approval of the zoning amendment requests.

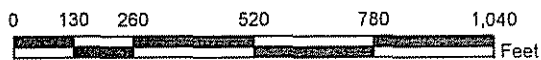
Attachments:

1. Zoning Amendment Resolution (ZA-08-06; Auto Park PD)
2. Zoning Amendment Resolution (ZAA-98-16; Horizon Land PD)
3. Project Location Exhibit

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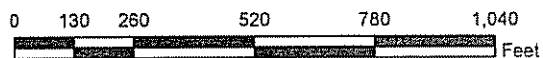
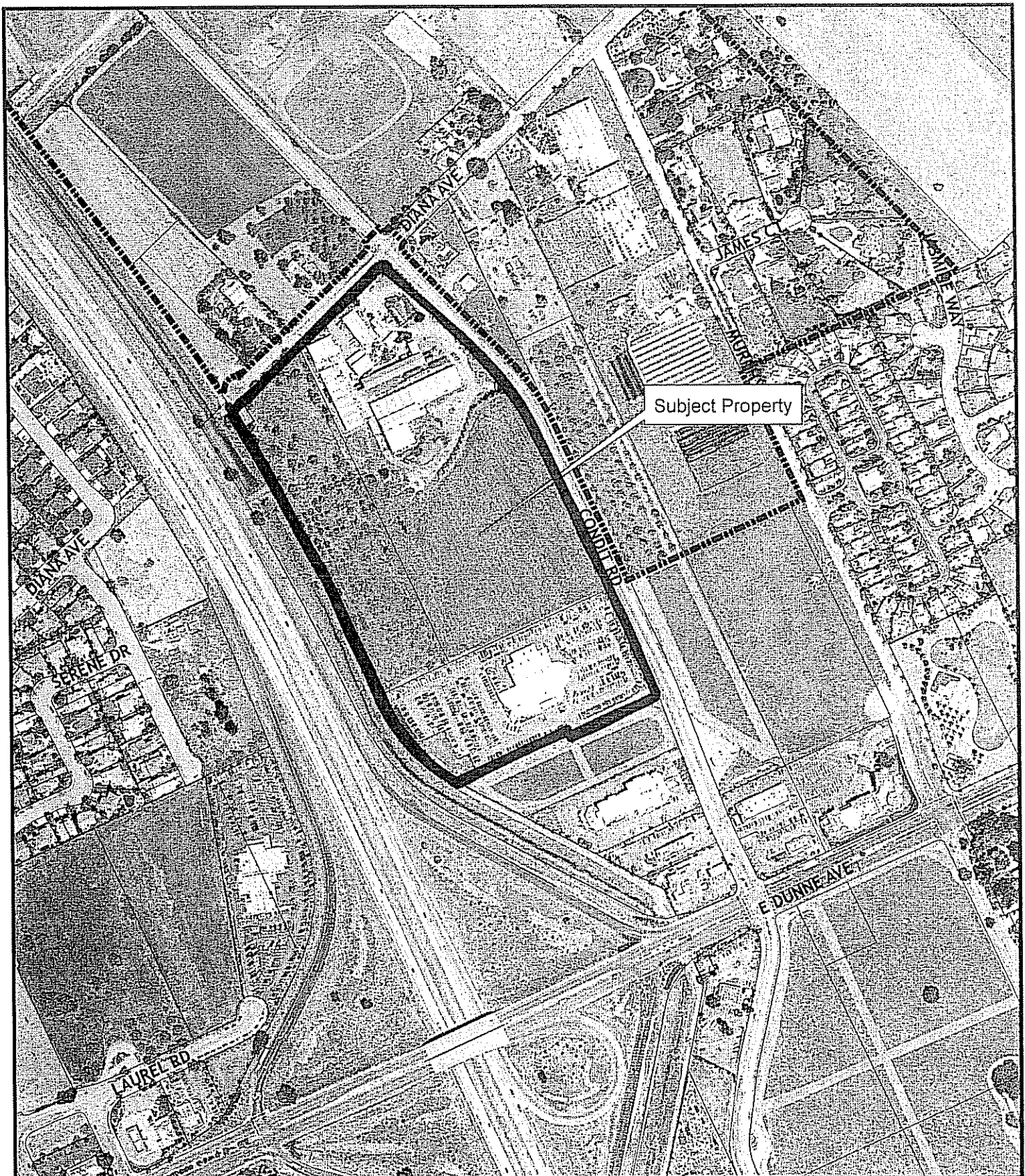
Subject Property



ZAA-98-16B: Condit - Horizon Land

**Proposed Horizon Land PD
Location Exhibit**





ZA-08-06: Condit - Kubo

**Proposed Auto Park PD
Location Exhibit**



ORDINANCE NO. 1488, N.S.**AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF MORGAN HILL APPROVING DEVELOPMENT STANDARDS AND ALLOWABLE USES FOR FIVE PLANNED UNIT DEVELOPMENT (PUD) AREAS, ZA-98-11.**

WHEREAS, members of the community have expressed concern regarding the proliferation of certain types of commercial land uses, including fast-food restaurants and hotels, and the quality of design of commercial projects on E. Dunne Avenue and Condit Road; and

WHEREAS, in June 1998, the City Council directed City staff to initiate rezoning of the Dunne Avenue and Condit Road business districts to a Planned Unit Development. The record demonstrates that the reasons for the Council's decision included traffic congestion, public safety issues, the pendency of the City's General Plan update, the high visibility of the parcels from Dunne Avenue and Highway 101, the relatively small parcel sizes along Condit Road, and the need to balance community, industrial and residential uses within the PUDs.

WHEREAS, in order to address this concern, the City Council rezoned five areas along E. Dunne Avenue and Condit Road Planned Unit Development (PUD) in order to better control the types and quality of development in those areas: and

WHEREAS, six public workshops were held with property owners and concerned citizens to determine appropriate uses and standards for development of those areas; and

WHEREAS, for each of those five areas, development objectives, listings of allowable uses and development standards have been drafted which will ensure quality development and prohibit the over concentration of any one type of use in those areas; and

WHEREAS, the proposed amendments were considered by the Planning Commission at their regular meetings of June 13, 2000 and July 11, 2000 and by the City Council at their regular meeting of August 16, 2000; and

WHEREAS, testimony received at a duly-noticed public hearing, along with exhibits and other materials have been considered in the review process.

THE CITY COUNCIL OF THE CITY OF MORGAN HILL DOES HEREBY ORDAIN AS FOLLOWS:

SECTION 1. The proposed amendments are consistent with the Zoning Ordinance and General Plan.

SECTION 2. An environmental initial study has been prepared for the proposed amendments and has been found complete, correct and in substantial compliance with the requirements of California Environmental Quality Act. A Negative Declaration will be filed.

SECTION 3. The zoning amendments are required in order to serve the public convenience, necessity and general welfare as provided in Section 18.62.050 of the Municipal Code.

SECTION 4. Severability. If any part of this Ordinance is held to be invalid or inapplicable to any situation by a court of competent jurisdiction, such decision shall not affect the validity of the remaining portions of this Ordinance or the applicability of this Ordinance to other situations.

SECTION 5. The amendments contained in the attached Exhibit "A" are adopted and are to be applied to the properties as shown on the map attached thereto.

SECTION 6. Effective Date Publication. This ordinance shall take effect from and after thirty (30) days after the date of its adoption. The City Clerk is hereby directed to publish this ordinance pursuant to §36933 of the Government Code.

The foregoing ordinance was introduced at a regular meeting of the City Council of the City of Morgan Hill held on the 6th day of September, 2000 and was finally adopted at a regular meeting of said Council on the 4th day of October, 2000 and said ordinance was duly passed and adopted in accordance with law by the following vote:

AYES:	COUNCIL MEMBERS:	Hedy L. Chang, Cynthia J. Cook, Dennis Kennedy, Steve Tate
NOES:	COUNCIL MEMBERS:	Greg Sellers
ABSENT:	COUNCIL MEMBERS:	None
ABSTAIN:	COUNCIL MEMBERS:	None

ATTEST:

APPROVED:

Irma Torrez, City Clerk

Dennis Kennedy, Mayor

 CERTIFICATE OF THE CITY CLERK

I, IRMA TORREZ, CITY CLERK OF THE CITY OF MORGAN HILL, CALIFORNIA, do hereby certify that the foregoing is a true and correct copy of Ordinance No. 1488, New Series, adopted by the City Council of the City of Morgan Hill, California at their regular meeting held on the 4th day of October, 2000.

WITNESS MY HAND AND THE SEAL OF THE CITY OF MORGAN HILL.

DATE: _____

IRMA TORREZ, City Clerk

EXHIBIT A
ORDINANCE 1488, N.S.
ZA-98-11: PUD ZONING

Planned Unit Development (PUD) zoning

Area 1:

This area is shown on the attached map and includes Assessor Parcel Numbers 726-04-003, 006, 007, 008, 011, and 012.

Objective:

Development of this PUD shall occur in a manner which recognizes and respects the prominence of this location (the intersection of Dunne and Butterfield) and the proximity of the Morgan Hill Community Center. Only commercial uses which complement the nearby civic uses and are compatible with nearby residential uses shall be allowed. Likewise building design and placement shall complement the Community Center and be compatible with nearby residential uses. Building placement and vehicular circulation shall facilitate the future grade separation of Dunne Avenue and the railroad tracks.

Allowable Uses:

Permitted

- Restaurants, Sit down
- Offices and professional offices
- Financial services
- Commercial recreation uses 3,000 sq. ft. or less in area (exclusive of parking)

Conditional

- Personal services, when supportive of other permitted uses in the PUD
- Retail stores, when the specific retail use or uses are found to be of a nature and operated in a manner which is compatible with the Community Center.
- Child care, when supportive of other permitted uses in the PUD
- Commercial recreation uses over 3,000 sq. ft. in area (exclusive of parking)
- Any other use which the Planning Commission finds to be similar in nature to the permitted and conditional uses.

Development Standards:

Building Design

1. All buildings within the PUD shall be of an architectural style which shall be compatible with the Community Center and residential uses located to the south and east.
2. The westerly elevations of the buildings located on the parcels adjacent to the railroad tracks shall be designed in recognition of the visibility of these elevations from the railroad and Community Center.
3. Multi-tenant retail or service commercial buildings shall not be allowed in this PUD.

Site Design

1. Vehicular easements shall be established between parcels to allow for convenient access to the

most south-westerly parcel in the PUD from Dunne Ave. at such time as a grade-separation is established for Dunne Ave. at the railroad tracks.

2. Vehicular easements shall be established between the parcels adjacent to Dunne Ave. and Diana Ave. in recognition of the prohibition of left turns from the PUD onto Dunne Ave.
3. Should the most south-easterly parcel in the PUD redevelop, the replacement building shall be located at the corner of Dunne Ave. and Butterfield Blvd. with only landscaping between the new building and the rights-of-way of those two streets.

Landscape Design

1. A 40 foot wide landscaped area shall be provided adjacent to Dunne Ave. on the most south-westerly parcel of the PUD in recognition of the additional right-of-way which will be required for the future grade separation of that street at the railroad tracks.

Area 2:

This area is shown on the attached map and includes Assessor Parcel Numbers 726-01-001, 006, 007, 008, and 726-43-001, 002, 003, 004, and 005.

Objective:

This PUD is situated at one of the Highway 101 gateways to the City. Uses within this area shall serve the needs of the traveling public and the sub-regional comparison shopping needs of the area. In addition, uses shall be restricted to those which would be compatible with the nearby residential development to the north. Due to its gateway location, a high quality of architectural and landscape design shall be provided for all development. This design shall also be compatible with the commercial PUD located on the west side of Walnut Grove Drive and with the nearby residential neighborhoods.

Allowable Uses:

Permitted

- Restaurants, Sit down
- Retail uses, excluding grocery, supermarket and drug stores
- One motor vehicle sales and service use, to be located on the most easterly parcel in the PUD

Conditional

- Commercial Recreation
- One gasoline service station
- One fast-food restaurant
- Any other use which the Planning Commission determines to be similar to permitted or conditional uses

Development Standards:

Building Design

1. All buildings within the PUD on the north side of Laurel Road shall be of an architectural style which shall be compatible with the residential uses located to the north.
2. Buildings located west of the north-south segment of Laurel Road shall be of a design which is

compatible with the design of buildings within the PUD located adjacent to and west of this PUD.

3. Multi-tenant retail or service commercial buildings shall not be allowed in this PUD.

Signage

1. All freestanding monument signs in the PUD shall indirectly illuminated.

2. No internally illuminated “can” signs shall be allowed within the PUD, either freestanding or building attached.

Other Standards

All development in this PUD will comply with the mitigation measures contained in the Negative Declaration approved as part of adoption of Ordinance 1273.

Area 3:

This area is shown on the attached map and includes Assessor Parcel Numbers 728-17-001, 016, and 017.

Objective:

This PUD is situated at a one of the gateways to the City. Due to its gateway location, a high quality of architectural and landscape design needs to be provided for all development. This design should also be compatible with the adjacent residential neighborhoods, Nordstrom School and Nordstrom Park. Uses within this PUD are intended to serve the need of residents on the east side of Highway 101 for convenience commercial items. Provision of a variety of uses shall be encouraged within the PUD.

Allowable Uses:

Permitted

One of each type of the following uses shall be allowed as a permitted use within the PUD:

Retail stores, excluding convenience markets

Offices

Restaurants, sit-down

Personal services

Conditional

The following uses shall be conditionally allowed within the PUD:

Nursery schools and day care centers

Animal care facilities

Restaurants, Sit down

No more than three fast-food restaurants, only one of which may be freestanding

Any other use which the Planning Commission determines to be similar to

permitted or conditional uses

Inclusion of more than one of any kind of these permitted or conditional uses in the PUD shall be allowed only upon granting of a conditional use permit finding that the additional use 1) will not result in an over-concentration of that type of use in the area and 2) will not preclude the establishment of other needed uses in the area.

Development Standards:

Building Design

1. All buildings within the PUD shall be of an architectural style which shall be compatible with the residential uses located to the north and Nordstrom Park to the east.

Site Design

1. Development of the most south-easterly parcel in the PUD shall include the placement of a building at the corner of Dunne Ave. and Murphy Ave. with only landscaping between the new building and the rights-of-way of those two streets.

2. Only one access point for vehicles shall be allowed on Dunne Ave.

Signage

1. All freestanding monument signs in the PUD shall indirectly illuminated.

Area 4:

This area is shown on the attached map and includes Assessor Parcel Numbers 817-12-010, 011, and 013.

Objective:

This PUD is situated at a one of the gateways to the City. Due to its gateway location, a high quality of architectural and landscape design needs to be provided for all development. Uses within this PUD are intended to meet the retail and related service needs of City residents living in this area. Development of this area is intended to occur as part of a coordinated comprehensive plan for the PUD.

Allowable Uses:

Permitted

One of each type of the following uses shall be allowed as a permitted use within the PUD:

Retail stores when developed as part of a coordinated center of at least 50,000 square feet in size.

Restaurants, Sit down

Offices and professional offices

Financial services

Conference centers, banquet and meeting rooms

Conditional

One of each type of the following uses shall be conditionally allowed within the PUD:

Commercial recreation

Convenience markets

Personal services, when supportive of other permitted uses in the PUD

Day care centers and nursery schools, when supportive of other permitted uses in the PUD

Any other use which the Planning Commission finds to be similar in nature to

the permitted and conditional uses

Inclusion of more than one of any kind of these permitted or conditional uses (for example, dry cleaners, restaurant, hair salon, etc.) in the PUD shall only be allowed as part of a coordinated center of at least 50,000 sq. ft. and only upon granting of a conditional use permit finding that the additional

use 1) will not result in an over-concentration of that type of use in the area and 2) will not preclude the establishment of other needed uses in the area.

Development Standards:

Site Design

1. Development of the PUD shall include the placement of buildings at the corners of Dunne Ave. and Condit Road and Dunne Ave. and Murphy Ave. with only landscaping between the new buildings and the rights-of-way of those three streets.
2. Only one access point for vehicles shall be allowed on Dunne Ave.

Signage

1. A single, shared freestanding monument sign shall be allowed in the PUD. That sign shall be located on Dunne Avenue and shall be indirectly illuminated.
2. No internally illuminated “can” signs shall be allowed within the PUD, either freestanding or building attached.

Area 5:

This area is shown on the attached map and includes Assessor Parcel Numbers 817-12-003, 004, 016, 017, and 817-13-019, 020, 021, 022, 024, 026, 027, 029, 030, 031, 032, 034, and 035.

Objective:

This PUD contains all of the properties adjacent to the eastern side of Highway 101, between Dunne and Tennant Avenues. Given its excellent visibility from and access to Highway 101, uses within this PUD shall serve the needs of the traveling public and the sub-regional shopping needs of the area. Its adjacency to the Dunne and Tennant Avenue gateways and its visibility from Highway 101 also require a high quality of architectural and landscape design to be used for all development within it. The relatively small sizes of the parcels within the PUD require a significant degree of compatibility of design and coordination of traffic circulation between all properties.

Allowable Uses:

Permitted

- Restaurants, Sit down
- Wine tasting
- Retail uses supportive of hotel uses within the PUD, excluding grocery, supermarket and drug stores
- Motels and hotels, a maximum of 5 will be allowed in the PUD
- Arts and crafts galleries
- Conference centers, banquet and meeting rooms

Conditional

- Commercial recreation
- Two motor vehicle sales and service uses. Service uses shall only be allowed when ancillary to motor vehicle sales.
- One fast-food restaurant
- Any other use which the Planning Commission determines to be similar to

permitted or conditional uses

Inclusion of any of these conditional uses in the PUD shall be allowed only upon granting of a conditional use permit finding that the use will be consistent with the gateway and scenic corridor qualities of this PUD area. This finding shall include consideration of the quality of the proposed physical improvements to the site, the extent of outdoor activity on the site which will be visible from public rights of way and the manner in which the use is conducted on the site.

Development Standards:

Building Design

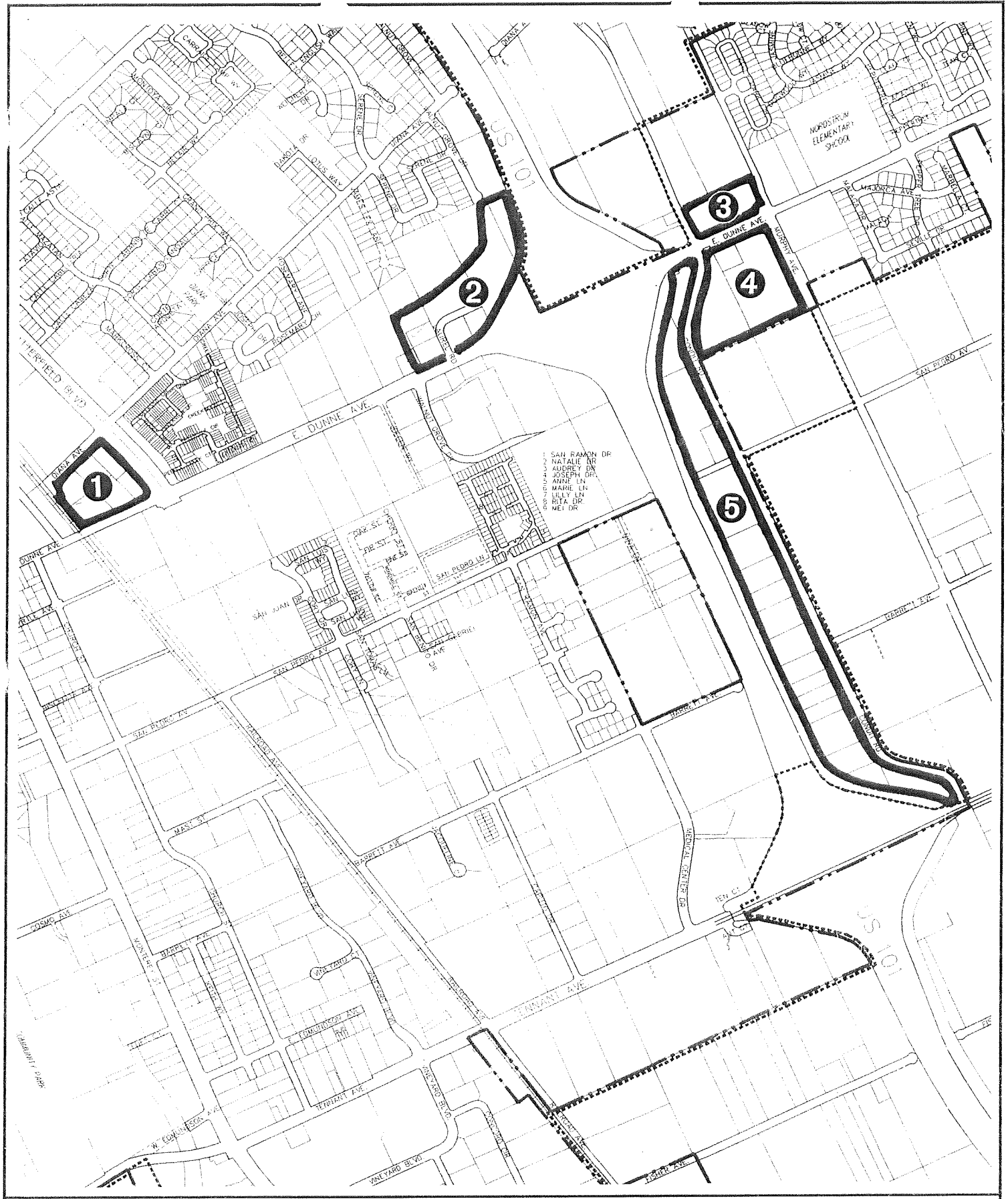
1. A mixture of building heights shall be included within the PUD. No more than two three story buildings shall be located adjacent to one another.

Landscape Design

1. A landscape theme shall be established for the Highway 101 frontage of all properties.
2. A landscape theme shall be established for the Condit Road frontage of all properties.

Signage

1. A maximum of three freeway-oriented multi-business identification signs shall be allowed in the PUD.



E. DUNNE/CONDIT PUD AREAS

ORDINANCE NO. 1544, NEW SERIES

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF MORGAN HILL APPROVING A ZONING AMENDMENT TO ESTABLISH A PRECISE DEVELOPMENT PLAN AND DESIGN GUIDELINES FOR A PUD DISTRICT ON THE WEST SIDE OF CONDIT ROAD BETWEEN DUNNE AND TENNANT AVENUES (APN 817-12-003, 004, 016 & 017 and APN 817-13-019, 020, 021, 022, 024, 026, 027, 029, 030, 031, 032, 034, & 035)

THE CITY COUNCIL OF THE CITY OF MORGAN HILL DOES HEREBY ORDAINS AS FOLLOWS:

SECTION 1. The proposed zoning amendment is consistent with the Zoning Ordinance and the General Plan.

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

SECTION 3. A negative declaration was approved as part of a previous city-initiated zoning amendment that established the PUD district.

SECTION 4. The City Council hereby approves a precise development plan as contained in that certain series of documents date stamped December 17, 2001 on file in the Community Development Department, entitled "Condit PUD planned development study & phasing plan" prepared by MH Engineering Company and "Condit PUD" Guidelines prepared by DpC, Development Process Consultants. These documents, as amended by conditional use permit and or site and architectural review, show the exact location and sizes of all lots in this development and the location and dimensions of all proposed buildings, vehicle and pedestrian circulation ways, recreational amenities, parking areas, landscape areas and any other purposeful uses on the project. Changes to the PUD which differs substantially from the approved precise development plan shall require an amendment through the public hearing process.

SECTION 5. The City Council hereby approves changes to the PUD Guidelines as contained in exhibit "B". The Council finds that the changes incorporated in this exhibit are necessary to comply with the minimum zoning requirements as set forth in Chapter 18.39 of the Municipal Code (Zoning Code) and Division III, Chapter 18.76 of the Municipal Code (Sign Code).

SECTION 6. The approved project shall be subject to the conditions as identified in the set of standard conditions attached hereto, as exhibit "A", and by this reference incorporated herein.

SECTION 7. Severability. If any part of this Ordinance is held to be invalid or inapplicable to any situation by a court of competent jurisdiction, such decision shall not affect the validity of the remaining portions of this Ordinance or the applicability of this Ordinance to other situations.

SECTION 8. Effective Date Publication. This ordinance shall take effect from and after thirty (30) days after the date of its adoption. The City Clerk is hereby directed to publish this ordinance pursuant to §36933 of the Government Code.

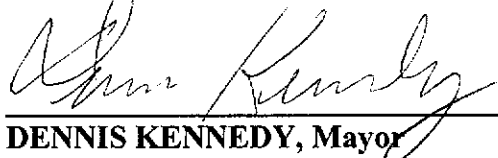
The foregoing ordinance was introduced at a meeting of the City Council held on the 16th, day of January 2002 and was finally adopted at a meeting of the City Council held on the 6th day of February, 2002 and said ordinance was duly passed and adopted in accordance with law by the following vote:

AYES:	COUNCIL MEMBERS:	Larry Carr, Hedy L. Chang, Greg Sellers, Steve Tate
NOES:	COUNCIL MEMBERS:	None
ABSENT:	COUNCIL MEMBERS:	Dennis Kennedy
ABSTAIN:	COUNCIL MEMBERS:	None

ATTEST:


IRMA TORREZ
City Clerk

APPROVED:


DENNIS KENNEDY, Mayor

☪ **CERTIFICATION** ☪

I, **IRMA TORREZ, CITY CLERK OF THE CITY OF MORGAN HILL, CALIFORNIA**, do hereby certify that the foregoing is a true and correct copy of Ordinance No. 1544, New Series, adopted by the City Council of the City of Morgan Hill, California at their regular meeting held on the 6th day of February, 2002.

WITNESS MY HAND AND THE SEAL OF THE CITY OF MORGAN HILL.

DATE: 3/20/02


IRMA TORREZ, City Clerk

EXHIBIT A

STANDARD CONDITIONS

APPLICATION: ZA-01-191 CONDT - LIVE WIRE LLC (CONDIT - PAD)

THE FOLLOWING CONDITIONS SHALL BE MET PRIOR TO THE ISSUANCE OF BUILDING AND/OR SITE DEVELOPMENT PERMITS EXCEPT AS OTHERWISE SPECIFIED IN THE CONDITIONS. APPROVAL REQUIREMENTS ARE NOT LIMITED TO THE ITEMS LISTED BELOW AND NOT ALL OF THE STANDARD CONDITIONS ARE APPLICABLE TO THE SITE OF A SPECIFIC PLANNING APPLICATION.

THOSE CONDITIONS MARKED BY AN "X" ARE APPLICABLE TO THE PROJECT APPLICATION REFERENCED ABOVE.

aforementioned Code Section if necessary to ensure compliance with said conditions. (MHMC 18.54.090)

COMMUNITY DEVELOPMENT DEPARTMENT

PLANNING DIVISION

A. TIME LIMITS

1. The Site and Architectural approval granted under this Resolution shall remain in effect for one year to 200_. Failure to obtain building permits within this term shall result in termination of approval unless an extension of time is granted with a showing of just cause prior to expiration date. (MHMC 18.74.250)

2. The Tentative Subdivision/Parcel Map approval granted under this Resolution shall remain in effect for two years to 200_. Failure to apply for Final Map approval with the City Engineer within this term shall result in expiration of approval unless an extension of time is granted by the Community Development Department (parcel map)/Planning Commission (tentative map) prior to the expiration date. (MHMC 17.20.170; 17.24.110)

3. The Conditional Use Permit approval granted under this Resolution shall remain in effect for twelve (12) months to 200_. Failure to commence the use within this term shall result in termination of approval unless an extension of time is granted with a showing of just cause prior to the expiration date. (MHMC 18.54.070 A)

4. In accordance with Section 18.54.090 of the Municipal Code, the Community Development Department shall conduct an annual review of the approved use for compliance with specified conditions. The Department may initiate corrective action as specified in the

5.

B. SITE DEVELOPMENT

1. Prior to on-site grading, the applicant shall enter into an agreement with the City of Morgan Hill for consultant services. The City shall retain the services of a professional arborist to evaluate the condition of any on-site specimen tree(s) affected by construction activity, and recommend appropriate written specifications which will preserve such trees during and after construction. The City shall provide copies of said written specifications to the applicant, who shall assume responsibility for implementing all recommended actions contained in that document.

2. The applicant shall provide a set of Covenants, Conditions and Restrictions, Bylaws and Articles of Incorporation, for review and approval by the City Attorney prior to final occupancy or recordation of the final map.

3. Final site development plans shall be reviewed and approved by the Community Development Department prior to issuance of a building permit. All such plans shall include:

Detail depicting all concrete curbs as full formed.

1) Location of catalogue drawings depicting the proposed parking area lighting fixtures. Exterior lighting of the building and site shall be designed so that lighting is not directed onto adjacent properties and light source is shielded from direct off-site viewing. (MHMC 18.74.370)

c) Ramps, special parking spaces, signing and other physical features for the disabled, shall be provided throughout the site for all publicly used facilities. (MHMC 18.50.110; 18.74.470)

d) Trash enclosures shall be constructed of a sturdy, opaque material, minimum 6 feet in height with solid view obstructing gates and shall be designed in harmony with the architecture of the building(s). In residential areas, trash enclosure areas shall require an overhead shade structure. Trash enclosures shall be required in all commercial and industrial projects and in residential projects containing four or more dwelling units. (MHMC 18.74.505)

e) All mechanical equipment, including electrical and gas meters, post indicator valve, backflow prevention devices, etc., shall be architecturally screened from view or located interior to the building. All ground mounted utility appurtenances such as transformers shall not be visible from any public right-of-way and shall be adequately screened through the use or combination of concrete or masonry walls, berms, and landscaping. (MHMC 18.74.320)

5. Recordation of a final map shall be in accordance with the number of building allotments granted through the Residential Development Control System (RDSCS) for this project. Should a portion of the project's building allotment expire prior to final map approval, the number of lots on the final map shall be reduced to correspond to the remaining allotment. (MHMC 18.78.020)

6. Prior to recordation of the final map, the owner shall submit to the Community Development Director for his approval, a management plan detailing strategies for control of noise, dust and vibration, and storage of hazardous materials during construction of the project. The intent of

this condition is to minimize construction related disturbance of residents of the nearby or adjacent properties.

7. Street names, private or otherwise, used to identify building locations shall be submitted to the Planning Division for approval.

C. BUILDING DESIGN

1. All roof mounted mechanical equipment shall be placed within a screened rooftop enclosure depicted on the elevation drawings or located below the parapet level. Cross section roof drawings shall be provided at the building permit stage indicating the relative height of the screen wall or parapet. (MHMC 18.74.320)

2. Roof top lighting is not approved for any building within the project. Any ground mounted lighting projecting onto the building or site will be subject to the review and approval of the Director of Community Development. Adjustment to the lighting intensity may be required after the commencement of the use.

3. All vents, gutters, downspouts, flashing, electrical conduits, etc. shall be painted to match the color of the adjacent surface or otherwise designed in harmony with the building exterior. (MHMC 18.74.360)

4. Soffits and other architectural elements visible from view but not detailed on the plans shall be finished in a material in harmony with the exterior of the building. (MHMC 18.74.340)

D. PARKING & VEHICULAR ACCESS

1. The interior of any parking area shall be landscaped with planter areas measuring a minimum five feet in width, minimum inside dimension. Additional planters shall be provided at both ends of a row of spaces with the planter area length equal to the adjoining parking spaces. Such planters shall contain an 18" walk adjacent to parking stall (including curb width). (MHMC 18.74.550 C)

2. Textured pedestrian pathways across circulation aisles shall be provided throughout the development to connect dwellings or

commercial/industrial buildings with parking areas, open spaces and recreational uses.

3. All units shall be provided with automatic garage door openers if driveway is less than 18 feet in depth from back of sidewalk.
4. Prior to final map approval or issuance of a building permit, the owner shall record an appropriate deed restriction and covenant running with the land subject to review and approval by the City Attorney for approval ingress/egress easements along the common driveway.

E. LANDSCAPING

1. The applicant shall enter into a two-year landscape maintenance agreement effective upon acceptance of landscaping improvements and provide an appropriate bond as required by Section 18.74.560(d) of the Design Review Ordinance. Bond amount shall be based on the assigned value of \$2.50 per square foot of area of planting and irrigation improvements. (MIMC 18.74.560)

2. Detailed landscape planting and irrigation working drawings shall be submitted to the Community Development Department for approval prior to issuance of building permits. Landscape plans for streets and landscape easements shall be part of the improvement plan submittal.

3. Special landscape features such as mounding, field stones, specimen size trees, meandering sidewalks and landscaping, minimum 30 feet in width, shall be required along Condit Rd. and Hwy 101 frontage.

4. Landscaping and irrigation systems required to be installed in the public right-of-way on the perimeter of this tract area shall be continuously maintained by the Homeowner's Association as part of the common area improvements.

5. All trees within approved landscape plans shall be of a minimum fifteen gallon size. All shrubs shall be minimum 5 gallon size unless otherwise approved by the Community Development Director.

6. A soils report shall be provided with landscape plan at the building permit stage indicating agricultural suitability and soil fertility.

7. The balance of a building site not developed as part of this project

approval shall be placed in landscaping acceptable to the Planning Division.

8. A note shall be placed on the final map which shall indicate that lot(s) shall be used for no purpose other than for on-site storm drainage facilities and recreational amenities. All proposed trails, private open space and associated facilities shall be permanently secured with appropriate documentation [i.e., Deeds; Easements; Covenants; Conditions and Restrictions (CC&Rs), Dedication, Homeowner's Association; etc.).

9. The landscaping installed and accepted with this project shall be maintained on the site as per the approved plans. Any alteration or modification to the landscaping shall be permitted with the approval of the Director of Community Development.

F. SIGNS

1. The applicants shall obtain Planning Division approval of a sign program prior to issuance of building permits. The terms of said sign program shall be included as a disclosure in all future leasing agreements affecting this parcel.

2. The signs indicated on the plan set drawings are not approved with the subject site review application. Signs proposed for this development shall be designed in conformance with the Sign Ordinance and shall require separate application and approval by the Planning Division prior to installation of any signs.

3. Directory monument sign(s) and location map(s) shall be provided for apartment, condominium, or townhouse projects prior to occupancy. Directory signs may also be provided for any multi-tenant commercial or industrial building. Location of the sign(s) shall be interior to the project and design of the directory sign(s) shall be approved by the Planning Division and Fire Department prior to issuance of building permits.

G. OTHER CONDITIONS

1. It is recognized that the subject structure is proposed as speculative and the ultimate use is unknown at this time. Future

commercial/industrial users of this site are subject to the City's commercial/industrial performance standards and may require use permit approval.

2. The applicant for land use approval has received notice that the issuance of a building permit to implement such land use action may be suspended, conditioned or denied where the City Council has determined that such action is necessary to remain within the aggregate operational capacity of the sanitary sewer system available to the City of Morgan Hill or to meet discharge standards imposed by the California Regional Water Quality Control Board.

3. The City of Morgan Hill currently may not have the sewage treatment capacity necessary to serve this project. Building permit issuance will not be allowed until and unless sewer capacity has been obtained for the project.

4. Prior to development of the subject property, the applicant shall follow the recommendations of the Northwest Information Center, Sonoma State University, regarding the investigation of potentially-significant archeological resources on the site, and shall follow recommended actions for the preservation and protection of any resources discovered during such investigation before and during construction activity.

5. Prior to approval of a final map, the City shall examine the feasibility and appropriateness of establishing Community Facilities (Mello-Roos) District as a means of meeting existing and projected school facility needs and funding shortfalls. If a Mello-Roos district does not represent a feasible way of mitigating school impacts for the development, the School District shall prepare possible mitigation measures to offset project effects on education services. The type of mitigation required by the District of an applicant shall be directly tied to the project's level of impact and specific deficiencies in the schools affected by the project. Should the applicant and School District be unable to reach agreement on appropriate mitigation, the matter shall be returned to the Planning Commission for a final decision prior to recordation of the final map (subdivision) or issuance of building permits (other residential projects).

6. X Defense and indemnity. Applicant agrees to defend and indemnify and hold City, its officers, agents, employees, officials and representatives free and harmless from and against any and 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 applicant's project. In addition, developer 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, developer 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.

7. Submit two (2) signed copies of Approval Certificate/Resolution No. _____ to the Planning Division prior to issuance of building permits.

8. Prior to approval of the final map (or issuance of a building permit where no map is required), the property owner shall submit to the Planning Division two (2) signed notarized copies of the Development Agreement for the proposed project.

HOUSING DIVISION

II. GENERAL REQUIREMENTS

1. Relocation assistance in the form of a list of available rental units of similar price and in the same general area shall be provided each tenant, together with a relocation allowance equal to three (3) months rent at the tenant's rate in effect at the time final approval is granted. The rental list shall be updated weekly by the applicant until residences are vacated. A copy of all assistance plans shall be forwarded to the Housing Division for approval. Payment shall be made when relocation expenses are incurred or no later than the time the tenant vacates the premises. (MHMC 15.30.050)

2. The Property Owner shall enter into agreement with the City to provide at least 9.5% of the for sale homes for participation in a below market rate (BMR) sales program approved by the Planning Division. The BMR participation agreement shall run with the land, and the provisions thereof shall be subject to review by City Attorney prior to recordation.

The BMR participation agreement shall include the following provisions:

- Family size shall be considered when a home is offered through the BMR program. No distinction shall be made between adults

and children;
BMR units must be affordable to families at or below the county's
current median income as defined by the United States Department
of Housing and Urban Development;

- The monthly housing cost shall include:
- unit purchase price
 - current lending rates
 - estimated taxes
 - estimated insurance
 - homeowner's association fee
 - other expenses as determined by the lender
- Units shall be available only to first time home buyers as defined by the BMR program and who currently reside within the County of Santa Clara.
- BMR units shall be subject to resale restrictions under individual agreements which shall be binding for a minimum of 30 years.

3. The Property Owner shall enter into agreement with the City to provide at least _____ of the units for participation in a below market rate (BMR) rental program approved by the Planning Division. The BMR participation agreement shall run with the land, and the provisions thereof shall be subject to review by City Attorney prior to recording.

The EMR participation agreement shall include the following provisions:

- Family size shall be considered when a rental unit is offered through the BMR program. No distinction shall be made between adults and children; _____ of the BMR units upon the issuance of the certificate of occupancy must be affordable to families at very low or below the County's current median income as defined by the United States Department of Housing and Urban Development and the remaining _____ BMR units must be affordable to families at low or below the County's current median income.
- Property Owner agrees not to convert units to condominiums for a period of twenty (30) years.
- Tenants will be selected from the City's waiting list.
- Property owner shall abide by the Program Guidelines incorporated herein by this reference.

4. The project is located in the Central Commercial-Residential (CC-R) zoning district and therefore must comply with the provisions of the

Downtown Relocation Housing Program (DRHP). Those provisions may require that relocation assistance and/or on-site replacement housing be provided to current or past residents of the property. The applicable provisions of the DRHP must be satisfied prior to issuance of building permits for the subject project. (MC 15.330.050; 15.330.960)

BUILDING DIVISION

EXISTING STRUCTURES

1. Existing building(s) where an occupancy change or use occurs, shall be made to comply with current Building Code for the intended use. (UBC 3045)
2. Removal of existing sewage disposal facilities and connection to city services shall be required prior to final inspection. (MIMC 13.24)
3. Additions to structures and or a change in occupancy of use are required to install fire sprinklers. (MIMC 15.08.070)

GRADING

1. Prior to issuance of building permits, the applicant shall provide contract documents for on-site improvements including comprehensive site grading and drainage plan. Said plan shall provide for exportation of excess soil material as necessary. (UBC, Appendix Chapter 33)
2. Prior to issuance of building permits, the applicant shall provide contract documents for on-site improvements including:
 - a) Comprehensive site grading and drainage plan. Said plan shall provide for exportation of excess soil material as necessary and controlled drainage of storm water away from building.
 - b) Comprehensive erosion control plan, including hydromulching or hand-seeding methods to be used in all graded or cleared areas. Said plan shall meet the minimum standards and specifications of the Loma Prieta Resource Conservation District.

- c) All cuts and fills shall be at a 2:1 slope or less unless stabilized by a retaining wall or cribbing as approved by the City Engineer. Retaining walls that retain four feet or more measured from immediate grade shall be of concrete or masonry. (MHMC 15.08.050)

K. SITE DEVELOPMENT

1. Prior to issuance of building permits, the applicant shall provide two copies of a soils (Geotechnical) engineering report prepared by a registered Civil (Geotechnical) Engineer. The report shall include data regarding the nature, distribution and strength of existing soils, conclusions and recommendations for grading criteria for corrective measures, and opinion on adequacy for the intended use of sites to be developed by the proposed grading as affected by soils engineering factors, including the stability of slopes, per UBC Appendix Chapter 70. The report shall also include soil classification and foundation investigation as required by UBC Chapter 29. (UBC, Appendix 33)

2. Prior to issuance of building permits, the applicant shall provide two copies of an engineering geology report, prepared by a registered Engineer Geologist. The report shall include an adequate description of the geology of the site, conclusions and recommendations regarding the effect of geologic conditions on the proposed development, and opinion on the adequacy for the intended use of sites to be developed by the proposed grading, as affected by geologic factors. (UBC Appendix Chapter 33)

3. Record of survey required. Lot stakes to be set by registered Civil Engineer or licensed Land Surveyor prior to issuance of building permits. (UBC 108.1)

4. Plans for all septic tank sewer systems shall be submitted to the Santa Clara County Environmental Health Department for review and issuance of a septic tank permit. Location of the approved septic tank leach field and expansion area shall be depicted on the revised site plan as part of a final submittal. (MHMC 13.24)

L. OTHER CONDITIONS

1. The applicant shall have an acoustical analysis prepared by a licensed professional, specifying the manner in which interior noise levels will be reduced to the required forty-five (45) dB(A). The details of noise

attenuation recommended in the report will be subject to review and approval of the Chief Building Official prior to issuance of the building permit. (UBC Appendix 1208)

2. Submit minimum five (5) complete sets of working drawings and specifications. Building plans shall be drawn at a minimum 1/4" scale. Minimum sheet size shall be 18" x 24". Submit minimum six (6) complete sets of drawings for all commercial and or industrial buildings (UBC 106.3.3)

3. A demolition permit from the Building Division of the City of Morgan Hill is required prior to the demolition of any structure. All structures which are 50 years old or older must complete a 15 day posting requirement. All structures must obtain a permit from the Bay Area Air Quality Control Board prior to demolition. (MHMC 15.60)

4. Permits for new structures or additions will require compliance with the Building Security Ordinance. Requirements such as the installation of dead bolts on doors, protection methods for windows, garage door security, commercial roof opening security, lighting at all exit doors, etc. may be required. (MHMC 15.40)

5. Permits for new structures or additions to existing structures will require the installation of fire sprinklers. (MHMC 15.08.070)

6. All copper tube for water piping shall have a weight of not less than type "L". (MHMC 15.20.050)

PUBLIC WORK DEPARTMENT ENGINEERING DIVISION

M. GENERAL

1. The applicant shall cause the construction of all public and private improvements in accordance with the latest City Standard Drawings and Specifications. Should the applicant propose the use of development and/or construction standards for any improvement and/or land uses, which are different than those presently set forth in the City's codes and ordinances, such alternative standards must be presented and approved by the Director of Public Works. The applicant shall cause Standard Specifications and Standard Drawings to be prepared in a format to be approved by the Director of Public

Works. (MHMC 17.32.030)

10. The applicant shall have a Final Map prepared by a registered engineer or licensed land surveyor delineating all parcels and easements created. There shall be concurrence in writing by PG & E, Telephone, Cable TV and any other affected agencies to all improvements and easements which are applicable to them. The number and locations of monuments shall be as required by the Public Works Department. (MHMC 17.20.200)

11. The applicant shall submit as part of the improvement drawings for the project, profiles of all improvements in the subdivision and typical cross sections of all streets and details of curbs, gutters, and sidewalks, to the satisfaction of the Director of Public Works prior to submittal of Final Map. (MHMC Sec 17.32.080)

12. The applicant shall enclose with its Final Map of Morgan Hill/County of Santa Clara/ State of California/ Santa Clara Valley Water District, and provide guarantee covering off-site improvements. (MHMC 17.08.040 A)

13. Modification of existing map to show (Storage Drain System) (Pavement widths) (Curve Radius) (Existing Utilities) on _____ (MHMC 17.20.040)

14. Enter into a Subdivision Improvement Agreement with the City of Morgan Hill to cover required improvements. (MHMC 17.32.160)

15. Reciprocal access easements and maintenance agreements ensuring access to all parcels and joint maintenance of all common roads, drives or parking areas shall be provided by CC&R's and by deed and shall be recorded concurrent with the map, or prior to issuance of building permit where no map is involved. (MHMC 17.20.340, 17.20.350)

16. The applicant shall submit a complete traffic study of the area affected by the proposed project. This study shall be subject to review and approval by the Public Works Director prior to the issuance of any City permits. All mitigating improvements outlined in the study shall be installed by the applicant at his expense. (MHMC 17.32.090)

17. Prior to final map approval or issuance of a building permit, the applicant shall pay 1/2 the cost of an improved median on _____ for that portion covering the project frontage. Said cost shall be determined

by the City Engineer. (MHMC 3.44.020)

10. A map for assessment district reapportionment and reassessment spread shall be prepared and submitted to the City Engineer for review, approval and City submittal to the County Assessor. Said map shall be recorded concurrent with subdivision/parcel map. (MHMC 17.20.350)

11. Pursuant to City Ordinance 982, the subject property will have reimbursement obligation to the City for lands acquired for street purposes and streets improved should those lands/street improvements about or be included within subject property. (MHMC 12.02.120 B)

12. IMPACT FEE INCREASE-The City of Morgan Hill, pursuant to City Code Chapter 3.56 has established ten specific categories of impact fees to finance the cost of improvements required by new development. The City Council has chosen to implement certain fees, without implementation of certain fees, and stage the implementation of certain fees. City Code Chapter 3.56.050 provides for automatic annual (July 1) adjustment of those fees in existence utilizing the Engineering News Record Index for the preceding twelve months. Those fees which a developer elects to defer shall be subject to the fees in effect at the time of development of a lot (issuance of building permit). The City Public Works Department maintains historical records on the Engineering News Record Index. These records are available for inspection during normal business hours.

STREET IMPROVEMENTS

N. 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 both 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 17.32.060)

2. Installation and dedication of 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 on Cond. 4 Road in conformance with City of Morgan Hill requirements. (MHMC 17.32.060)

3. Dedication of a total of feet from center line of public right-of-way on . (MHMC 17.28.010)
4. Dedication of the required corner cutoff at the intersection of . (MHMC 17.28.010)

O. SANITARY SEWER SYSTEM

1. The applicant, at his or her expense, shall have a registered civil engineer prepare a complete sewer system capacity study of the on- and off-site sewer system which will service the project (both upstream and downstream). The study shall meet the approval of the Director of Public Works. All needed improvements shall be installed by the applicant. No downstream overloading of existing sewer system will be permitted. (MHMC 17.32.090)

2. The applicant shall cause to be undertaken the design and construction of sanitary sewer improvements including, but not limited to installation of sewer line extension on Site. Collection system shall include, but not be limited to manholes with manhole frames and covers, cleanouts, wye branches and laterals, and separate sewer taps to each lot. These are to be installed by the developer. (MHMC 17.32.020 C)

3. All existing and future sewer lines shall be tied into the City's system and existing septic systems shall be abandoned in accordance with City requirements. (MHMC 13.24.080)

P. STORM DRAIN SYSTEM

1. A complete storm drainage study of the proposed development must be submitted showing amount of run-off, and existing and proposed drainage structure capacities. This study shall be subject to review and approval by the Director of Public Works. All needed improvements will be made by the applicant. No overloading of the existing system will be permitted. (MHMC 17.32.090)

2. The applicant shall cause the design and construction to be undertaken for a storm drainage collection system shown on the Tentative Map. All storm drain improvements shall be constructed to the satisfaction of the Director of Public Works. (MHMC 17.32.020 B)

3. Collection system shall be designed to be capable of handling a year storm without local flooding. On-site detention facilities shall be designed to a 25-year storm capacity. Whereas, on-site retention facilities shall be designed to a 100 year storm capacity. Items of construction shall include, but not be limited to installation of storm line extension on surface and subsurface storm drain facilities, manholes with manhole frames and covers, catch basins and laterals. (MHMC 17.32.080)

4. Prior to final map approval the applicant shall complete the following to the satisfaction of the Santa Clara Valley Water District and Director of Public Works.

- Storm drain calculations to determine detention pond sizing and operations.
 - Plan describing how material excavated during construction will be controlled to prevent this material from entering the storm drain system.
 - Storm Water Pollution Prevention Plan.
5. Since the developed portion of this site encompasses more than 5 acres, a Storm Water Pollution Prevention Plan (SWPPP) will be required as a provision of the state's General National Pollutant Discharge Elimination System Storm Water Permit for Construction Activities. The SCVWD requests a copy of the SWPPP for their information (SCVWD).

6. Current Federal Emergency Management Agency Flood Insurance Maps show the site is located in Zone X, an area subject to less than 1 foot of flooding. SCVWD recommends that the lowest floor of any building be constructed a minimum of one foot above the potential depth of flooding or two feet above existing ground level to be free from flooding (SCVWD).

7. Land use for the hydrology of the PL-566 channel improvement project for this site is single family. Land use of greater intensity, as proposed, will require mitigation of the increased runoff due to development. Mitigation measures, such as a detention facility, will need to remain in place indefinitely after the PL-566 channel improvements are completed, or until a regional detention facility or additional channel improvements are constructed. Calculations for the

sizing of the proposed detention facility and an analysis of the impacts in the event of a one percent flood should be provided for review of the SCVWD (SCVWD).

Q. WATER SYSTEM

1. The applicant shall cause the design and construction to be undertaken of a domestic water system to the satisfaction of the Director of Public Works. The water system improvements shall be constructed within public easements or street rights-of-way to the satisfaction of the Director of Public Works and dedicated to the City. (MHMC 17.32.090)

2. Abandonment of any existing water well in conformance with Santa Clara Valley Water District Ordinance 90-1. Location and disposition to be shown on the plan.

3. Installation of water line extension on _____ (MHMC 17.32.020)

4. Provide separate water services and meters for each lot. These are to be installed by developer. (MHMC 17.32.020 D)

5. Should the City determine that additional water storage capacity is required, the applicant shall pay a share of any necessary improvement costs. The timing and amount of payment (developer's proportionate share) may be based on City-wide usage) shall be determined by the Public Works Director. (MHMC 3.44.010)

R. OTHER CONDITIONS

1. The owner shall dedicate all necessary utility easements. Each requirement shall be determined by the Director of Public Works, and shall be accompanied by appropriate legal descriptions. (MHMC 17.28.010)

2. The applicant shall cause the design and construction required to underground all electric, gas, Cable TV and communication lines within the development. Such design and construction shall be to the satisfaction of the affected utilities and the Director of Public Works. (MHMC 17.32.020 E.1)

3. The final map on all major subdivision (5 or more lots) shall be approved by the City Council prior to issuance of a grading permit. For minor subdivision (4 lots or less), the final map shall be signed by the City Engineer and the Planning Commission Secretary prior to issuance of a grading permit. (MHMC 17.20.380; 17.24.210)

4. Landscaping and irrigation systems serving common areas that are required to be installed in the public right-of-way on the perimeter of this tract area shall be continuously maintained by the Homeowner's Association.

5. Final landscape plans shall be submitted with and included as part of the improvement plans for the subdivision. (MHMC 17.08.090)

OFFICE OF JOINT POWERS PRETREATMENT

S. COMMERCIAL AND INDUSTRIAL BUILDINGS

1. Restaurants and food preparation facilities shall install grease interceptors. The type, size and location of said interceptors shall be to the approval of the Public Works Director and the Pretreatment Office.

2. Installation of a sewer test manhole in lieu of a property line clean-out, shall be provided for each building, in accordance with standard city specifications. (MHMC 13.20.270)

3. Where a septic tank system is proposed, a copy of the approval permit from the Santa Clara County Environmental Health Department shall be filed with the Office of Joint Powers Pretreatment prior to issuance of a building permit.

FIRE DEPARTMENT

T. SITE DEVELOPMENT

1. Required Fire Flow. Required fire flow for this project is 4,250 GPM at 20 psi residual pressure. The required fire flow available from area water mains and fire hydrant(s) which are spaced at the required spacing. (UFC Appendix III-A)
2. Automatic Fire Sprinkler System Required. Buildings requiring a fire flow in excess of 2,000 GPM shall be equipped throughout with an approved automatic fire sprinkler system. The fire sprinkler system shall be hydraulically designed per National Fire Protection Association (NFPA) Standard #13, 1994 Edition. (UFC 1003.2.2 as amended by MHMC 15.44.040)
3. Final Required Fire Flow. Required fire flow may be reduced up to 50% in buildings equipped with automatic fire sprinkler systems but, can be no less than 1,500 GPM. Therefore, the final required fire flow is GPM at 20 psi residual pressure. This flow shall be taken from any two fire hydrants, on or near the site so long as they are spaced at a minimum spacing at 250 feet. (UFC Appendix III-A, Section 5)
4. Public Fire Hydrant(s) required. Provide public fire hydrant(s) at location(s) to be determined jointly by the Fire Department and the Water Company. Maximum hydrant spacing shall be feet and the minimum single flow hydrant shall be GPM at 20 psi residual pressure. If fire hydrants are already in place, include civil drawings showing location of all hydrants with the building permit submittal. (UFC 903.2)
5. Private Fire Hydrant(s) Required. Provide 2 private on-site fire hydrant(s) installed per NFPA Std. #24, at location(s) to be determined by the Fire Department. Maximum hydrant spacing shall be 250 feet and the minimum single flow hydrant shall be 1000 GPM at 20 psi residual pressure. Prior to design, the project civil engineer shall meet with the fire department water supply officer to jointly spot the hydrant locations. (UFC 903.2)
6. Required Fire Flow Option (Single Family Dwellings). Provide required fire flow from fire hydrants spaced at a maximum of 500 feet OR provide an approved fire sprinkler system throughout all portions of the building. The fire sprinkler system shall conform to National Fire Protection Association Standard #13D, 1994 Edition, and local

ordinance requirements. (UFC 903.2)

7. Water Supply for Fire Protection (Single Family Dwelling). Provide a water tank of 000 Gallons capacity and one fire hydrant. Installations shall conform with Fire Department Standard Details and Specifications W-1. (UFC 903.2)
8. Required Hydrant Installation(s). Hydrants shall be installed and spaced along the new or replacement water main installation(s) at a maximum spacing of feet. Provide hydraulic calculations to show that required fire flow can be provided. (General Order 103)
9. Private on-site Fire Service Mains and Hydrants. Installations shall conform to National Fire Protection Association Standard #24, and Fire Department Standard Details and Specifications W-2. (UFC 903.2)
10. Timing of Required Water Supply Installations. Prior to the commencement of combustible construction, the required Fire Hydrant and Water Supply installations shall be in place, inspected, tested and accepted by the Fire Department unless otherwise approved in writing by the Fire Marshal. Bulk construction materials may not be delivered to the construction site until installations are completed as stated above. Clearance for building permits may be held until installations are completed. (UFC 901.3)
11. Location of Required Fire Protection System(s) Equipment. Location of Fire Hydrants, Fire Sprinkler System(s) Control Valves (PIV / OS&Y), Fire Department Connections (FDC) and Fire Alarm Equipment shall be coordinated with the Fire Department and the Project Planners. (UFC 1001.7.1; 1001.8)
12. Review of this Development proposal is limited to acceptability of site access and water supply as they pertain to fire department operations, and shall not be construed as a substitute for formal plan review to determine compliance with adopted model codes. Prior to performing any work, the applicant shall apply to the Building Department for applicable construction permits.
13. Review of these plans does not release the developer, architect, or contractor of the responsibility for the corrections of mistakes, errors

or revisions contained therein.

14. The standard contains standard wording for developmental review comments. The section(s) may be copied and pasted into other documents to save time and improve accuracy. Use of a standard format and standard wording has been requested by the cities and recommended by their respective city/town attorneys. **PARTS ARE LOCATED AT 97-0001-0004.**

15. Fire Apparatus (Engine) Access Roads Required. Prior to the commencement of combustible construction, an access roadways with a paved all weather surface and a minimum unobstructed width of 20 feet, vertical clearance of 13 feet, 6 inches shall be provided, with minimum circulating turning radius of 36 feet outside and 23 feet inside, and a maximum slope of 15%, unless otherwise approved in writing by the Fire Marshal. Installations shall conform with Fire Department Standard Details and Specifications A-1. (UFC 902.2.2)

16. Fire Department (Engine) Roadway Turn-around Required. Prior to the commencement of combustible construction the applicant shall provide an approved fire department engine roadway turn-around with a minimum radius of 36 feet outside and 23 feet inside unless otherwise approved in writing by the Fire Marshal. Installations shall conform with Fire Department Standard Details and Specifications A-1. Cul-de-sac diameters shall be no less than 72 feet. (UFC 902.2.2.4)

17. Emergency Gate/Access Gate Requirements. Open gates shall not obstruct any portion of the required access roadway or driveway width. If provided, all locks shall be fire department approved. Installations shall conform with Fire Department Standard Details and Specifications G-1. (UFC 902.2.4.1)

18. Fire Lane Marking Required. Provide marking for all roadways within the project. Markings shall be per fire department specifications. Installations shall also conform to Local Government Standards and Fire Department Standard Details and Specifications A-6. (UFC 901.4.2)

19. Parking Along Roadways. The required width of fire access roadways shall not be obstructed in any manner. Parking shall not be allowed along roadways less than 28 feet in width. Parking will be allowed along one side of the street for roadways 28-35 feet in width. For roadways equal to or greater than 36 feet, parking will be allowed on both sides of the roadway. Roadway widths shall be measured face to face of curb. Parking spaces are based on an 8 foot wide space. (UFC 902.2.4.1)

20. Required Plans and Permits. Plans for fire apparatus access roads and fire hydrant systems shall be submitted to the Fire Department for review and approval prior to construction. Permits are required for the installation of all Private Water Supply, Tank, and Hydrant systems and must be issued to contractors prior to the start of installation of such systems. (UFC 901.2.2.1, 902.2.2.2)

21. Required Access to Water Supply Hydrants Unless otherwise approved in writing by the Fire Marshal prior the issuance of building permit, Portions of the structure(s) are greater than 150 feet of travel distance from the centerline of the roadway containing public fire hydrants. Provide an on-site fire hydrant OR provide an approved residential fire sprinkler system throughout all portions of the building. (UFC 903.2)

22. Required Access to Buildings. Portions of the structure(s) are greater than 150 feet of travel distance along an accessible travel path from an approved fire apparatus access roadway or driveway. Provide an approved fire apparatus roadway/driveway and approved turn-around OR provide an approved type residential fire sprinkler system throughout all portions of the building. (UFC 902.2.1, 902.2.2.4)

23. Fire Department Key Box Required. Provide an approved fire department key box and appropriate building keys. Installation shall conform with Fire Department Standard Detail and Specification K-1. (UFC 902.4)

24. Fire Apparatus (Engine) Access Driveway Required. Provide an access driveway with a paved all weather surface and a minimum unobstructed width of _____ feet, vertical clearance of 13 feet, 6 inches, minimum circulating turning radius of 36 feet outside and 23 feet inside, and a maximum slope of 15%. Installations shall conform to Fire Department Standard Details and Specifications D-1. (UFC 902.2.2)

25. Fire Department (Engine) Driveway Turn-around Required. Provide an approved fire department engine driveway turn-around with a minimum radius of 36 feet outside and 23 feet inside. Installations shall conform with Fire Department Standard Details and Specifications D-1. (UFC 902.2.2.4)

26. Location of Required Fire Protection System(s) Equipment. Location of Fire Hydrants, Fire Sprinkler System(s) Post Indicator Valves (PIV), Fire Department Connections (FDC) and Fire Alarm Equipment shall be coordinated with the Fire Department and the Project

Planners. (UFC 1001.7.1, 1008.1)

27. Access to Buildings/Landscaping Requirements. Landscaping shall not obstruct Fire Department ladder access to buildings. Building Permit submittals shall include a landscape drawing which reflects the location of all landscaping. The plan shall show how Fire Department ladder access will be provided around all buildings. Provide approved walkways on all sides of the building(s) leading from the fire access roadway to the exterior openings of the building(s). (UFC 902.3.1)

28. Timing of Required Roadway/Driveway Installations. Prior to the commencement of combustible construction, the required roadway/driveway installations shall be in place, inspected, and accepted by the Fire Department unless otherwise approved in writing by the Fire Marshal. Bulk combustible construction materials may not be delivered to the construction site until installations are completed as stated above. Clearance for building permits also may be held until installations are completed. (UFC 901.3)

29. Flagged Lots. Flagged lots shall conform with all access and water supply requirements in accordance with Fire Code Article 9. Contract Fire Department for applicable means of compliance. (District Policy)

30. Timing of Required Driveway Installations. Prior to the commencement of combustible construction the required driveway installations shall be in place, inspected, and accepted by the Fire Department unless otherwise approved in writing by the Fire Marshal. Bulk combustible construction materials may not be delivered to the construction site until installations are completed as stated above. Clearance for building permits also may be held until installations are completed. (UFC 901.3)

31. Fire Apparatus (Ladder Truck) Access Roads Required. Provide access roadways with a paved all weather surface and a minimum unobstructed width of 30 feet, vertical clearance of 13 feet, 6 inches, minimum circulating turning radius of ___ feet outside and ___ feet inside, a maximum slope of 10% and vehicle loading of ___ 000 pounds. (UFC 902.2.2.1)

32. Fire Ladder Truck Set Up Area(s) Option. Provide Fire Department Ladder Truck Set Up Areas with a minimum unobstructed width of 30 feet and minimum length of 60 feet. Area shall support 75,000 pounds of gross vehicle weight. Area shall be paved or other engineered surfaces may be used with Fire Department approval. (UFC 902.2.2.1)

33. Secondary Access Required. Provide a secondary access point.

Installation and Design of Secondary Access shall conform to Fire Department Standard Details and Specifications A-4. (UFC 902.2.1)

34. Bridges (Driveways). The bridge shall be designed for a live load of 40,000 pounds as stated in Fire Department Standard Details and Specifications D-1 and in accordance with Article 90 of the Fire Code. (UFC 902.2.2.5)

35. Premises Identification. Approved numbers or addresses shall be placed on all new and existing buildings in such a position as to be plainly visible and legible from the street or road fronting the property. Numbers shall contrast with their background and be a minimum of four inches in height. (UFC 901.4.4)

36. Building Code Review. Building Code review will be conducted upon receipt of a plans submittal and Building Permit Application from the local building department having jurisdiction.

37. Hazardous Materials Compliance Review. Hazardous Materials Compliance review is not completed in the Development Review Process. Questions regarding Hazardous Materials may be directed to (408)378-4010 ext. 20.

38. Review of Street Improvement Plans for ___
Approved or Disapproved (as applicable). State reason for disapproval.

39. The proposal presented under this application is acceptable to the Fire Department. Prior to performing any grading, demolition, construction or building modifications, the applicant shall make an application to, and obtain from the Building and Fire Department all necessary permits. The requirements or conditions, if stated above, shall be incorporated into the project drawings submitted for Building and Fire Department review.

40. No Fire Department Requirements or Conditions. For the application submitted. Subsequent submittals will be reviewed for Fire Department compliance upon receipt.

41. Preliminary Review Only. The requirements and conditions stated in this review are preliminary and are intended to be used for the purposes of project planning. An official Fire Department review of the project will be conducted upon receipt of a complete Building Permit Application and Plan Submittal that clearly shows all intended

grading, demolition, construction or building modifications.

POLICE DEPARTMENT

U. SITE DEVELOPMENT

1. The applicant shall comply with applicable provisions of the City's building security ordinance. Exterior lighting shall comply with criteria specified in the Design Review Ordinance. (MHMC 18.74.370)
2. The common main entrance door to a multi-family residential building shall be coupled with a voice intercom and electric door controls for each living unit to monitor control of visitor access to the building's interior. There shall be no master keying of residential units.
3. On directories used in a multiple family dwelling, the residents listed shall be by alphabetical listing only and shall not correspond to numbering of dwelling unit. (MHMC 15.40.410)
4. Where electronic security gates are provided to a development, a voice intercom or phone and electric gate control shall be provided. Gate location shall be designed to provide adequate area for turn around of vehicles.

V. BUILDING DESIGN

1. Building shall be pre-wired to provide a hard wire burglar alarm system. This shall include any windows or doors at ground level and including any windows capable of being reached without ladders from the building's exterior. The wire shall be laid in conduit. This condition does not include the actual alarm system, but only the pre-wiring for desired hookup at a later date.
2. All exterior transoms, glass skylights, and other openings of glass which are accessible from any surface on the premises shall be constructed of burglary-resistant glass or equally resistant glasslike material or secured on the inside with the following protective devices:
 - Iron bars of at least one-half (1/2) inch round or one (1) inch x one-quarter (1/4) inch flat steel material no more than five (5) inches apart and securely fastened; or
 - Iron or steel grills: of at least one-eighth (1/8) inch thickness with mesh not to exceed two (2) inches secured with non-removable type

screws. (MHMC 15.40.250)

3. All hatchway openings shall be secured with the following protective devices:
 - If the hatchway is of wooden material, it shall be covered on the inside with at least sixteen (16) gauge sheet steel, or its equivalent, attached with screws.
 - The hatchway shall be secured from the outside with a slide bar or slide bolt with a minimum of one (1) inch throw. The use of a crossbar or padlock must be approved by the Fire Department.
 - Outside hinges on all hatchway openings shall be provided with non-removable pins using pin-type hinges. (MHMC 15.40.280)
4. All air duct or air vent openings exceeding eight (8) inches x twelve (12) inches on the roof or exterior walls of any building shall be secured by covering the same with either of the following:
 - Iron bars of at least one-half (1/2) inch round or one (1) inch x one-quarter (1/4) inch flat steel material, spaced no more than five (5) inches apart and securely fastened; or
 - Iron or steel grills of at least one-eighth (1/8) inch thickness with mesh not to exceed two (2) inches and secured with non-removable type screws.
 - If the barrier is on the outside, it shall be secured with galvanized round-head through bolts of at least three-eighths (3/8) inch diameter on the outside. (MHMC 15.40.290)

PACIFIC GAS & ELECTRIC (PG&E)

UTILITY ACCESS

Development plans shall provide for unrestricted utility access and avoid encroachments that might impair the safe and reliable maintenance and operation of PG&E's facilities. Examples of activities which could have an impact on PG&E facilities include permanent/temporary changes in grade over or under the facilities; construction of structures within or adjacent to PG&E easements; and planting of certain types of vegetation over or underneath gas and electric facilities respectively. Developers shall be responsible for the costs associated with the relocation of existing PG&E facilities to accommodate the proposed development (PG&E).

OTHER CONDITIONS

- X 1. Refer to *Condit PUD Guidelines* for additional requirements. (Planning)
- X 2. Provide adequate utility stubs to each parcel. At a minimum stubs shall be provided for domestic water, landscape, and fire services along with a sanitary sewer lateral. If parcels are to have multiple buildings, than each building shall be required to have the stubs listed above. (Public Works)
- X 3. Provide on-site storm drain detention pond to mitigate increased run-off due to site development. (Public Works)
- X 4. Where necessary, each individual project shall provide full public improvements along the Condit Road frontage. Improvements shall include undergrounding overhead utilities (where they exist), curb and gutter, sidewalk, electroliers, pavement widening, and landscaping. (Public Works)
- X 5. Obtain approval from the Santa Clara Valley Water District due to proximate to a District facility (Madrone Channel). (Public Works)

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EXHIBIT "B"

Changes to the Proposed PUD Guidelines:

The following changes are hereby adopted to comply with the zoning requirements for PUD districts as established in Chapter 18.30 of Zoning Code:

Condit PUD Guidelines

Page 4, Permitted Uses

Restaurants, Sit down
Wine tasting
Retail uses supportive of hotel uses within the PUD, excluding grocery, supermarket and drug stores
Motels and hotels, a maximum of 6 5 will be allowed in the PUD.
Arts and crafts galleries
Conference centers, banquet and meeting rooms

Page 4, last paragraph:

Inclusion of any of these conditional uses in the PUD shall be allowed only upon granting of a conditional use permit finding that the use will be consistent with the gateway and scenic corridor qualities of this PUD and the findings as contained in Section 18.54.050 of the Morgan Hill Municipal Code. These findings shall include consideration of the quality of the proposed physical improvements to the site, the extent of outdoor activity on the site that will be visible from public rights of way and the manner in which the use is conducted on the site.

Page 12, #2h.: All exterior wall elevations will have architectural treatment. No building surface will have a flat void surface of more than thirty feet in length without architectural treatment.

Page 13, #18: Vending machines, rides, newspaper racks and any coin-operated devices are not to be placed on the outside of any buildings in the PUD.

Page 16, #22b:

- b. Highway 101 Frontage: Trees shall be installed within 30 foot wide frontage along Highway 101 at an average ratio of one (24" box size) tree per 25 lineal feet, with no spacing exceeding 30 feet. Tree compositions shall be in informal massing, not arranged in linear patters at repeated intervals. Any tree installed in addition to the requirements may be a minimum 15-gallon

size. Tree spacing may be increased beyond the minimum with larger tree specimens (36" box size or larger) as approved by the Community Development Department. Tree selection shall consist of (50%) broadleaf evergreen trees, and (50%) deciduous trees. Refer to Theme Plant List for species selection. Refer to Exhibit L-2.

Page 17, #24: Landscaping a minimum of 10 feet in width will be placed adjacent to a minimum of 50% of the building's perimeter, except along the perimeter where service and delivery locations occur. Along the side of the building where service and delivery locations occur, an acceptable alternative to placing landscaping along the building will be to increase the property line landscaping from the minimum 5-foot width to 10 feet in width along the entire length of the service and delivery area.

Add #24b as follows:

A minimum of 15 percent of all parking lot areas shall be landscaped. Required setback and perimeter planting areas shall not be counted in this area, but may include the building perimeter landscaping.

Page 17, #27: Condit Road Frontage shall have not more than 35% turf cover with the balance of ground planting being shrub and ground cover area. Ground cover shall be planted in all "non-turf" planting areas within the 30-foot wide frontage planting area. Refer to Exhibit L-1.

Page 17, #29: All landscape areas provided (with the exception of areas adjacent to public streets and Highway 101 frontage) shall have the following minimum widths.

- a. Perimeter property line planters will have a minimum of 5 feet. Combined with the adjacent development the 5-foot width will result in an overall minimum of 10-foot perimeter landscape area.
- b. Interior landscape planters shall be provided between contiguous parking stalls at a maximum ratio of one planter per 10 stalls. These planters shall be 10 feet minimum in width, minimum inside dimension:
- c. Planters at the end of the parking rows shall be 10 feet minimum in width inside dimension and include a 1-foot wide strip of concrete adjacent to the curb of the automobile side of the planter.

Note: Exhibit A-10 will need to be revised to incorporate the above changes.

Page 17, #30: All parking areas shall be screened from public view through the use of berming, hedge row planting, grade change or any combination thereof. Screening shall be a minimum 3' in height as measured from the top of curb elevation on the higher side, on either the interior or exterior side of the parking lot, at time of installation.

Page 18, #32: An automatic sprinkler system shall be installed for all landscaped areas. Low flow irrigation systems are encouraged. Water conservation techniques shall be incorporated into all landscape plans. Drought resistant and water conserving plants shall be encouraged.

Page 18, #34: General parking lot lighting will be consistent throughout the PUD and will be metal halide. The maximum height of the lighting will be 20 feet. Color of fixture and pole to be dark bronze or black. See Exhibit A-12

Page 18, #38: Parking shall be screened from public view through the use of berming, hedge row planting, shrubs, trees, fences or walls, or any combination thereof, providing that no more than 35% of the total screening shall consist of fences or walls. At time of installation, shrub planting shall be minimum 5-gallon size, trees shall have a minimum height of eight feet and minimum crown diameter of four feet.

Page 19, #48: Parking areas shall be designed to include provision for pedestrian walkways for access to building entrances. Walkways that cross traffic lanes shall have special design features such as raised and/or textured pavement.

Page 19 - 20, #52a & 52b:

- a. The proposed freeway identification signs shall be the lesser of 55' or the city's sign code in effect at time of installation. Sign height shall be measured from the existing grade at the east right-of-way line of the existing drainage channel abutting the PUD property opposite the sign location.
- b. Each sign may have, and shall be designed and constructed to accommodate, advertising for a maximum of 54 businesses within the PUD. Each sign may have, and shall be constructed to accommodate a maximum of four (4) panels for signage and logos. The maximum sign area for an individual business shall be 84 square feet on each side. The combined maximum area for all businesses advertising on one sign shall be 330 square feet on each side. A maximum of 2 business signs may be placed upon each panel (84 square feet each). These signs shall be internally illuminated.

Note: Exhibit A-14 will need to be revised to incorporate the above changes. Staff also recommends a light weight concrete tile roof instead of the painted sheet metal cap on top of the freeway pylon sign to match with the existing pylon sign (Executive Inn sign) in the PUD district.

Page 19, #53a:

- a. The monument sign shall be a maximum 8 feet in height and shall be located within the 30-foot landscape buffer along Condit Road.

Page 19, #54: Add to the last sentence of this item the following: "Wall mounted signs and logos shall consist of individual channel letters and may be internally illuminated."

Page 19, add #55a:

- 55a. No signs, promotional posters, banners, etc., shall be displayed in any window of any building within the PUD.

01/15/44

Condit PUD

Morgan Hill

A Planned Unit Development Objectives and Planning Guidelines

Prepared by

DpC

Development Process Consultants

DANVILLE

SAN FRANCISCO

MORGAN HILL

Section One: PUD Description and Planning Objectives

East Dunne Avenue and Tennant Avenue serve as two of the three major freeway entrance points into Morgan Hill. The area of land extending along Condit Road between these two arterials is the proposed *Condit PUD*. Backing to the freeway along its entire west boundary, the *Condit PUD* has nearly one-half mile of freeway frontage. With recent and proposed development attracting visitors, business people and residents, *Condit PUD* will be designed to coordinate existing development within the proposed PUD to create an attractive and inviting entrance at East Dunne Avenue and Tennant Avenue as well as providing an aesthetic streetscape along this portion of the Highway 101 frontage.

The 35.55 acre *Condit PUD* consists of a total of 20 existing parcels. All are zoned highway commercial and are within the city limits of Morgan Hill. Eight of the parcels have developed to date. Five are Hotel sites, one a restaurant, a fast-food restaurant and an RV sales service facility. To the north of the site across East Dunne Avenue are existing fast-food, a gas station and a mini strip mall. To the east across Condit Road is undeveloped commercial at Dunne Avenue. The soccer fields exist to the east across Condit Road midway between East Dunne and Tennant Avenue.

The intersection of East Dunne Avenue and Condit Road is signalized. This is the main access to the *Condit PUD*. The site is narrow and long with excellent visibility along Highway 101 and Condit Road. The existing development together with the proposed development will continue to enhance visibility to this site.

In the conceptual design of the total site we have strived to achieve the following objectives:

- Create a high quality development that will provide an elegant entry into Morgan Hill at East Dunne Avenue and Tennant Avenue.
- Provide for harmonious architecture and landscape of the total site.
- Create an attractive streetscape of the entire frontage along Highway 101.
- Coordinate existing and proposed circulation and parking elements.
- Provide for a continuity of signage.

The intent of the PUD is to accomplish the following objectives:

1. Coordination of aesthetics:

Will provide a harmonious theme to the architecture within the PUD. Eight structures exist within the proposed PUD area. The dominant current style is of a Mediterranean type of Architecture. Most are variations of a Mediterranean style (Spanish/Italian/Tuscan/French) or hybrids (i.e. Postmodern/contemporary). The PUD will "infill" with new development that employs architectural styles and landscaping that is compatible with the Mediterranean influenced architecture of the *Condit PUD* when fully developed.

Section Two: Architectural Elements and Style

The visibility and location of this site requires that the aesthetics be of the utmost concern. The Condit PUD will incorporate Architecture with a Mediterranean character as represented through the use of the following:

Architectural Detailing:

The PUD retains eight existing businesses at this time, most of which have been built within the last 10 years and are contemporary structures in excellent condition. All of these existing structures retain Mediterranean influence in their architecture. The Morgan Hill Inn at the southern most location of the PUD has the most authentic Mediterranean architecture. The other structures vary in the amount of detail from the minimal use of Mediterranean detailing on the Post Modern Dan Gambles RV Sales. This structure, with its contemporary influence retains a rolled Spanish tile roof.

It is important that the future development within the PUD be compatible with the Mediterranean feel and will reflect these subtle details of the existing structures. Future detailing will include arched entries, textured stucco appearance and the introduction of cast stone and slump block to the PUD. These same building elements will be used in the signage and landscape furniture.

Roof and Eaves:

All of the existing buildings within the PUD have a tile type roof. The variations that exist are S-tile, Flat and barrel. These types will be reflected on the Condit Road and Highway 101 building elevations throughout the PUD to provide variety yet consistency in the architecture. Acceptable colors will be terra cottas, or blended earth tones such as grays and burgundy's. Rooflines will vary in height and will incorporate a minimum of two varying roof types (i.e., hip, gable). No flat rooflines shall dominate the building elevations along Condit Road and Highway 101.

Lighting:

Lighting attached to the structure will have a Mediterranean or period look to provide an overall theme. Lighting attached to the buildings will augment the architecture and add another element of interest. Lighting along entry walkways, patios or featured landscape areas will conform to the architectural theme. All theme lighting will be in the patina palette or a dark bronze. Landscaping up-lighting will be used.

Signage:

6. Eaves with flat soffit and decorative brackets or exposed rafters with a 3 ½" min width and a sawn end pattern.

2. Building Details

- a. Architectural columns will have detailed bases and capitals expressed with moldings and or cast stone elements. See Exhibit A-2
- b. Walls shall have a cement plaster or concrete type finish. Texture to be one of the following:
 1. Cement Plaster- light or medium dash, smooth finish or sand float. Integral color plaster is encouraged.
 2. Concrete with "tex-coat" type textured paint coating.
 3. Slump stone concrete block.
- c. Roof eaves will have a decorative gutter with either a half-round or "ogee" shape. Downspouts on building frontages to be concealed in building walls. Any exposed downspouts on non-frontage facing elevations will be treated decoratively with round downspouts and decorative straps. See Exhibit A-3
- d. Roof overhang will be no less than 24" and will include either eaves with paneled flat soffit and decorative brackets or exposed rafters with a 3 ½" min width and a sawn end pattern. Underside of any exposed roof sheathing will be rough-sawn tongue and groove. Attic/soffit vents in eaves will not be exposed holes in blocking between rafters. See Exhibit A-4
- e. Doors and windows facing street frontages or freeway frontages will be Highlighted by the use of accent trim (e.g., molding, pop-out or wood trim). The design will be complimentary to the Mediterranean theme. Window treatments on walls that do not face the freeway or street are not required to have accent trim but will be consistent in tinting and design with the other windows. No reflective tinting will be allowed. Examples of approved window treatments for street frontages and freeway frontages are shown in Exhibit A-5.
- f. Roof materials at visible roofs shall be barrel shaped or flat clay roof tiles. Colors to match one of the following:
 1. Maruhachi Ceramics of America, MCA, "Old Mission Blend" which is a blend of light terra, dark terra cotta and brown tiles.
 2. Clay tile from other manufacturers with blends of terra cottas and brown colors.
- g. Building Colors will be from the approved color palette. Each building will have a maximum of 2 body or field colors and 2 trim colors. See color palette exhibit.
- h. Structures will incorporate breaks in horizontal and vertical planes by stepping or staggering setbacks, protruding or recessed covered entries and recessing windows to provide substance and scale. Vertical heights greater than 25' and horizontal lengths greater than 30' shall be interrupted by a plane shift or architectural design element that may include decorative molding, pilaster or trellis.
- i. All exterior wall elevations will have architectural treatment. No building surface fronting will have a flat void surface of more than thirty feet in length without architectural treatment.

15. Provisions for connecting driveways and walkways with adjacent property owners will to be provided with each design. Pedestrian connections between the street sidewalk as well as between buildings will be a decorative paving. This is to be one of the following:
 1. Interlocking pavers.
 2. Stamped concrete with integral color or stained finish.
 3. Scored concrete with integral color or stained finish.
16. Parking lots are to be designed to include curb planters around landscaping.
17. Uses within the PUD that utilize shopping carts will provide indoor storage of the carts and will provide for the collection areas throughout the parking lot within 75' of the primary building entrance and centrally located throughout the parking field. See Exhibit A-10.
18. Vending machines, rides, newspaper racks or any coin-operated devices are not to be placed on the outside of any buildings in the PUD.
19. All plans to be subject to approval by the City of Morgan Hill's Architectural Review Board and by the City of Morgan Hill.

Landscaping

Design criteria for landscaping shall be consistent throughout the PUD. Each development within the PUD shall follow the requirements contained herein when preparing their landscape plans. The general characteristics of the plant palette for the PUD shall provide a combination of year round color and textural interest. The Theme Plant List Palette is provided as a basis for plant selection for all site design. There are specific plant selection criteria for the Condit Road frontage and Highway frontage conditions explained within these guidelines. Plant selection for the building site area (between the frontages) there will be discretion for use of additional under-story plants not provided within the theme list. All site trees must, however, be selected from the PUD theme list provided. No palm trees may be used. *Cycus revoluta* (Sago Palm) may be used as an under-story plant on building site area.

20. PUD Theme Plant List Palette

a. Large Canopy Deciduous Trees

- *Acer macrophyllum* (Big Leaf Maple)
- *Alnus cordata* (Italian Alder)
- *Fraxinus oxycarpa* "Raywoodii" (Raywood Ash)
- *Liriodendron tulipifera* (Tulip Tree)
- *Pistacia chinensis* (Chinese Pistache) +
- *Platanus acerifolia* (London Planetree) * +
- *Populus nigra* "Italica" (Lombardy Poplar) +
- *Pyrus calleryana* "Aristocrat" (Aristocrat Pear) *
- *Quercus coccinea* (Scarlet Oak)
- *Quercus lobata* (Valley Oak)

- *Leprospermum* "Gaiety Girl" (New Zealand Tea Tree)
- *Grevilea* "noellii" (*Grevillea*)
- *Nandina domestica* "Compacta" (Compact Nandina)
- *Pittosporum* species (Mock Orange)
- *Rhaphiolepis* species (India Hawthorn)
- *Rosa* Meidiland (Meidiland Bush Rose)
- *Rosmarinus* "Tuscan Blue" (Tuscan Rosemary)

g. Accent Shrubs / Perennials

- *Agapanthus africanus* (Lily-of-the-Nile) *
- *Azalea* species (*Azalea*) *
- *Camelia* species (*Camelia*) *
- *Dietes* species (Fortnight Lily) *
- *Euryops pectinatus* (*Euryops*) *
- *Hemerocallis* species (Daylily) *
- *Lavandula angustifolia* (English Lavender) *
- *Phormium tenax* (New Zealand Flax) *
- *Tulbaghia violacea* (Society Garlic) *

h. Vines & Espaliers

- *Ficus pumila* (Creeping Evergreen Fig)
- *Gelsemium sempervirens* (Carolina Jessamine)
- *Hardenbergia violacea* (*Hardenbergia*)
- *Parthenocissus tricuspidata* (Boston Ivy)
- *Solanum Jaminoides* (Potato Vine)
- *Pyrus kawkami* (Espalier Evergreen Pear)
- *Podocarpus gracilior* (Espalier Fern Pine)

i. Ground Cover

- *Arctostaphylos* "Point Reyes" (Manzanita @ 36" o.c. spacing) * +
- *Cotoneaster* "Lowfast" (Lowfast *Cotoneaster* @ 42" o.c. spacing) +
- *Juniperus sabina* "Broadmoor" (Broadmoor Juniper @ 36" o.c. spacing) *
- *Lantana montevidensis* (Purple Trailing Lantana @ 36" o.c. spacing) * +
- *Rosmarinus* "Huntington Blue" (Prostrate Rosemary @ 36" o.c. spacing) * +
- *Vinca minor* (Dwarf Periwinkle @ 24" o.c. spacing) *

j. Turf Lawn

All turf areas shall be Dwarf-Tall Fescue-blend sod roots.

Symbols: * Tree qualifies for Condit Road Frontage Tree
 + Tree qualifies for Highway Frontage Tree

21. A minimum of 30-foot wide landscape area (excluding any planting in the right-of-way) shall be provided adjacent to the Condit Road and Highway 101 frontages.

22. Minimum Tree Requirements

25. Landscape material shall be used to highlight building entries and pedestrian paths to create a focal point and divert persons to the building entrance.
26. Provide a planting scheme that is in harmonious transition with the existing adjacent landscapes as they occur. Complimentary tree species and ground plane treatment shall flow from parcel to parcel to reinforce the dissolve of property edges along the frontages. Refer to Exhibit L-1.
27. Condit Road Frontage shall have not more than 35% turf cover, with the balance of ground plane being shrub and ground cover area. Ground cover shall be planted in all "non-turf" planting areas within the 30-foot wide frontage planting area. Refer to plant palette for spacing. Refer to Exhibit L-1
28. Planting along Condit Road Frontage shall not exceed 30 inches in height within sight lines of driveway access. Any frontage mounding and /or screen planting shall recede to meet the sight line requirement. Refer to Exhibit L-5.
29. All landscape areas provided (with the exception of areas adjacent to public streets and Highway 101 frontage) shall have the following minimum widths.
 - a. Perimeter property line planters will have a minimum width of 5 feet. Combined with the adjacent development the 5-foot width will result in an overall minimum of 10-foot perimeter landscape area.
 - b. Interior landscape planters shall be provided between contiguous parking stalls at a maximum ratio of one planter per 10 stalls. These planters shall be 10 feet minimum in width, minimum inside dimension.
 - c. Planters at the end of the parking rows shall be 10 feet minimum in width inside dimension and include a 1-foot wide strip of concrete adjacent to the curb of the automobile side of the planter.
30. All parking areas shall be screened from public view through the use of berming, hedge row planting, grade change or any combination there of. Screening shall be a minimum 3' in height as measured from the top of curb elevation on the higher side, on either the interior or exterior side of the parking lot, at time of installation.
31. All landscaping areas adjacent to parking and drive isles shall have a 6-inch minimum high curb.
32. An automatic sprinkler system shall be installed for all landscaped areas. Low flow irrigation systems are encouraged. Water conservation techniques shall be

architecturally compatible with the building. This wall shall be screened with landscaping consisting of either a planter or vines.

43. Truck deliveries will be limited to 7 a.m. to 7 p.m., Monday through Saturday.
44. Parking lots will be designed to provide for a safe and efficient movement of vehicles between properties by providing joint access easements whenever possible. Cross access easements and drive aisles will be provided throughout the PUD.
45. Drive aisles will allow for complete circulation within the PUD, with sufficient width for emergency vehicles, and shall not include dead end drive aisles.
46. Adequate auto stack-up areas will be designed to permit a minimum of two cars to enter the parking lot area without obstructing either street through traffic or vehicle backup areas within the parking lot. A minimum 40' stacking distance will be provided between the curb on Condit Road and the first parking space for this purpose.
47. The number of curb cuts connecting the site with collector or arterial streets shall be minimized. Mutual access easements and mutual driveways will be used to minimize paved areas and curb cuts.
48. Parking areas shall be designed to include provision for pedestrian walkways for access to building entrances. Walkways that cross traffic lanes shall have special design features such as raised and/or textured pavement.
49. Access to property and circulation thereon shall be safe and convenient for pedestrians, cyclists, and vehicles. Vertical and horizontal sight lines shall be sufficient to ensure safe vehicular and pedestrian movements.
50. Parking will be provided in accordance with the City of Morgan Hill zoning ordinance relative to the type of use. However, in consideration of the reciprocal access and shared parking for properties within the PUD a reduction in required parking may be considered by the City of Morgan Hill predicated upon the following:
 - a. A reduction based upon storage and non-public areas may be considered.
 - b. The installation of bicycle racks.
 - c. Specialty parking unique to the individual business use.

Signage and displays:

and logos shall be allowed along frontages on both Condit Road and Highway 101. The allowable area for each frontage shall be calculated separately based upon the lineal footage of the wall facing the street to which the sign is to be mounted. Wall mounted signs and logos shall consist of individual channel letters and may be internally illuminated.

55. Flagpoles shall be allowed. Flagpoles may include ground lighting.

- a. No signs, promotional posters, banners, etc., shall be displayed in any window of any building withing the PUD

Utilities:

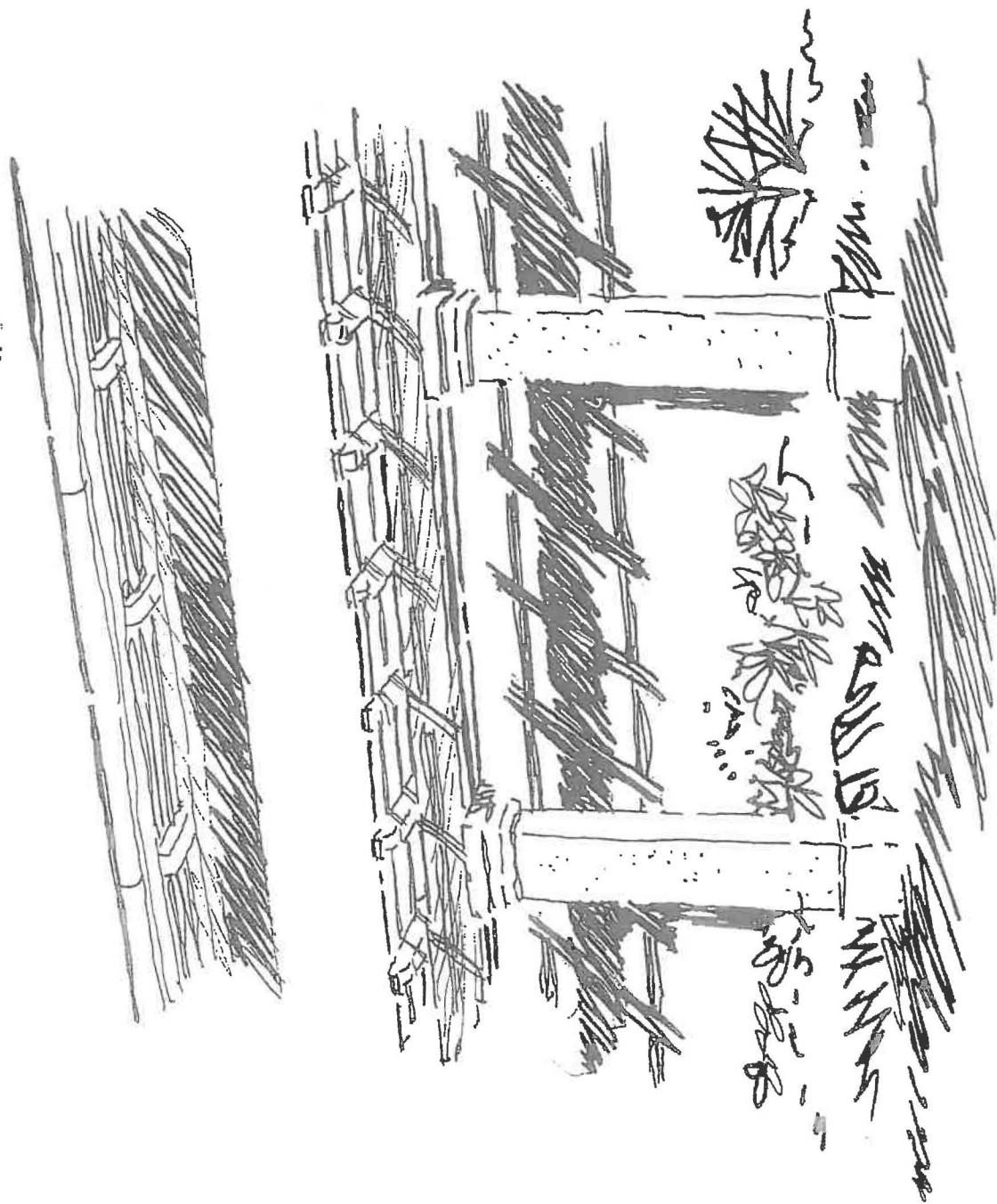
56. All future development applications for storm water detention and the appropriate utility and public service providers shall be subject for review and approval by the City of Morgan Hill. Storm water detention will be provided for each parcel in accordance with the City of Morgan Hill drainage ordinance. Storm water detention may be achieved by detention pond(s), below ground enlarged pipe systems, or combination thereof. No detention pond will be allowed within the required thirty foot wide landscape buffer along Condit Road and Highway 101.

57. All above grade utility devices such as fire service detector checks and backflow preventors will be screened with berms and landscaping. In addition all above grade utility devices such as fire service detector checks, fire department connections and backflow preventors placed within the Condit Road landscape buffer area will be painted a uniform color to lessen visibility, and these facilities shall be installed as low as the codes allow. See Exhibit A-16.

58. Transformers shall not be placed within the Condit Road landscape buffer area and shall be screened with landscaping material.

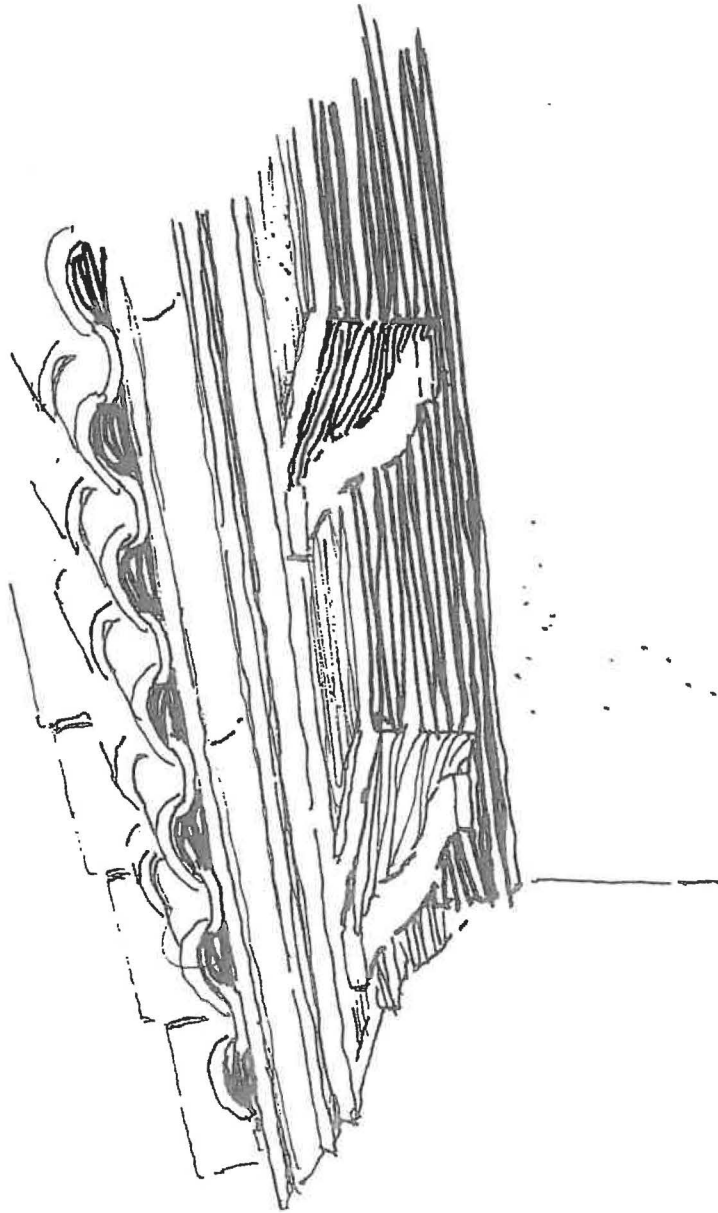
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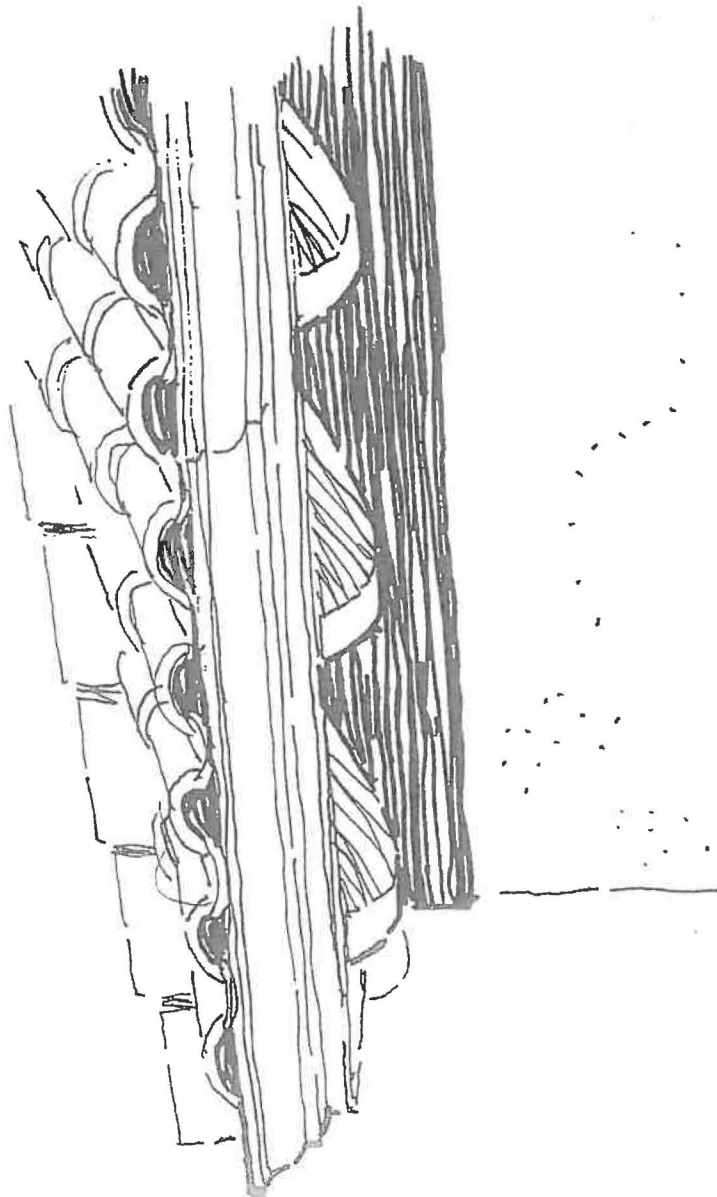
COLUMNS, TRELLIS

EXHIBIT A-2



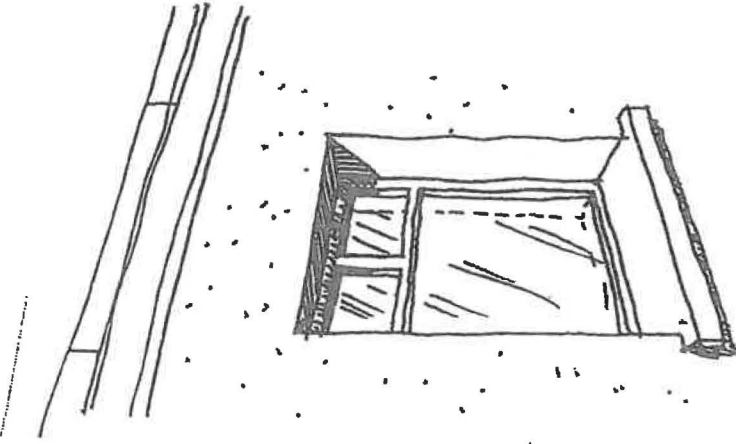
EAVE WITH FLAT SOFFIT AND BRACKETS

EXHIBIT A-3



EAVE WITH EXPOSED RAFTERS

EXHIBIT A-4

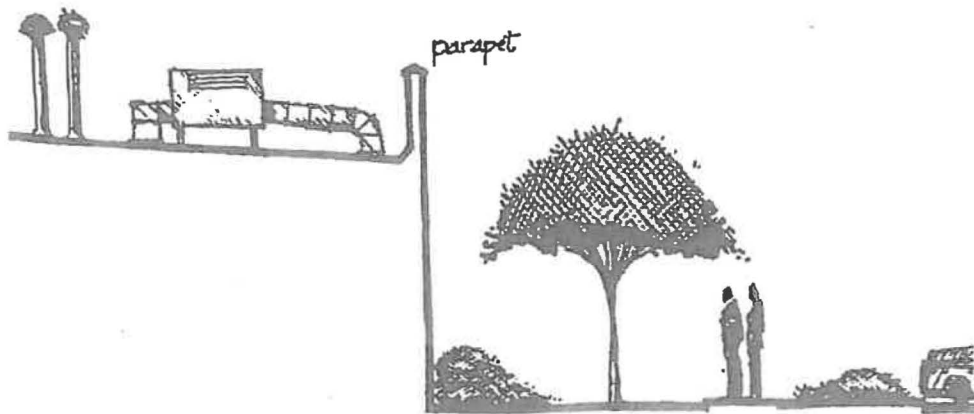


WINDOW TREATMENT

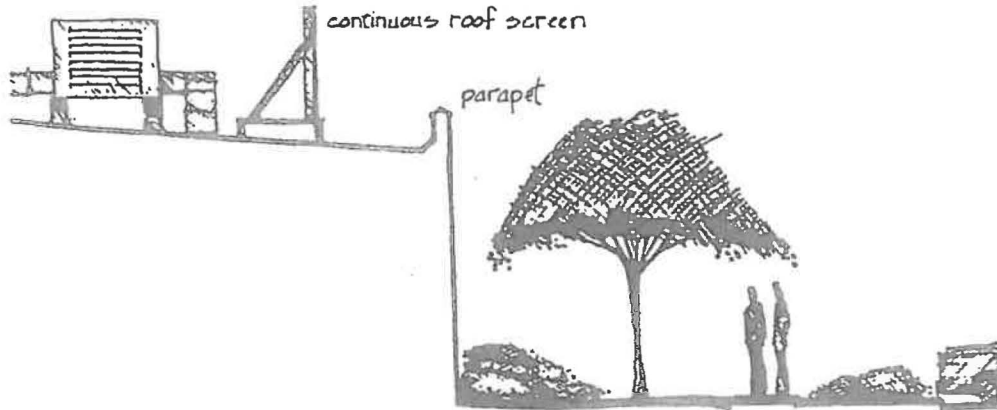
EXHIBIT A-5

It is discouraged to use roof screens on buildings with parapets, rather, the parapet should be raised to provide the screening. All screening should be constructed consistent with the materials of the building. Roof mounted equipment screens should be designed as a continuance component, that is installed the length of an elevation.

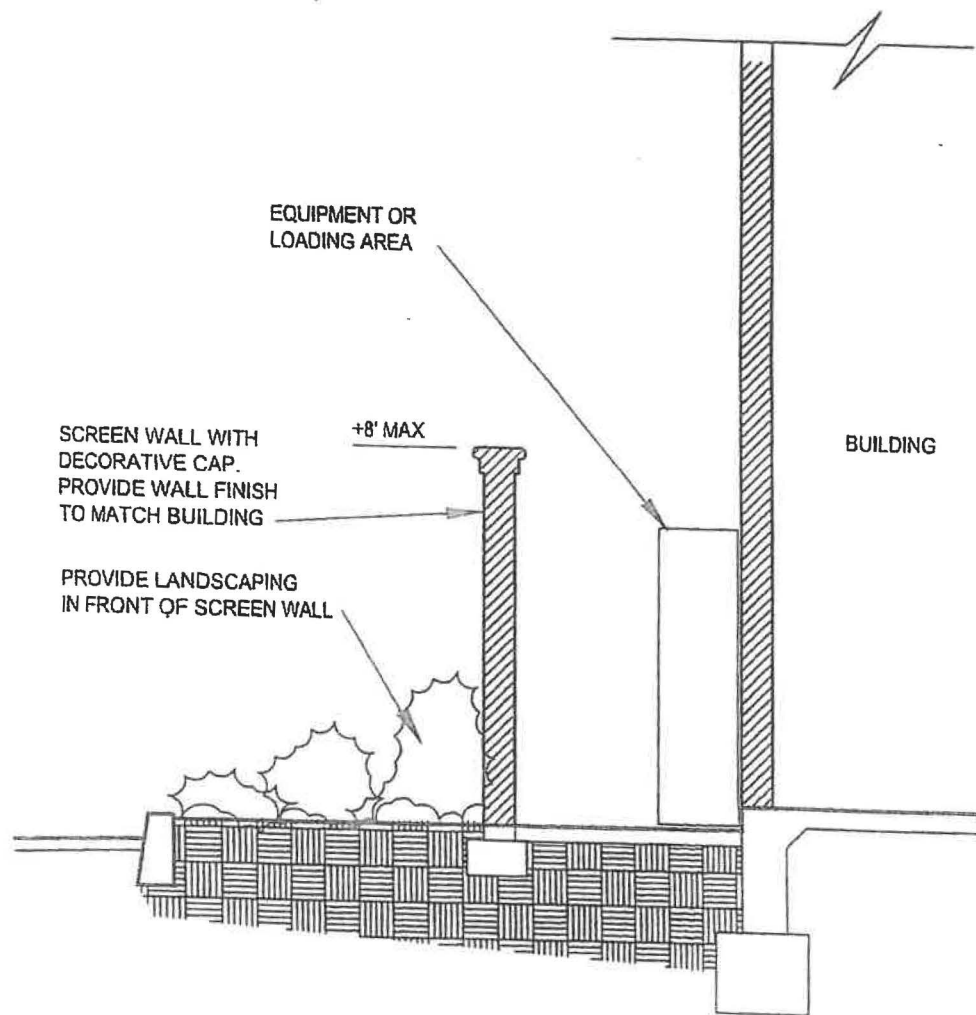
Preferred



Acceptable

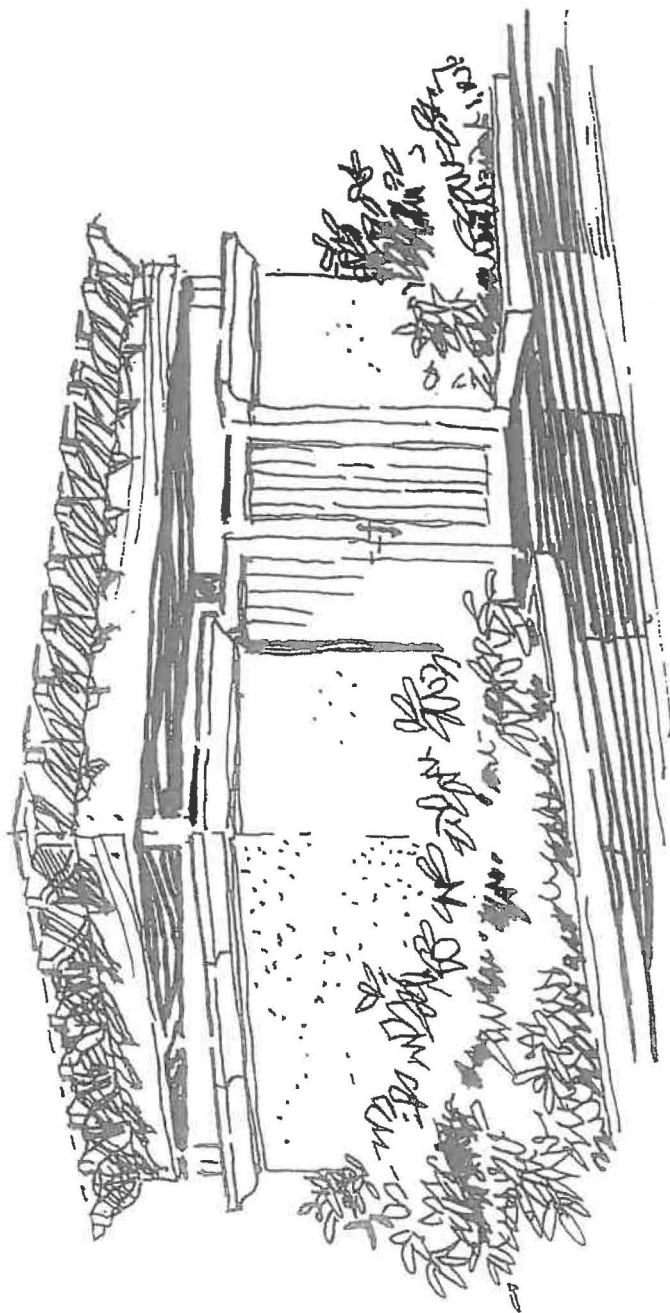


ROOF MOUNTED
EQUIPMENT SCREENING



EQUIPMENT/LOADING SCREEN

EXHIBIT A-7



TRASH ENCLOSURE

EXHIBIT A-8

METAL FENCE WITH SPEAR SHAPED
PICKETS,
BLACK FINISH. AMERISTAR, AEGIES II
CLASSIC 3-RAIL SYSTEM. AMERISTAR P.O.
BOX 581000
TULSA, OK 74158. TEL. (918) 835-0898
EQUAL PRODUCTS WILL BE ACCEPTABLE

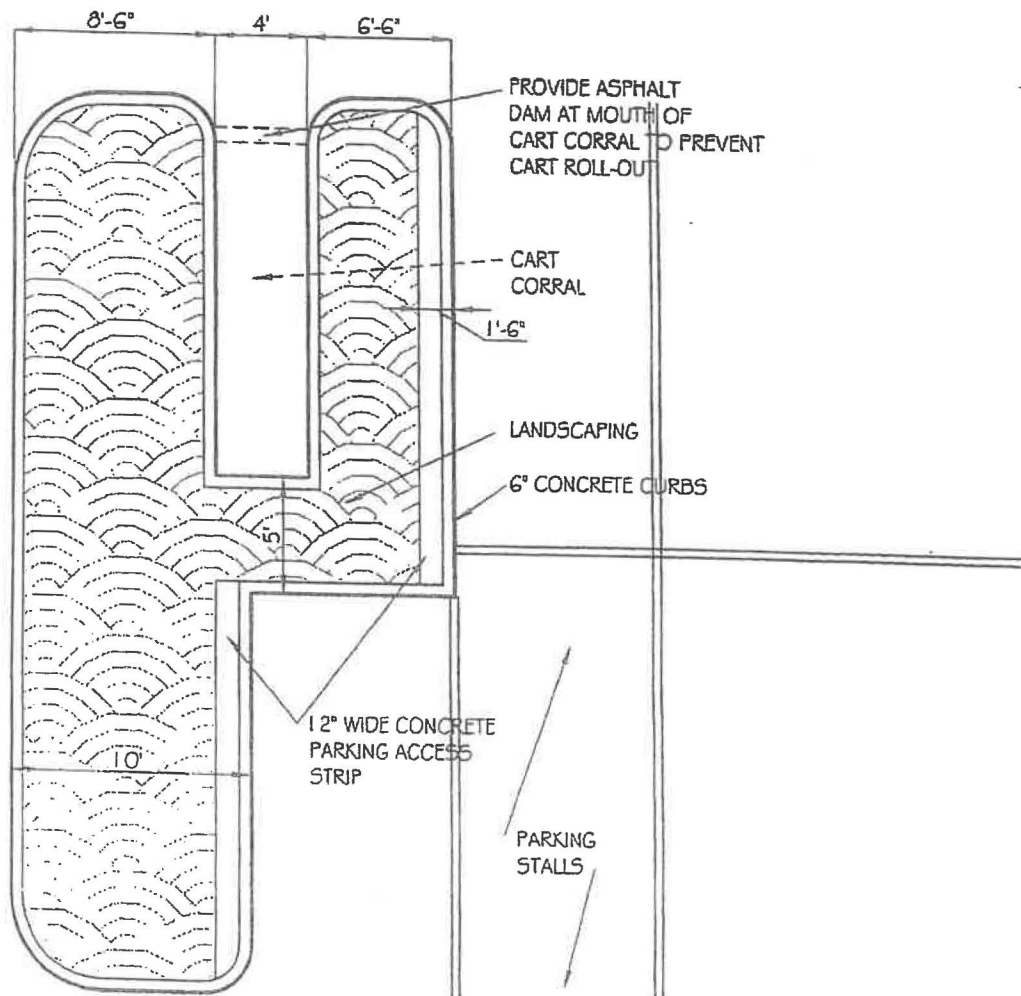
COLUMN SPACING 17-24'

PROVIDE DECORIVE CAP,
MOLDING TO MATCH BUILDING

MASONRY COLUMN
WITH FINISH TO MATCH BUILDING

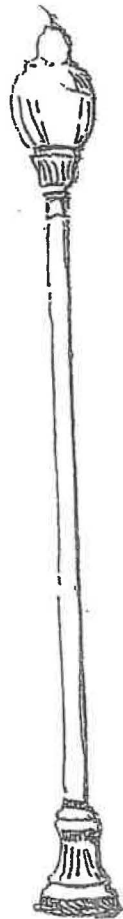
FENCE ELEVATION $\frac{1}{4}"=1'-0"$

EXHIBIT A-9



CART CORRAL $\frac{1}{8}" = 1'-0"$

EXHIBIT A-10



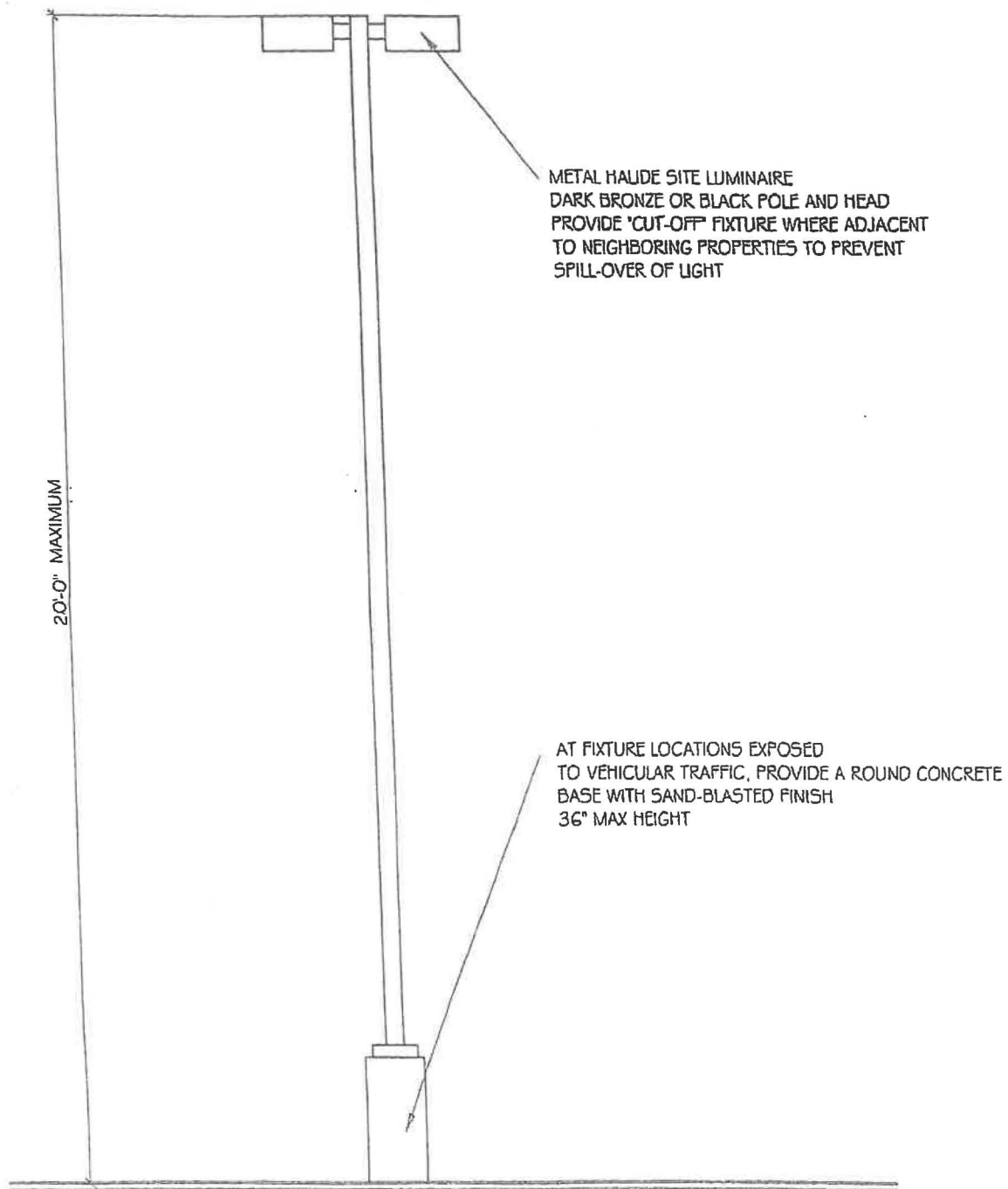
1.4' MAX HEIGHT

METAL HAUTE DECORATIVE
PEDESTRIAN LUMINAIRE
ACORN STYLE DIFFUSER
AND DECORATIVE POLE
BLACK FINISH. LOCATE IN LANDSCAPED
PLANTERS OR SIDEWALKS AWAY FROM
VEHICULAR TRAFFIC.
DO NOT PLACE ON A RAISED CONCRETE
PEDESTAL

DECORATIVE PEDESTRIAN FIXTURE

THIS FIXTURE IS DESIGNED FOR USE AT CONDOT ROAD STREET FRONTAGE AND PEDESTRIAN
CONNECTIONS TO BUILDING FROM CITY SIDEWALK AND BETWEEN BUILDINGS.

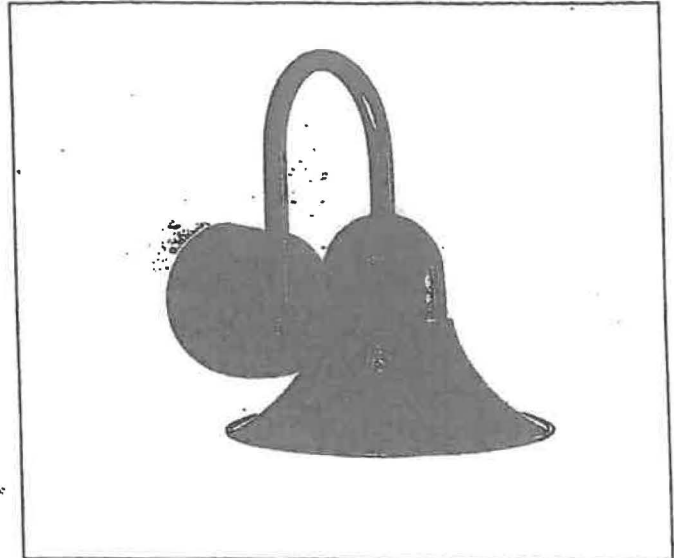
EXHIBIT A-11



GENERAL SITE LIGHTING

THESE FIXTURES ARE DESIGNED FOR GENERAL ILLUMINATION OF THE SITE AND PARKING AREAS. PROVIDE DECORATIVE FIXTURES AT STREET FRONTAGES AND PEDESTRIAN CONNECTIONS TO BUILDING FROM CITY SIDEWALK AND BETWEEN BUILDINGS.

EXHIBIT A-12



SPECIFICATIONS

• HOUSING

The lamp housing shall be cast aluminum with a spun aluminum shade. The opal lens shall be borosilicate glass and shall thread onto the housing. The cast aluminum wall plate shall hold the ballast components for surface mounting. The ballast cover shall be cast aluminum, silicone gasketed, and attached to the wall plate with three stainless steel screws. The curved arm, or the straight arm shall be welded to the fixture housing and the ballast cover.

• ELECTRICAL

All electrical components and materials shall be U.L. recognized. Ballasts are high power factor rated for -20° starting. Medium base porcelain sockets are 4KV rated. The electrical assembly shall be prewired and mounted to the wall plate.

• MOUNTING

The cast mounting plate shall be attached through three holes, 120° apart on a 5" bolt circle.

• Finish

Fixture finish shall consist of cleaning, degreasing and rinsing, followed by a protective chromate primer, deionized water rinse, oven dry off and top coated with a TGIC free, thermoset polyester powder coat finish, with a minimum thickness of 2.5 mils.

• RELAMPING

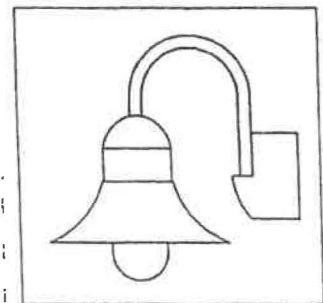
The lamp is accessed by unscrewing the glass lens.

• CERTIFICATION

Fixtures shall be listed with E.T.L. Laboratories for wet location use.

• WARRANTY

Fixture shall be warranted to be free of defects for two years. Ballast components shall carry the ballast manufacturer's limited warranty.



SLFH 15 CA

15" dia x 18" high x 22" proj.

BLDG MOUNTED LIGHT FIXTURE

ARCHITECTURAL AREA LIGHTING SFLH 15 WITH CURVED ARM, BLACK FINISH. USE 50 OR 70W MH LAMP

EXHIBIT A-13

ORDINANCE NO. 1865, NEW SERIES

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF MORGAN HILL APPROVING A ZONING AMENDMENT AMENDING THE DEVELOPMENT PLAN AND DESIGN GUIDELINES FOR A PUD DISTRICT ON THE WEST SIDE OF CONDIT ROAD BETWEEN DUNNE AND TENNANT AVENUES AND AMENDING THE DEFINITIONS CHAPTER IN TITLE 18 OF THE MUNICIPAL CODE

THE CITY COUNCIL OF THE CITY OF MORGAN HILL DOES HEREBY ORDAIN AS FOLLOWS:

- SECTION 1.** The proposed zoning amendment is consistent with the Zoning Ordinance and the General Plan.
- SECTION 2.** The zone change is required in order to serve the public convenience, necessity and general welfare as provided in Section 18.62.050 of the Municipal Code.
- SECTION 3.** A negative declaration was approved as part of a previous city-initiated zoning amendment that established the PUD district. This amendment is considered a minor alteration of land use regulations and is exempt from environmental review.
- SECTION 4.** The City Council hereby amends the permitted and conditional uses as contained in that certain series of documents date stamped December 17, 2001 on file in the Community Development Department, entitled "Condit PUD planned development study & phasing plan" prepared by MH Engineering Company and "Condit PUD" Guidelines prepared by DpC, Development Process Consultants. Uses allowed within the PUD shall be amended as follows:

Permitted Uses

Restaurants, Sit down

Wine tasting

Retail uses ~~supportive of hotel uses within the PUD~~, excluding grocery, supermarket and drugstores

Motels and hotels, a maximum of 5 will be allowed in the PUD

Arts and crafts galleries

Conference centers, banquet and meeting rooms

Commercial indoor recreation 3,000 square feet or less

Financial services and professional offices limited to second floor and above location.

School, business trade or tutoring

Conditional Uses

Commercial ***indoor*** recreational ***greater than 3,000 square feet***

~~Two~~ Motor vehicle sales and service uses ***provided that no more than two such uses involve outdoor sales display.*** Service uses shall only be allowed when ancillary to motor vehicle sales

~~One~~ Fast food restaurants, ***no more than one drive-thru establishment***

Other commercial uses with an outdoor sales display area

Any other use, which the Planning Commission determines to be similar to permitted or conditional uses.

SECTION 5. The permitted and conditional uses set forth in Section 4 shall apply to those parcels identified by assessor parcel number attached hereto, as exhibit "A", and by this reference incorporated herein.

SECTION 6. Section 18.04.044 is added to Title 18, Chapter 18.04 of the Municipal Code to read as follows:

18.04.044 ***Motor vehicle*** sales area.

"***Motor vehicle*** sales area" shall mean an ***outdoor*** open area, other than a street, used for the display, sale or rental of new or used passenger vehicles or other motor vehicles, such vehicles as recreational vehicles and trailers, and such recreational equipment as campers and boats, in operable condition and where no repair work is done, but not including the rental of motor homes, mobile homes, or pickup trucks with campers mounted thereon in the sales area.

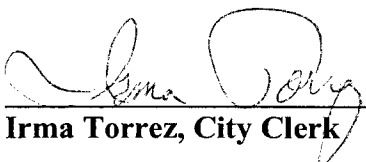
SECTION 7. Severability. If any part of this Ordinance is held to be invalid or inapplicable to any situation by a court of competent jurisdiction, such decision shall not affect the validity of the remaining portions of this Ordinance or the applicability of this Ordinance to other situations.

SECTION 8. Effective Date Publication. This ordinance shall take effect from and after thirty (30) days after the date of its adoption. The City Clerk is hereby directed to publish this ordinance pursuant to §36933 of the Government Code.

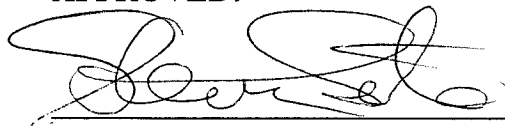
The foregoing ordinance was introduced at a regular meeting of the City Council of the City of Morgan Hill held on the 6th day of February 2008, and was finally adopted at a regular meeting of said Council on the 20th day of February 2008, and said ordinance was duly passed and adopted in accordance with law by the following vote:

AYES:	COUNCIL MEMBERS:	Larry Carr, Mark Grzan, Marby Lee, Greg Sellers, Steve Tate
NOES:	COUNCIL MEMBERS:	None
ABSTAIN:	COUNCIL MEMBERS:	None
ABSENT:	COUNCIL MEMBERS:	None

ATTEST:


Irma Torrez, City Clerk

APPROVED:


Steve Tate, Mayor

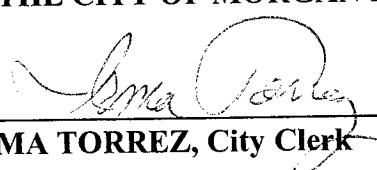
∞ CERTIFICATE OF THE CITY CLERK ∞

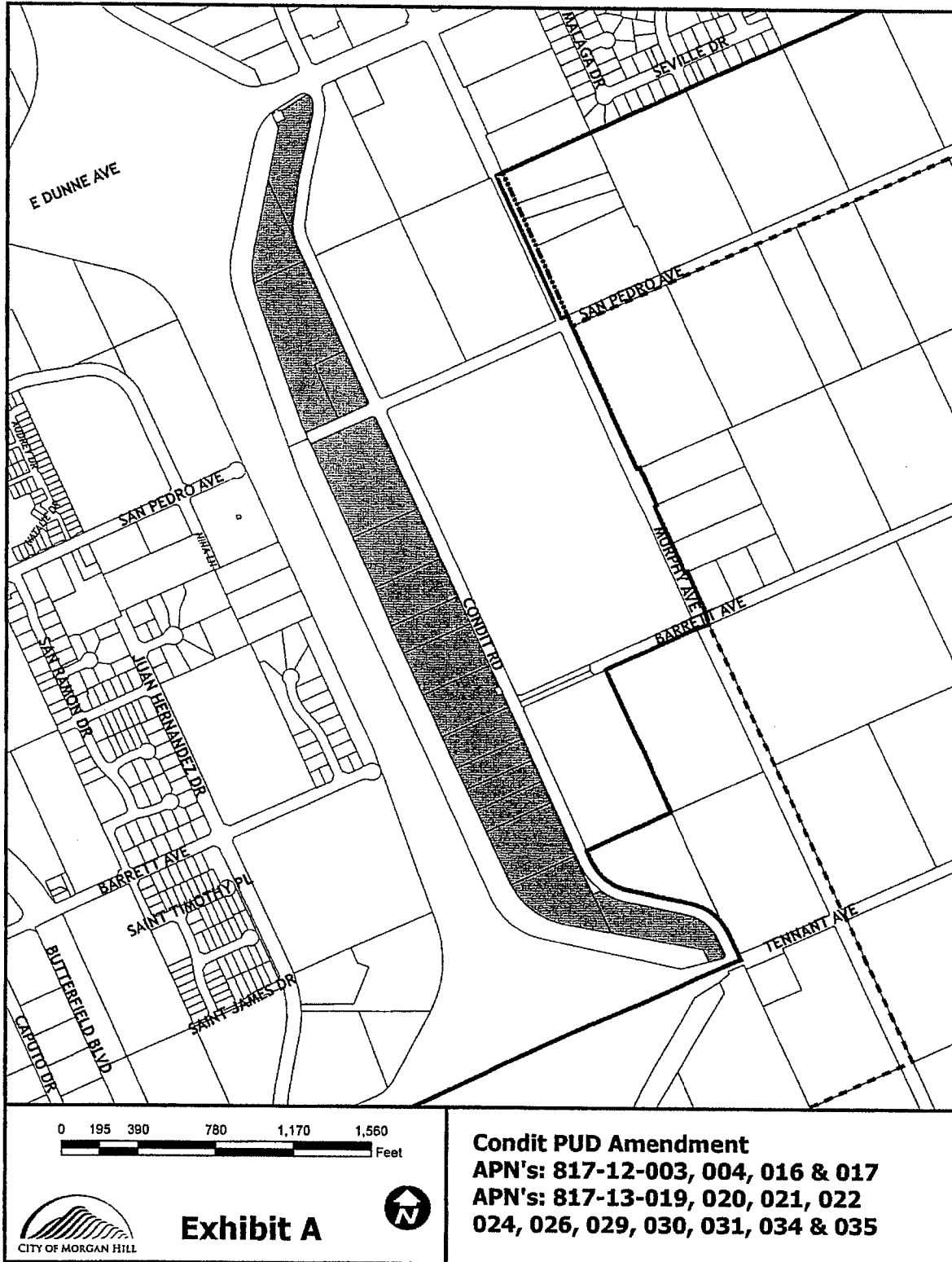
I, IRMA TORREZ, CITY CLERK OF THE CITY OF MORGAN HILL, CALIFORNIA, do hereby certify that the foregoing is a true and correct copy of Ordinance No. 1865, New Series, adopted by the City Council of the City of Morgan Hill, California at a regular meeting held on the 20th day of February 2008.

WITNESS MY HAND AND THE SEAL OF THE CITY OF MORGAN HILL.

DATE: _____

2/20/08


IRMA TORREZ, City Clerk





CITY COUNCIL STAFF REPORT

MEETING DATE: February 6, 2008

ZONING AMENDMENT, ZAA-98-11: CONDIT – CITY OF MORGAN HILL PUD AMENDMENT

RECOMMENDED ACTIONS:

1. Open/close Public Hearing
2. Waive the First and Second Reading of Ordinance
3. Introduce Ordinance

EXECUTIVE SUMMARY: A city initiated amendment to an existing PUD, Planned Unit Development District on Condit Road, east of Highway 101 to remove economic inhibitors limiting the types of retail uses that could locate in the PUD.

The recommended amendments will allow additional motor vehicle sales and service uses if no more than two such uses involve outdoor sales display. The changes will also allow other retail uses that would support the recreational uses in the area as well as uses that would serve the greater community. The Planning Commission recommends allowing financial services and professional offices on second floor and above locations, allow indoor recreation uses and allow more fast food restaurants in the PUD provided that no more than two restaurants are drive thru establishments.

The Council considered the Condit PUD amendments at its January 16, 2008 meeting and continued the item to the February 6, 2008 meeting with directions to staff to make the following changes to the draft ordinance: 1) Change the number of fast food restaurants with drive-thru lanes from two to one; 2) Consider allowing only “healthy” new fast food restaurants; 3) Add as a conditional use, other commercial uses with outdoor display areas; and 4) Change the name of the definition in Section 6 of the draft ordinance from “Automobile sales area” to “Motor vehicle sales area.” The last change was requested so that motor vehicle sales would not be limited to just automobile sales. Regarding the first amendment, staff, in consultation with the City Attorney determined that it would not be feasible to regulate those types of food considered as healthy that could be sold at a fast food restaurant. However, restricting the number of fast food restaurants with a drive-thru to one (existing Carl’s Jr) will likely discourage other chain fast food restaurants from locating in the PUD. The other changes requested by the Council have been incorporated into the attached ordinance.

The proposed PUD amendment allowing more than two motor vehicles sales uses, with the limitation of no more than two such uses with outdoor sales display, will allow one additional motor vehicle sales use with outdoor display. Currently there is only one such use, Alpine RV. Staff is aware of two motor vehicle sales uses, one with outdoor boat sales and another with outdoor auto sales that would like to locate in the Condit PUD. Under the proposed PUD amendment, whichever of these two uses is first to obtain approval would be allowed to locate in the Condit PUD and the other motor vehicle sales use would need to locate elsewhere. Should the Council agree to allow both the boat and automobile sales uses to locate in the Condit PUD, the limitation on the number of outdoor display areas in conjunction with motor vehicles sales would need to be increased from two to three in Section 4 of the attached ordinance. Allowance for both uses would create additional sales tax opportunities for the City. The attached January 8, 2008 Planning Commission Report and minutes provide additional background information on this item.

FISCAL/RESOURCE IMPACT: No budget adjustment required. The proposed zoning amendment will have no impact on staff resources or work plan items.

Agenda Item # **19**

Prepared By:

Jane Rowe
Planning Manager

Approved By:

KMP
Community
Development Director

Submitted By:

Jane
City Manager

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ORDINANCE NO. , NEW SERIES

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF MORGAN HILL APPROVING A ZONING AMENDMENT AMENDING THE DEVELOPMENT PLAN AND DESIGN GUIDELINES FOR A PUD DISTRICT ON THE WEST SIDE OF CONDIT ROAD BETWEEN DUNNE AND TENNANT AVENUES AND AMENDING THE DEFINITIONS CHAPTER IN TITLE 18 OF THE MUNICIPAL CODE

THE CITY COUNCIL OF THE CITY OF MORGAN HILL DOES HEREBY ORDAIN AS FOLLOWS:

SECTION 1. The proposed zoning amendment is consistent with the Zoning Ordinance and the General Plan.

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

SECTION 3. A negative declaration was approved as part of a previous city-initiated zoning amendment that established the PUD district. This amendment is considered a minor alteration of land use regulations and is exempt from environmental review.

SECTION 4. The City Council hereby amends the permitted and conditional uses as contained in that certain series of documents date stamped December 17, 2001 on file in the Community Development Department, entitled "Condit PUD planned development study & phasing plan" prepared by MH Engineering Company and "Condit PUD" Guidelines prepared by DpC, Development Process Consultants. Uses allowed within the PUD shall be amended as follows:

Permitted Uses

Restaurants, Sit down

Wine tasting

Retail uses ~~supportive of hotel uses within the PUD~~, excluding grocery, supermarket and drugstores

Motels and hotels, a maximum of 5 will be allowed in the PUD

Arts and crafts galleries

Conference centers, banquet and meeting rooms

Commercial indoor recreation 3000 square feet or less

Financial services and professional offices limited to second floor and above location.

School, business trade or tutoring

Conditional Uses

Commercial *indoor* recreational *greater than 3,000 square feet*

~~Two~~ Motor vehicle sales and service uses *provided that no more than two such uses involve outdoor sales display*. Service uses shall only be allowed when ancillary to motor vehicle sales

~~One~~ Fast food restaurants, *no more than one drive-thru establishment*

Other commercial uses with an outdoor sales display area

Any other use, which the Planning Commission determines to be similar to permitted or conditional uses.

SECTION 5. The permitted and conditional uses set forth in Section 4 shall apply to those parcels identified by assessor parcel number attached hereto, as exhibit "A", and by this reference incorporated herein.

SECTION 6. Section 18.04.044 is added to Title 18, Chapter 18.04 of the Municipal Code to read as follows:

18.04.044 ***Motor vehicle*** sales area.

"***Motor vehicle*** sales area" shall mean an ***outdoor*** open area, other than a street, used for the display, sale or rental of new or used passenger vehicles or other motor vehicles, such vehicles as recreational vehicles and trailers, and such recreational equipment as campers and boats, in operable condition and where no repair work is done, but not including the rental of motor homes, mobile homes, or pickup trucks with campers mounted thereon in the sales area.

SECTION 7. Severability. If any part of this Ordinance is held to be invalid or inapplicable to any situation by a court of competent jurisdiction, such decision shall not affect the validity of the remaining portions of this Ordinance or the applicability of this Ordinance to other situations.

SECTION 8. Effective Date Publication. This ordinance shall take effect from and after thirty (30) days after the date of its adoption. The City Clerk is hereby directed to publish this ordinance pursuant to §36933 of the Government Code.

The foregoing ordinance was introduced at a regular meeting of the City Council of the City of Morgan Hill held on the day of February 2008, and was finally adopted at a regular meeting of said Council on the day of February 2008, and said ordinance was duly passed and adopted in accordance with law by the following vote:

AYES: **COUNCIL MEMBERS:**
NOES: **COUNCIL MEMBERS:**
ABSTAIN: **COUNCIL MEMBERS:**
ABSENT: **COUNCIL MEMBERS:**

ATTEST:

APPROVED:

Irma Torrez, City Clerk

Steve Tate, Mayor

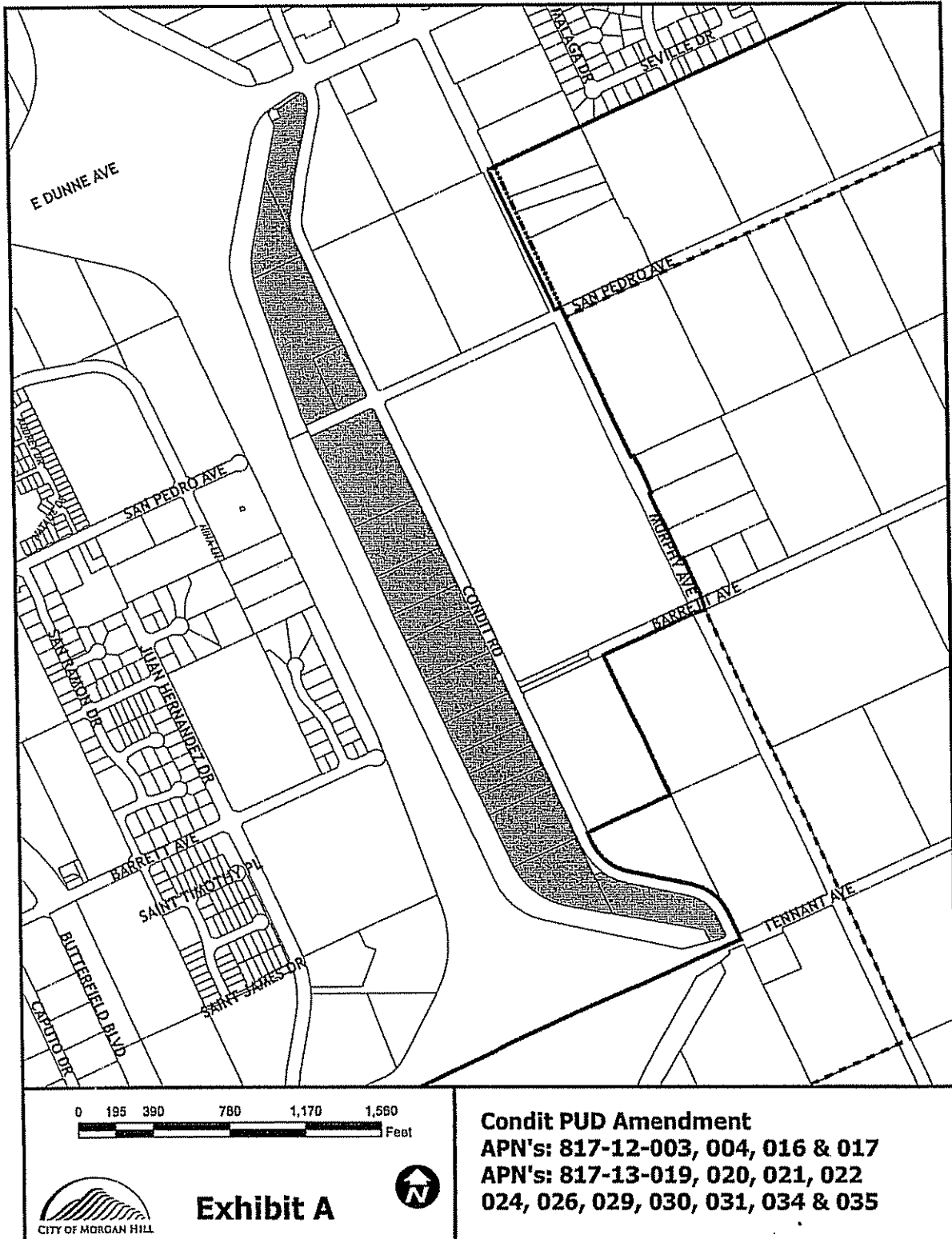
∞ CERTIFICATE OF THE CITY CLERK ∞

I, IRMA TORREZ, CITY CLERK OF THE CITY OF MORGAN HILL, CALIFORNIA, do hereby certify that the foregoing is a true and correct copy of Ordinance No. , New Series, adopted by the City Council of the City of Morgan Hill, California at a regular meeting held on the day of February 2008.

WITNESS MY HAND AND THE SEAL OF THE CITY OF MORGAN HILL.

DATE: _____

IRMA TORREZ, City Clerk



PLANNING COMMISSION MEETING MINUTES

January 8, 2008

PAGE 6

- ok with outdoor display
- likes staff recommendation
- not concern of proposed upstairs uses

Commissioner Tanda

- supportive of staff recommendation
- thinks the proposal can attract specialty business by opening opportunities for appropriate business good
- concerned with lifting the fast food provisions and uncertain how the area would development without limits on fast food

PM Rowe explained that with the PUD as originally set up allowed only one fast food restaurant, the existing Carl's Jr.

Commissioner Tanda

- not comfortable with more than one fast foods restaurant
- doesn't want fast food row

Chair Escobar

- soccer fields and aquatic center not intended to draw people off freeway – that is destination
- part of question: whether revenue issue talks about of other businesses (wine tasting, etc) might have been reasonable to think of those uses
- issue (from his prospective): if revenue generation is most important, can the City attract businesses on that site
- 2nd story use: very few retail and those not generally successful; people are not attracted to 2nd story retail unless the location is a very urban center
- a convenience store might be good for residents and visitors and meet needs
- likes recommendation
- not opposed to having most of the fast foods in this area of great service collected
- thinks this site provides better grouping of businesses for additional revenue - more than downtown

Commissioner Acevedo asked how many fast food establishments might be considered?

Chair Escobar responded, "Maybe one more, and perhaps others following an evaluation by the Planning Commission." Commissioner Acevedo advocated for two additional fast food restaurants as he talked about the potential of fast foods within an arcade and/or miniature golf business.

Commissioner Mueller was adamant of the 'need to think of the amount of land near the freeway and what would best be placed there'. "Certain businesses need high visibility," he said. "Some need freeway visibility. This plan is going to get businesses less than 1,000 feet from the freeway."

PM Rowe remarked there appeared to be an overall consensus supportive for the subcommittee recommendation. Discussion ensued regarding the numbers of drive-thru fast food restaurants and place indoor recreation arcade in a Conditional Use Permit.

PLANNING COMMISSION MEETING MINUTES

January 8, 2008

PAGE 7

COMMISSIONER ACEVEDO OFFERED A RESOLUTION RECOMMENDING APPROVAL OF A ZONING AMENDMENT AMENDING THE DEVELOPMENT PLAN AND DESIGN GUIDELINES FOR A PUD DISTRICT ON THE WEST SIDE OF CONDOT ROAD BETWEEN DUNNE AND TENANT AVENUES AND AMENDING THE DEFINITIONS CHAPTER IN TITLE 18 OF THE MUNICIPAL CODE, HAVING AS A CONDITIONAL USE: FAST FOOD (LIMITED TO 2) WITH NO MORE THAN ONE WITH A DRIVE-THRU.

Commissioner Mueller clarified the intended change:

~~one~~ two fast food restaurants

(Add) one drive-thru

COMMISSIONER DAVENPORT SECONDED THE MOTION, NOTING THE INCLUSION OF THE FINDINGS AND CONDITIONS TOGETHER WITH THE STATED MODIFICATIONS.

Commissioner Tanda asked clarification that only a vote of the Planning Commission would permit the Conditional Use of additional fast food restaurants. Chair Escobar explained the motion indicated that the Planning Commission would be 'ok' with one-plus fast food and would be agreeing look at others on a case by case basis.

Commissioner Tanda said, "I cannot support the motion because of concerns of this on existing businesses. If we allow additional fast food restaurants, it could hurt existing businesses."

Chair Escobar reminded that the Commission can consider fast food uses with a Conditional Use Permit (CUP).

Commissioner Mueller recalled that in most all cases, economics cannot be considered in working with a CUP.

THE MOTION PASSED (5-2-0-0) WITH THE FOLLOWING VOTE: AYES: ACEVEDO, KOEPP-BAKER, BENICH, DAVENPORT, ESCOBAR; NOES: MUELLER, TANDA, with both referring to objects stated during discussion; ABSTAIN: NONE; ABSENT: NONE.

**2) PROPOSED
FY 2008/09 – 2012/13
CIP**

Request for Planning Commission discussion, input and comments on the proposed CIP document development for the upcoming fiscal year.

DDPW Bjarke presented the staff report, noting that the CIP is usually presented to the Commissioners annually in April and the document distributed to the Planning Commissioners is generally a 'pretty well finished document'. DDPW Bjarke reminded that the Commissioners are charged with perusing the CIP for consistency with the City's General Plan. "We are bringing the draft CIP to you earlier this year for discussion following a broad overview and discussion of any items new from the Commissioners," DDPW Bjarke said.

- To be considered as eligible projects for CIP funding, DDPW Bjarke said, the projects must be public property or right-of-way
- must have a funding source
- must have a maintenance or operating plan



MEMORANDUM

To: PLANNING COMMISSION

Date: January 8, 2008

From: COMMUNITY DEVELOPMENT DEPARTMENT

Subject: ZONING AMENDMENT, ZAA-98-11: CONDIT – CITY OF MORGAN HILL PUD AMENDMENT

REQUEST

A city initiated amendment to an existing PUD, Planned Unit Development District on Condit Road, east of Highway 101.

RECOMMENDATION

Environmental Assessment: A negative declaration was approved as part of a previous city-initiated zoning amendment that established the PUD district.

Application, ZAA-98-11: Adopt Resolution with recommendation to forward the request to the City Council for approval

Processing Deadline: May 29, 2008

BACKGROUND

In September 2000, the City Council approved a zoning amendment that established a PUD, Planned Unit Development District on the west side of Condit Road, extending from Dunne Avenue south to Tennant Avenue. The PUD District was a city-initiated zoning amendment in response to the Council's concern regarding an over concentration of one land use, specifically motels within this defined area on east side of Highway 101. At the time the PUD zoning amendment was approved, the City had approved five motels in the area between Dunne and Tennant and a sixth motel north of Dunne Avenue on Condit Road. Given the excellent visibility from and access to the highway, the City Council wanted to reserve the remaining undeveloped properties between Dunne and Tennant for other uses that serve the needs of the traveling public and the sub-regional shopping needs of the area. The Condit Road PUD limits the number of

motels to the five that had already been approved and also restricts the number of motor vehicle sales and service uses to a maximum of two. Retail uses are limited to commercial uses supportive of hotels uses, excluding grocery, supermarket and drug stores.

The City Council's Community and Economic Development Subcommittee reviewed the permitted and conditional uses and current restrictions in the Condit Road PUD. The Subcommittee recommended amending the PUD to remove some of the zoning restrictions that have been identified as economic inhibitors. Specifically, the Subcommittee recommends amending the PUD to allow additional motor vehicle sales and service uses to locate in the area provided that no more than two such uses involve outdoor sales display. Only one of the two current uses (Alpine RV) has outdoor display. The other motor vehicle sales use, the "House of Thunder" Harley Davidson motorcycle dealership has no outdoor display. The Harley dealership operates under a conditional use permit that requires "all sales to be conducted indoors, including motorcycle sales."

In addition amending the limitation on motor vehicle sales, the Council's Subcommittee recommends that consideration be given to allowing commercial uses in the PUD that would be complementary to and would support the recreational uses in the area, the aquatics center and the outdoor sports center and commercial uses serving the greater community. This can be accomplished by removing the limitation that retail uses must be supportive of hotel uses within the PUD. The Subcommittee's recommendations were considered by the City Council at their October 3, 2007 meeting. The Council voted 5-0 to authorize staff to work with the Planning Commission to initiate an amendment to the Condit Road PUD zoning to remove the identified economic inhibitors and allow more flexibility in the types of commercial uses that could locate in the PUD.

CASE ANALYSIS

To carryout the recommended amendments to the Condit PUD, it is recommended that Section 1 of the Condit PUD Guidelines be amended as follows:

Permitted Uses

Restaurants, Sit down

Wine tasting

Retail uses ~~supportive of hotel uses within the PUD~~, excluding grocery, supermarket and drug stores

Motels and hotels, a maximum of 5 will be allowed in the PUD

Arts and crafts galleries

Conference centers, banquet and meeting rooms

Commercial indoor recreation 3000 square feet or less

Financial services and professional offices limited to second floor and above location.

School, business trade or tutoring

Conditional Uses

Commercial *indoor* recreational *greater than 3,000 square feet*

~~Two~~ Motor vehicle sales and service uses *provided that no more than two such uses involve outdoor sales display*. Service uses shall only be allowed when ancillary to motor vehicle sales

One fast food restaurant

Any other use, which the Planning Commission determines to be similar to permitted or conditional uses

Staff recommends allowing financial services and professional offices on second floor and above locations in the Condit PUD. This will allow buildings similar to the Harvest Plaza building at the northwest corner of Dunne and Murphy to be constructed in the Condit PUD (see also the attached letter from a Condit Road property owner in support of this amendment). The inclusion of indoor recreation uses in the PUD would compliment the outdoor recreation uses (aquatic center and sport complex) located in the area.

Outdoor Sales Definition:

To avoid any confusion regarding the limitation on motor vehicle sales and service, it is recommended that Section 18.04.044 be added to the definitions chapter in the Zoning Code defining outdoor sales as follows:

18.04.044 Automobile sales area.

"Automobile sales area" shall mean an open area, other than a street, used for the display, sale or rental of new or used passenger vehicles or other motor vehicles, such vehicles as mobile homes and trailers, and such recreational equipment as campers and boats, in operable condition and where no repair work is done, but not including the rental of motor homes, mobile homes, or pickup trucks with campers mounted thereon in the sales area.

RECOMMENDATION

Adopt the attached Resolution with recommendation to forward the request to the City Council for approval.

Attachments:

1. Vicinity Map
2. Resolution
3. Letter from Mr. Michael Howell dated 12-10-07

R:\PLANNING\WP51\Zoning Amendment\1998\ZA9811 City Initiated PUDs\ZAA9811 M1P.doc

Cornerstone Construction
688 Oak Canyon Ct.
Hollister, CA 95023

License # 501444

Phone 831-637-7003 Office

Dec. 10 2007

PLANNING DEPT

DEC 11 2007

CITY OF MORGAN HILL

Jim Rowe
Planning Manager
17555 Peak Ave.
Morgan Hill CA 95037-4128

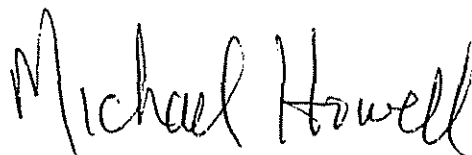
Dear Jim I would first like to say thank you for your willingness to meet with my wife and I Friday the 7th. It is with excitement and trepidation that both she and I undertake the completion of 16425 Condit Road. Pursuant to such an undertaking is the freedom we've been given to express our concerns and desire to see changes in the current usage of the Condit PUD.

I would like it to be known that we have a viable project and our plans have been approved by the Building Department. This project is over 13,000 sq ft of new space, and future tax base.

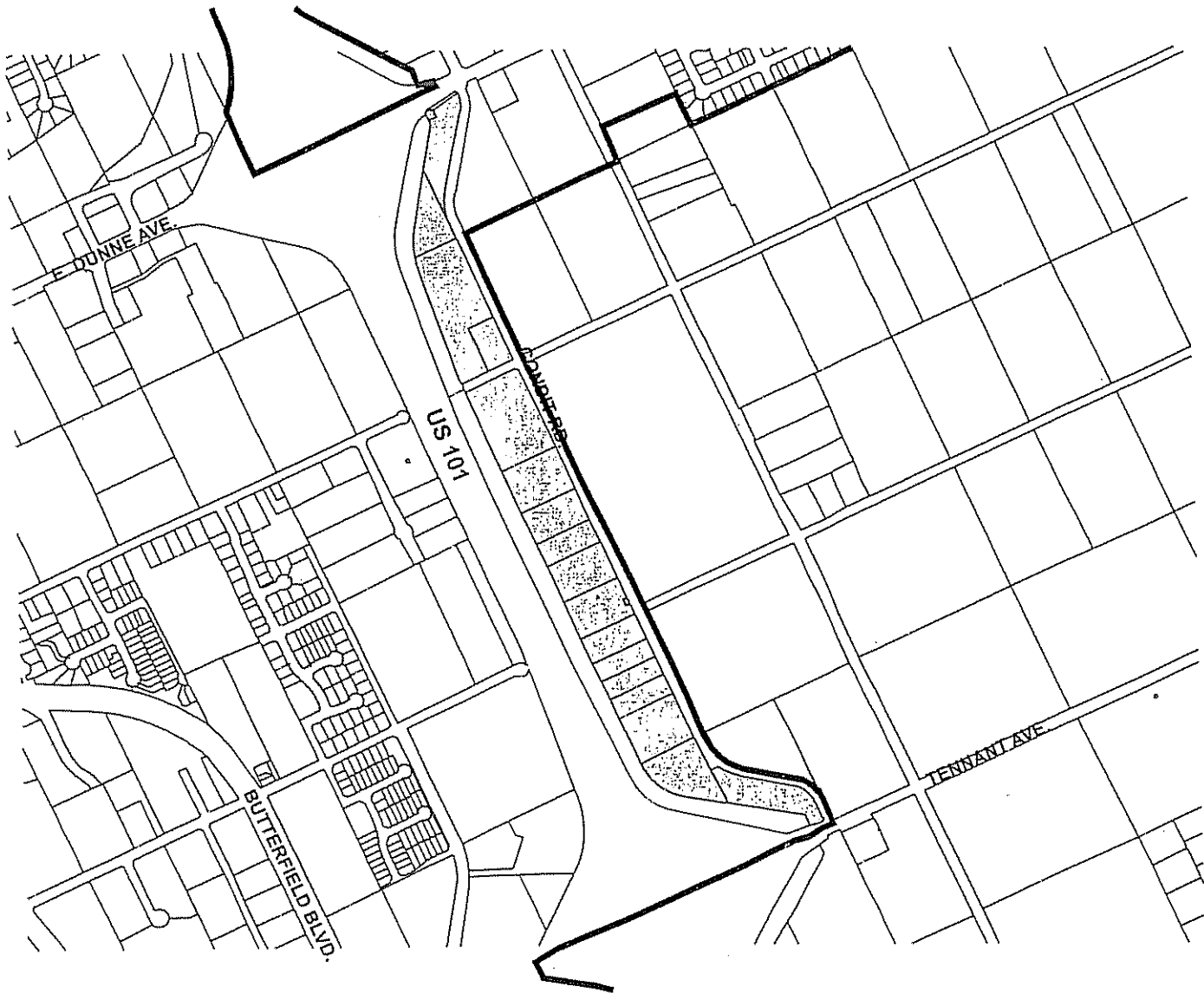
We're requesting a change in the current ordinance of permitted use. For our project we would like to see the City Council adopt a broader definition of the PUD to include office type space for the 2nd floor. We feel very strongly that this will greatly enhance our ability to fill up the 6800 sq ft on that floor. The 1st floor will be reserved for retail space, and should we find interested parties that wish to have retail space on the 2nd floor they will be welcome.

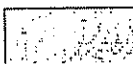
The following is a brief list of the type of clients we wish to have on the 2nd floor: Law Offices, Loan Offices, Insurance Companies, Accountants, Title Companies, Appraisers, Consultants, Architects, Engineers, Chiropractic, Holistic Type Business, Hospices, Event Planners, Financial Services, Satellite Schools, Internet Access Facilities, Mortgage Type Companies, Public Notaries, Realtors, Surveyors, Tax Consultants, and Tax Return Preparers.

Thank you for your careful consideration of our request. If you have any questions please feel free to call my Office @ 831-637-7003.



Sincerely Michael Howell



 **City Limit**
 **Subject Properties**

VICINITY MAP



City of
Morgan Hill

0 155 1000 2000 3000 Feet



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