



**Regular Meeting Agenda
Planning Commission**

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

**Tuesday, September 23, 2025
7:00 PM**

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

Vice Chair Habib will be participating remotely as follows:

5215 Oakton Street
Skokie, IL 60077

Public comment shall be allowed from this location.

Morgan Hill Planning Commission meetings are held in person with the option for the public to attend in-person or participate by teleconference/video conference. Information on how the public may observe and participate in the meeting is below.

MEETING PARTICIPATION

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

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

CONSENT AGENDA

1. JULY 8, 2025 MEETING MINUTES

Recommendation:

1. Accept meeting minutes

PUBLIC HEARINGS

2. ZA2025-0001: Condit – Auto Park PD Amendment to the Development Plan for the Auto Park PUD located on the southwest corner of Condit Road and Diana Avenue.

ZA2025-0002: Condit – Condit Road PD Amendment to the Development Plan for the Condit Road PUD located on the west side of Condit Road

between E. Dunne Avenue and Tennant Avenue.

ZA2025-0005: Laurel - Honda PD Amendment to the Allowed uses of the CH (PD) Overlay Zone on the easterly terminus of Laurel Road.

Recommendation:

1. Open/close public hearing
2. Adopt Resolution recommending City Council approval of the Zoning Amendment ZA2025-0001: Condit – Auto Park PUD
3. Adopt Resolution recommending City Council approval of the Zoning Amendment ZA2025-0002: Condit – Condit Road PUD
4. Adopt Resolution recommending City Council approval of the Zoning Amendment ZA2025-0005: Laurel Road – Honda PUD

OTHER BUSINESS

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
DAVID LAVATO - PLANNING COMMISSIONER
JAMES WILSON - PLANNING COMMISSIONER
JOSEPH MUELLER - PLANNING COMMISSIONER
WAYNE TANDA - PLANNING COMMISSIONER*

**Tuesday, July 8, 2025
7:00 PM**

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

CALL TO ORDER

Chair Downey called the meeting to order at 7:00 p.m.

ROLL CALL ATTENDANCE

Minutes Clerk Jenna Luna called the roll at 07:00 p.m.

PRESENT	Liam Downey, Paul Lake, Mohammad Habib, James Wilson, Joseph Mueller, Wayne Tanda, David Lovato
ABSENT	None

DECLARATION OF POSTING

Minutes Clerk Luna declared the posting of the Agenda at 7:00 p.m.

PLEDGE OF ALLEGIANCE

Planning Commissioner Lovato led the Pledge of Alliance at 7:01 p.m.

PUBLIC COMMENT

Chair Downey opened the Public Comment period at 7:01 p.m. Hearing no requests to speak, the Public Comment Period was closed.

ORDERS OF THE DAY

There were no changes made.

MINUTES APPROVAL

MOTION:

Accept the June 10 and June 25 meeting minutes.

RESULT:	Passed
MOVER:	Planning Commissioner Lake
SECONDER:	Planning Commissioner Mueller
AYES:	Planning Commissioner Wilson, Planning Commissioner Lake, Planning Commissioner Mueller, Planning Commissioner Tanda, Planning Commissioner Downey
NAYS:	None
ABSTAIN:	Planning Commissioner Mohammad Habib, Planning Commissioner David Lovato
ABSENT:	None

Planning Commissioners Habib and Lovato abstained from approving the June 25 meeting minutes due to their absence at that meeting.

1. JUNE 10, 2025 MEETING MINUTES

Recommendation:

1. Accept Meeting Minutes.

2. JUNE 25, 2025, MEETING MINUTES

Recommendation:

1. Accept Meeting Minutes.

OTHER BUSINESS

3. **CONTINUED OTHER BUSINESS: SELECTION OF PLANNING COMMISSION CHAIRPERSON AND VICE CHAIR**

Recommendation:

1. Planning Commission to select a Chairperson and Vice Chair.

Adam Paszkowski presented the report at 7:03 p.m.

MOTION:

Appoint Planning Commissioner Wilson to serve as Chair.

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

MOTION:

Appoint Planning Commissioner Habib as Vice Chair

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

PUBLIC HEARINGS

4. **ZA2024-0001/EA2024-0009: DEWITT-WEST HILLS CHURCH: DEWITT – WEST HILLS CHURCH: REQUEST FOR A PLANNED DEVELOPMENT WITH MASTER PLAN OF A 5.75-ACRE PARCEL FOR THE REMODEL AND EXPANSION OF AN EXISTING RELIGIOUS FACILITY. THE PLAN INCLUDES DEMOLITION OF THE TEMPORARY CLASSROOM FACILITIES AND THE CONSTRUCTION OF PERMANENT CLASSROOM FACILITIES, AND THE REMODEL AND EXPANSION OF THE EXISTING SANCTUARY WITH ASSOCIATED SITE IMPROVEMENTS.**

Recommendation:

1. Open/Close the public hearing; and
2. Continue the item to August 12, 2025 Planning Commission Hearing.

Adam Paszkowski presented the item 7:07 p.m.

Chair Downey opened the public comment period at 7:07 p.m. The following individuals addressed the Planning Commission:

- Doug Muirhead

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

MOTION:

Continue the item to the August 12, 2025, Planning Commission meeting.

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

5. **SD2024-0009/SR2024-0019/EA2024-0014: DIANA – VALLEY OAK; REQUEST FOR A VESTING TENTATIVE MAP TO ALLOW FOR THE DIVISION OF 19 LOTS AND A DESIGN PERMIT APPLICATION TO CONSTRUCT 93 ATTACHED RESIDENTIAL UNITS ON AN APPROXIMATE 5-ACRE PARCEL LOCATED AT THE NORTHEAST CORNER OF BUTTERFIELD BLVD. AND DIANA AVE.**

Recommendation:

1. Open/close the public hearing;
2. Adopt a Resolution approving a Design Permit for the development of 93 townhome-style units; and
3. Adopt a Resolution approving a Vesting Tentative Map to create 19 lots on an approximate 5-acre site.

Tiffany Brown presented the staff report at 7:12 p.m.

Chair Downey opened the Public Hearing at 7:51 p.m. The following individuals addressed the Planning Commission:

- Jeff Aguilar
- Jack Haden
- Bob Beneuento
- Carmen Niebla
- Jose M Morales

Chair Downey closed the Public Hearing at 8:43 p.m.

Chair Downey reopened the Public Hearing at 9:14 p.m. The following individuals were called to speak:

- Jeff Angular
- Eric Muzzy
- Jeff Angular
- Jack Haden
- Jeff Angular

There were no further requests to speak.

MOTION:

Adopt a resolution approving the Design Permit with an added condition and recommendations:

Condition:

1. Residents are to use their dedicated garages for parking. This requirement shall be incorporated into the Covenants, Conditions and Restrictions (CC&R's) for the project.

Recommendations:

1. Consider a minimum 7-foot tall fence at the north end of the project site with an evergreen tree to enhance privacy,
2. Utilize Coast Live Oak trees as the preferred species for newly planned trees throughout the development,
3. Collaborate with Staff to ensure crosswalks are appropriately located at both the north and south ends of the project, with adequate lighting and speed limit

signage, and

4. Evaluate relocating play structures and tot-lot areas further away from parking lots and roadways, and consider installing low perimeter fencing (maximum height of 3 feet) around play areas to prevent children from running into private areas.

During the discussion, Planning Commissioner Habib made an amendment to the motion to keep the parking enforcement as a recommendation instead of a condition in the CC&R's. The proposed amendment failed due to the lack of a Seconders.

Planning Commissioner Lovato excused himself from the meeting at 9:24 p.m. and was absent from the rest of the proceedings.

MOTION:

The original motion was reconsidered.

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

MOTION:

Adopt a resolution approving a Vesting Tentative Map.

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

The Planning Commission meeting recessed at 9:33 p.m.
The Planning Commission meeting reconvened at 9:40 p.m.

LEGAL BRIEFING

Supplemental Item #1 - Brown Act

Assistant City Attorney Cynthia Hason asked the Planning Commission if they would like to receive the Brown Act presentation at 9:40 p.m.

The Planning Commission agreed to defer the item to a future meeting.

DIRECTOR'S REPORT/ANNOUNCEMENTS

Housing and Economic Mobility Director John Lang made an announcement at 9:42 p.m.

Development Services Director Jennifer Carman made an announcement at 9:49 p.m.

ADJOURNMENT

There being no further business to discuss, Chair Downey adjourned the meeting at 9:53 p.m.

MINUTES PREPARED BY:
Jenna Luna, Minutes Clerk

PLANNING COMMISSION STAFF REPORT

MEETING DATE: September 23, 2025

PREPARED BY:

Brittney Sherman, Economic Development Coordinator
Rich Buikema, Planner

APPROVED BY: Jennifer Carman

ZA2025-0001: CONDIT – AUTO PARK PD AMENDMENT TO THE DEVELOPMENT PLAN FOR THE AUTO PARK PUD LOCATED ON THE SOUTHWEST CORNER OF CONDIT ROAD AND DIANA AVENUE.

ZA2025-0002: CONDIT – CONDIT ROAD PD AMENDMENT TO THE DEVELOPMENT PLAN FOR THE CONDIT ROAD PUD LOCATED ON THE WEST SIDE OF CONDIT ROAD BETWEEN E. DUNNE AVENUE AND TENNANT AVENUE.

ZA2025-0005: LAUREL - HONDA PD AMENDMENT TO THE ALLOWED USES OF THE CH (PD) OVERLAY ZONE ON THE EASTERLY TERMINUS OF LAUREL ROAD.

RECOMMENDATION(S)

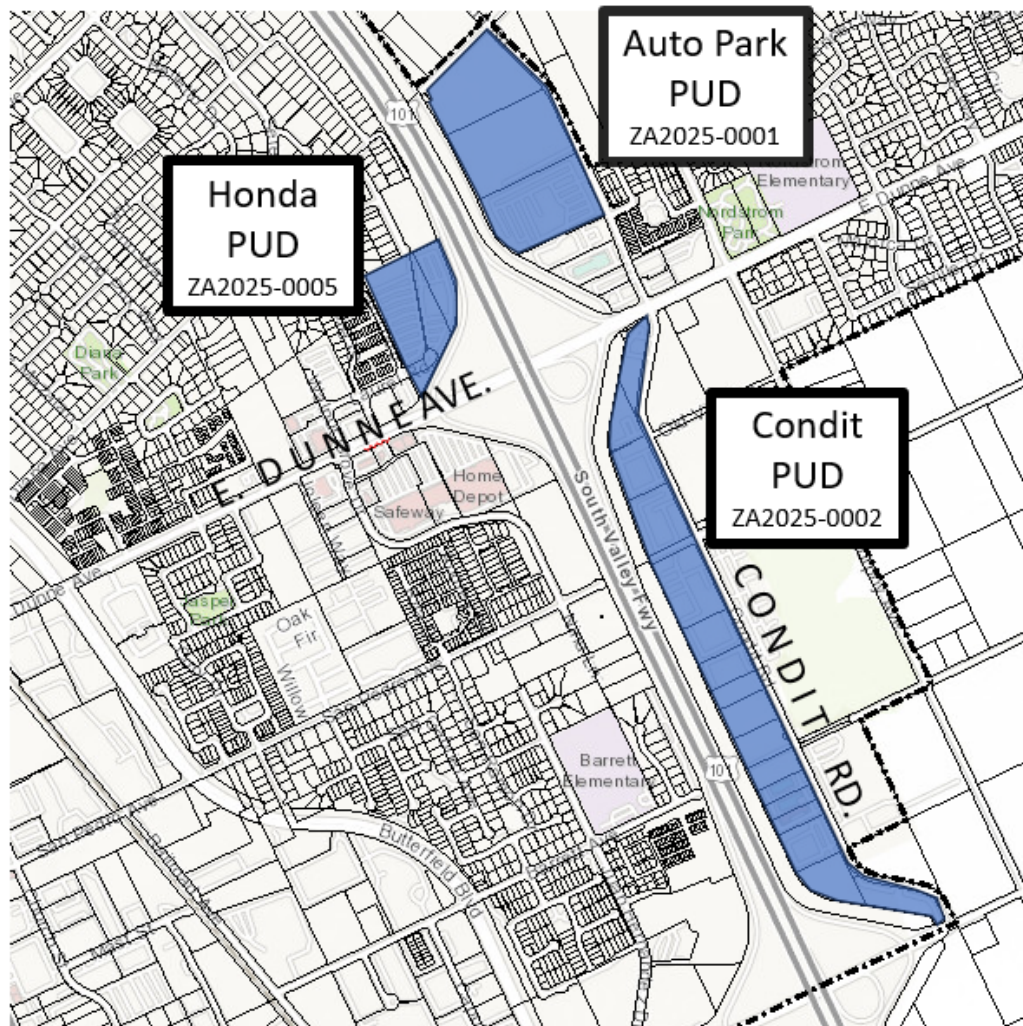
1. Open/close public hearing
2. Adopt Resolution recommending City Council approval of the Zoning Amendment ZA2025-0001: Condit – Auto Park PUD
3. Adopt Resolution recommending City Council approval of the Zoning Amendment ZA2025-0002: Condit – Condit Road PUD
4. Adopt Resolution recommending City Council approval of the Zoning Amendment ZA2025-0005: Laurel Road – Honda PUD

LOCATION MAP/PROJECT INFORMATION:

ZA2025-0001 Condit - Auto Park PD: The 25.3-acre site, identified by Assessor Parcel Numbers 728-17-031, -035, and -036, is located on the southwest corner of Condit Road and Diana Avenue.

ZA2025-0002 Condit - Condit Road PD: The approximately 35-acre site, identified by Assessor Parcel Numbers 817-12-001, -003, -004, -018, -019; 817-13-019, -020, -021, -022, -024, -026, -027, -029, -030, -031, -032, -033, -034, and -035, is located on the west side of Condit Road between East Dunne Ave and Tennant Avenue.

ZA2025-0005 Laurel - Honda PD: The 9.27-acre site, identified by Assessor Parcel Numbers, 726-01-001, -006, and -007, is located on the easterly terminus of Laurel Road, approximately 600 feet east of Walnut Grove Drive.



BACKGROUND:

The City's Economic Blueprint identifies retail and tourism as two of the top four key industry areas for Morgan Hill's economic development strategy. Strategies to advance these industries include:

- Improving retail flexibility;
- Supporting lodging development and reinvestment;
- Support a tourism environment; and
- Enhancing facility utilization and growing sports/recreation facilities.

The Blueprint also identifies the following action items:

- #15) Pursue sports and recreation uses as anchor tenants; increase permitted use allowance up to 15,000 square feet;
- #16) Reevaluate and Propose Changes to Shopping Center — Site Specific Zoning Requirements;
- #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 a plan to help upgrade or transition aging hotel facilities;
- #27) Identify pre-zoned lodging sites; and
- #30) Target retail attraction towards sports recreation, entertainment, boutique, and food retailers.

A Planned Development district (PD) is a customized zoning district that has historically been applied across the City in various commercial, industrial, and residential areas. The goal of the City's PD program is to allow for high-quality development that deviates from the 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.

In alignment with the goals and key focus areas outlined in the Economic Blueprint, City staff is recommending three (3) targeted zoning amendments intended to catalyze new development in critical commercial areas. These amendments aim to eliminate outdated or overly restrictive zoning to enable revenue-generating uses such as auto dealerships, hotels, and restaurants, while also expanding recreation opportunities adjacent to the Outdoor Sports Complex. To advance the City's economic development goals, staff is proposing to update the Planned Developments (PDs) known as the Condit PUD and Auto Park PUD that regulate zoning on the west side of Condit Road between Diana Avenue and Tennant Avenue; and amend the PD on the site of the existing Honda Dealership (Laurel Rd PD). The proposed zoning changes are designed to remove barriers to development associated with retail, recreation, auto sales, and hotels, thereby increasing the amount of sales tax and transient occupancy tax (TOT) collected by the City. The historic and current ordinances governing the Planned Development districts are attached.

PROJECT DESCRIPTION:

ZA2025-0001: CONDIT – AUTO PARK PUD

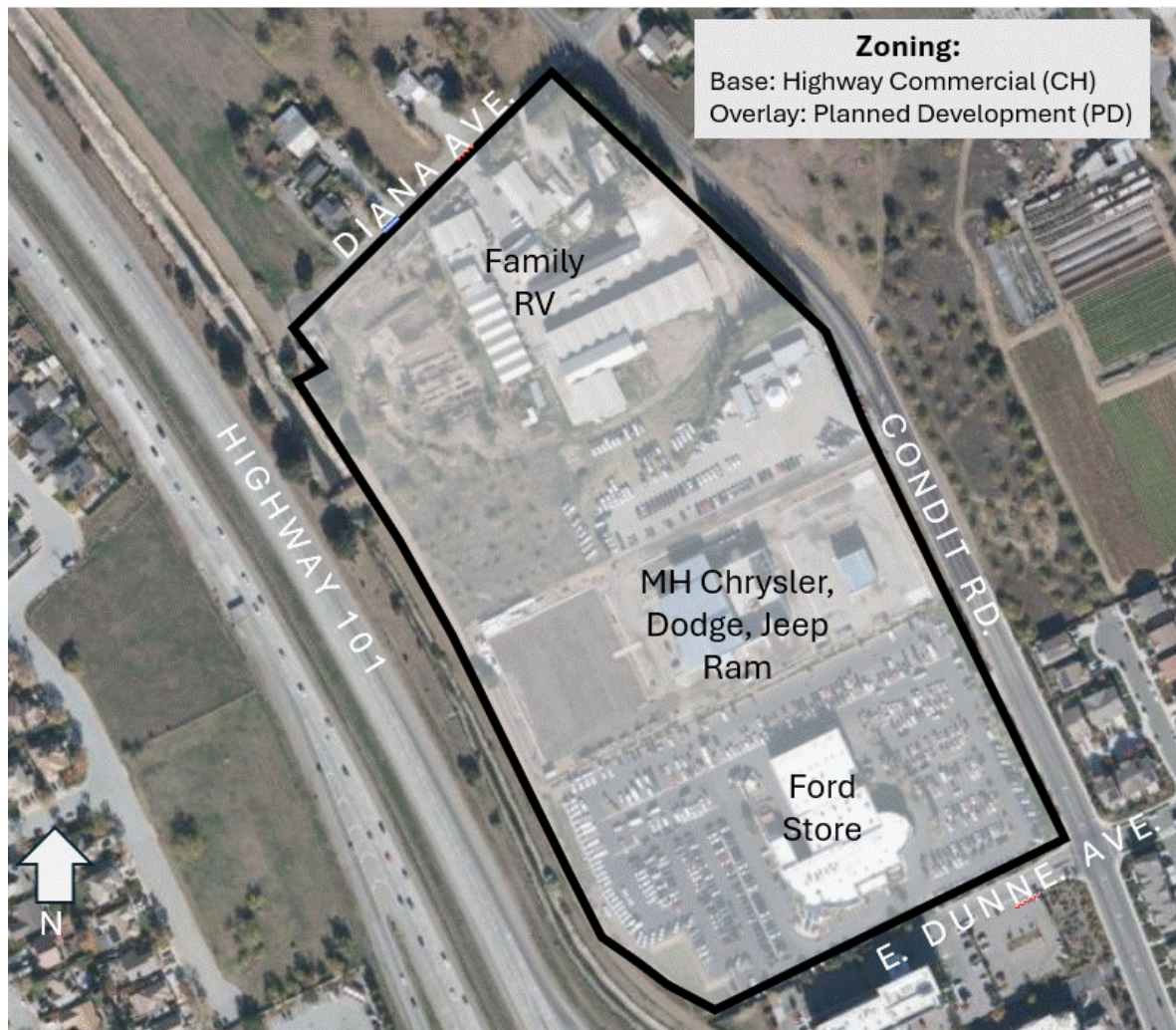
Location: 25.3-acre site is located on the southwest corner of Condit Road and Diana Avenue

APNs: 728-17-031, -035, and -036

Zoning: PUD (CH)

General Plan: Commercial

The 25.3-acre site is composed of 3 different parcels ranging in size from 7.5 to 8.5 acres with two permanent dealerships (Ford, Chrysler/Dodge/Jeep/Ram) and a third temporary dealership (Family RV) operating with a Temporary Use Permit. The site is bounded by Highway 101 to the west, agricultural use to the north, residential and agricultural land to the east, and a hotel to the south.



BACKGROUND

In April 2009, the City Council adopted ordinance No. 1926 (Attachment 1) approving a zoning amendment to establish a Development Plan and Guidelines for a Planned Development area, including the allowance for four motor vehicle sales dealerships at the southwest corner of Condit Road and Diana Avenue.

PROJECT DESCRIPTION

The City of Morgan Hill is proposing an amendment to remove the existing cap of four (4) motor vehicle sales dealerships within the PD, thereby allowing for the establishment of additional dealerships. This proposed change would allow prospective automotive dealerships seeking to locate within the area and existing auto dealers on Condit Road looking to expand or subdivide lots for additional auto dealer use. This is consistent with the City's Auto Dealer Strategy. However, the current zoning has created a barrier to accommodating auto uses and supporting continued economic growth.

Allowing additional auto dealerships is consistent with the City's 2017 Economic Blueprint, which highlights the critical role of sales tax revenue, particularly from auto sales—in funding essential municipal services. Sales tax revenue accounts for approximately 24% of the City's General Fund, with the Autos and Transportation category contributing 21% of total sales tax collections, underscoring the sector's significant impact on the City's fiscal sustainability.

Specifically, the ordinance is proposed to be amended as follows:

Allowed Uses:

Vehicle Sales and Leasing. The retail sales or rental of new or used vehicles. Includes the sale of vehicle parts and vehicle repair, provided that these activities are incidental to the sale of vehicles.

~~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.~~

Reference to the previously approved Auto Park PD Development Plan with 4 dealerships will also be removed.

ZA2025-0002: CONDIR – CONDIR ROAD PUD

Location: 35-acre site on the west side of Condit Road between East Dunne Ave and Tennant Avenue

APNs: 817-12-001, -003, -004, -018, -019; 817-13-019, -020, -021, -022, -024, -026, -027, -029, -030, -031, -032, -033, -034, and -035

Zoning: PUD (CG)

General Plan: Commercial

The approximately 35-acre site is composed of 19 different parcels ranging in size from 1 to 4.5 acres. Four (4) parcels comprising 6.68 acres are currently vacant. Existing uses include:

Sit Down Restaurant

La Hacienda

Fast Food with Drive Thru

Carl's Jr.

Hotels/Motels

Comfort Inn

Hampton Inn

Microtel Inn & Suites

Quality Inn

Sure Stay

Vehicle Dealerships

Pape' Kenworth

Jayco (RV Sales)

Commercial Uses with an Outdoor Display Area

House of Thunder Harley Davidson

Vacant Buildings

Former Airstream Dealership

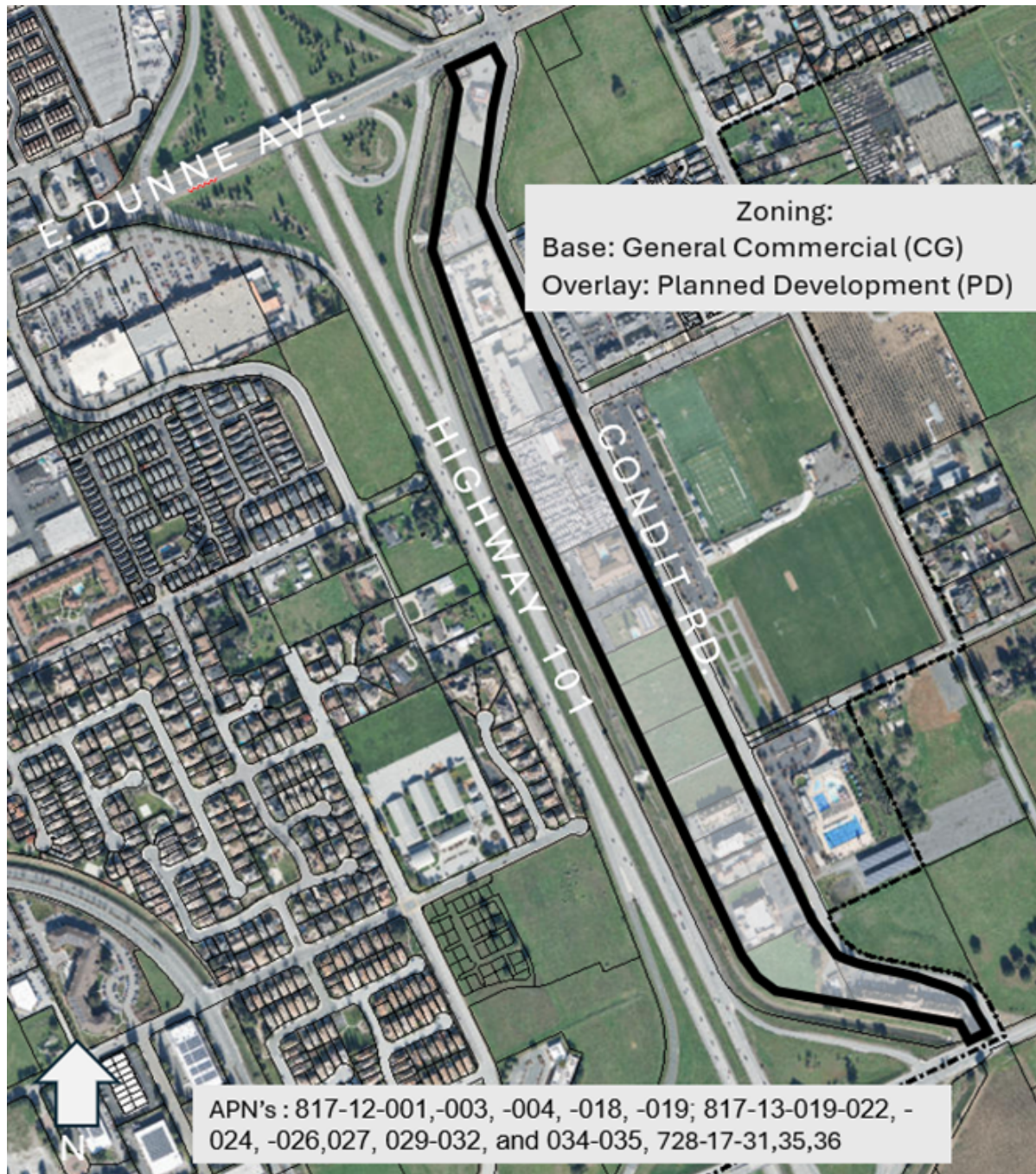
Vacant Land

4 parcels totaling 6.68 acres

Buildings for Sale

Harley Davidson

The site is bounded by Highway 101 to the west, commercial use to the north, residential and the Morgan Hill Outdoor Sports Center to the east, and open space to the south.



BACKGROUND

In October 2000, the City Council adopted Ordinance No. 1488 (Attachment 2), establishing five (5) separate Planned Unit Developments (PUD) including a PUD zoning district on the west side of Condit Road, extending from Dunne Avenue to Tennant Avenue. These city-initiated zoning amendments were adopted in response to the Council's concerns regarding the high visibility of these parcels from Highway 101 and the potential over concentration of any one land use within the corridor.

At the time of adoption, five motels had already been approved within the area. To manage land use intensity and preserve a balanced mix of commercial activity, the PUD established the following

limitations:

- A maximum of five motels, consistent with those already approved.
- A limit of two motor vehicle sales and service uses involving outdoor sales display.
- Retail uses restricted to commercial uses supportive of hotel operations, with the explicit exclusion of grocery stores, supermarkets, and drugstores.

In February 2002, the City Council adopted Ordinance No. 1544 (Attachment 3), establishing the “Condit Road” Precise Development Plan to guide land use and development within the area.

In February 2008, City-initiated amendments to the Condit Road PUD Guidelines (Attachment 4) were approved to remove zoning restrictions identified as barriers to economic development. These amendments introduced greater flexibility in permitted uses, including:

- Allowing additional motor vehicle sales, provided that no more than two such uses include outdoor sales display.
- Removing the prohibition on commercial uses not directly supportive of hotel uses, while maintaining the restriction on grocery stores, supermarkets, and drugstores.
- Permitting commercial indoor recreation uses under 3,000 square feet by right.
- Allowing financial services and professional offices, limited to second floor and above locations.
- Permitting educational uses such as business, trade, or tutoring schools.

In February 2009, the City Council adopted Ordinance No. 1923 (Attachment 5), amending the signage and display provisions of the Condit Road PUD Guidelines. This amendment allowed for:

- Installation of an additional freeway identification sign at 16695 Condit Road.
- Approved a precise development plan for a San Jose Earthquakes Training Facility.
- An exception to the 30-foot-wide landscape buffer requirement to enhance visibility of the proposed Earthquakes Training Center from the freeway.

PROJECT DESCRIPTION

City staff is advancing this zoning amendment on Condit Road to support the attraction of new investments, increase tourism, and advance policies that support the City's General Fund. The Morgan Hill Outdoor Sports Center & Aquatics Center on Condit Road are the primary drivers 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.

Because no new development has taken place on Condit Road since the 2008 amendment was approved with the intention of stimulating new investment, staff recommends additional updates to the PD to better support future development and redevelopment opportunities. These changes are intended to support nearby amenities such as the Outdoor Sports & Aquatic Center, enhance the area's economic vitality, and increase revenue through sales tax and transient occupancy tax (TOT) generation.

The proposed amendments are summarized below and presented in full detail in the accompanying table.

- Hotel Development Flexibility

Remove the existing cap of five hotels within the PUD to accommodate additional hotel development in response to market demand and evolving hospitality needs.

- **Temporary Uses**
Introduce provisions to allow temporary uses, enabling interim activities such as live entertainment, recreational events, and community gatherings.
- **Commercial Indoor Recreation**
Permit indoor recreation uses up to 30,000 square feet by right, eliminating the requirement for a Conditional Use Permit and supporting expanded recreational opportunities.
- **Athletic Training Facilities with Onsite Accommodations**
Allow specialized athletic training facilities that include onsite lodging to meet the operational needs of professional sports teams.
- **Retail Development**
Expand permitted retail uses by allowing grocery stores by right and permitting convenience stores with a Conditional Use Permit, enhancing access to essential goods and services.
- **Restaurants with Drive -through**
Remove the existing limitation of one restaurant with a drive-through, allowing for greater flexibility in food service options within the PD.
- **Motor Vehicle Sales**
Remove the restriction of two motor vehicle sales with outdoor display, thereby allowing additional dealerships with outdoor display areas within the PD.
- **Tasting Rooms**
Revise the permitted uses to identify "Tasting Rooms" as an allowed use, replacing the outdated reference to "Wine Tasting." The term "Tasting Room," as defined in the Zoning Code, encompasses the on-site tasting and retail sale of wine, beer, and/or other alcoholic beverages, with both on-site and off-site sales directly to the public.

<i>PRESENT ZONING</i>	<i>PROPOSED ZONING</i>
<u>Permitted Uses</u> Restaurants, Sit Down Wine Tasting Retail Uses, excluding grocery and liquor 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 3,000 square feet or less Financial services and professional offices limited to second floor and above location School, business, trade or tutoring	<u>Permitted Uses</u> Restaurants, Sit Down Wine Tasting Tasting Rooms General Retail Uses, including grocery and excluding liquor 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/outdoor recreation 3,000 30,000 square feet or less Financial services and professional offices limited to second floor and above location School, business, trade or tutoring

<u>Conditional Uses</u> Commercial indoor recreation, greater than 3,000 square feet. 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. Fast food restaurants, no more than one drive-thru establishment. Other commercial uses with an outdoor sales display area. Any other uses, which the Planning Commission determines to be similar to permitted and conditional uses.	<u>Conditional Uses</u> Commercial indoor/outdoor recreation, greater than 30,000 3,000 square feet. 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. Fast food Restaurants with drive-through establishments. no more than one drive-through establishment. Convenience markets (per MHMC 18.92.030) Commercial uses with an outdoor sales display area. Financial services and professional offices. <u>Athletic Training Facility with ancillary accommodations</u> Any other use which the Planning Commission determines to be similar to permitted and conditional uses. <u>Temporary Uses</u> Limited to 1-year with (2) 1-year extensions In addition to those temporary uses identified in Section 18.92.150.C: • Live Entertainment • Recreation • Social Gatherings • Any other temporary uses which the Development Services Director deems to be similar to other temporary uses.
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No changes are proposed to the Development Standards of the PD zone.

ZA2025-0005: LAUREL – HONDA PUD:

Location: 9.27-acre site on the easterly terminus of Laurel Road, approximately 600 feet east of Walnut Grove Drive

APN: 726-01-001, -006, and -007

Zoning: PUD (CH)

General Plan: Commercial

The 9.27-acre property is currently developed with an existing Honda dealership. The dealership was initially constructed in 1997 on the eastern 2.21-acre parcel and was subsequently expanded in 2015 to include additional vehicle storage on the adjacent 4.64-acre parcel. The site is bordered by Highway 101 to the east, residential uses to the north and west, and commercial development to the south.



BACKGROUND

In April 1996, the City Council adopted Ordinance No. 1273 (Attachment 6), establishing a CH (PUD – Planned Development) overlay zoning district. This action permitted the development of a single motor vehicle dealership on Assessor's Parcel Number (APN) 726-01-001 and allowed for future highway commercial uses within the remaining area of the zoning district.

In September 2000, the City Council adopted Ordinance No. 1488 (Attachment 2), establishing a Planned Unit Development (PUD) zoning district on the subject site (Area 2) that was one of five separate PUD's in the vicinity of the Dunne Avenue and Highway 101 interchange.

In December 2014, the City Council adopted Ordinance No. 2125 (Attachment 7), which amended the boundaries of the PUD district to include the entirety of the current Honda dealership site, encompassing APNs 726-01-001, -006, and -007 (Attachment 7). As part of this amendment, the General Plan designation for a 2.32-acre portion of the 4.64-acre parcel was changed from Multi-Family Low to Commercial (General Plan Amendment GPA-14-01), aligning the land use designation with the existing dealership and proposed expansion.

PROJECT DESCRIPTION

City staff is advancing this amendment to permit the establishment of an additional automobile dealership within the boundaries of the existing PD district. Although the PD boundaries were expanded in 2014—from 6.95 acres to 9.27 acres—to accommodate the physical expansion of the existing dealership, the amendment did not include provisions to allow for an additional dealership on the expanded site. This proposed zoning modification responds to increasing interest from prospective automotive dealerships seeking to locate within the area. However, the current zoning restriction, which limits the site to a single dealership use, has created a barrier to meeting this growing demand.

Specifically, the proposed amendment is as follows:

Allowable Uses:

Land Uses of the Highway Commercial (CH) Zoning District

~~One motor vehicle sales and service use, to be located on the most easterly parcel in the PUD.~~

Vehicle Sales and Leasing. The retail sales or rental of new or used vehicles. Includes the sale of vehicle parts and vehicle repair, provided that these activities are incidental to the sale of vehicles. (MHMC 18.124.40)

PROJECT ANALYSIS AND FINDINGS:

The proposed Zoning Amendment has been analyzed with respect to consistency with the: 1) General Plan and 2) Zoning Ordinance.

1. General Plan Land Use Consistency

The proposed zoning amendment is consistent with the City's General Plan, as it supports commercial development in alignment with the site's existing Commercial land use designation. The Commercial designation is primarily applied to properties located along arterial roadways west of Highway 101 and along the eastern freeway frontage. This designation is intended to accommodate a broad range of retail and service-oriented uses, including automobile dealerships.

2. Zoning Ordinance Consistency

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

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

Consistent

The proposed PD zoning amendments promote development in keeping with the Commercial General Plan site designations and Economic Development policies that promote economic development.

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

Consistent

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

c. The affected site is physically suitable in terms of design, location, shape, size, and other characteristics to ensure that the permitted land uses and development will comply with the zoning code and general plan and contribute to the health, safety, and welfare of the property, surrounding

properties, and the community at large.

Consistent

The sites on the easterly terminus of Laurel Road and is located on the southwest corner of Condit Road and Diana Avenue, are developed with vehicle sales uses and the allowance for additional dealerships within the same areas will not be detrimental to the health, safety, and welfare of the property, surrounding properties, and the community at large. The property on the west side of Condit Road, between East Dunne Ave and Tennant Avenue, is predominantly developed with existing retail and hotel development. The proposed amendment will facilitate additional development that will contribute to the health, safety, and welfare of the property, surrounding properties, and the community at large. Future development proposals will be subject to review with a Design Permit to ensure compliance with City guidelines.

CONCLUSION:

Auto dealerships are among the City's highest sales tax-generating land uses and serve as key contributors to the General Fund. Removing the existing cap on the number of dealerships permitted on these sites would create new opportunities for additional dealerships to establish operations in Morgan Hill, further supporting the City's economic development strategies and fiscal sustainability. The proposed Condit Road PUD zoning update 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 Economic Blueprint and the General Plan.

- Proposed updates to the Condit PUD will support the following:
- Stimulate investment in existing vacant parcels and redevelopment or remodeling of property along this stretch of Condit Road;
- Reduce barriers and improve retail flexibility;
- Better support users of the Outdoor Sports Complex and Aquatics Center; and
- Increase sales tax and transient occupancy tax (TOT) revenue generation.

CEQA (California Environmental Quality Act):

These ordinances are categorically exempt from environmental review under Section 15061(b)(3) of the California Environmental Quality Act (CEQA) Guidelines. The proposed text amendments are covered by the common-sense exemption that CEQA applies only to projects which have the potential for causing a significant effect on the environment. Where it can be seen with certainty that there is no possibility that the activity in question may have a significant effect on the environment, the activity is not subject to CEQA.

COMMUNITY ENGAGEMENT:

A 20-day public hearing notice was published in the Friday, August 29, 2025, edition of the Morgan Hill Times pursuant to Government Code Section 65090-65096. A notice was also mailed to property owners within 300 feet of the project sites.

On July 10, 2025, the City's Economic Development team provided an update to the Morgan Hill Chamber of Commerce Economic Development Committee on the proposed Zoning Amendments.

On June 24, 2025, staff conducted a Planning Commission workshop for the commission to review and provide feedback on the proposed zoning amendments, with the exception of ZA2025-0005: Laurel - Honda PD Amendment, which was added to the City-initiated PUD amendments after the workshop. Business and property owners located within the Auto Park and Condit Road PUDs were

contacted in advance of the June 24, 2025 Planning Commission Workshop via email and standard mail.

ATTACHMENTS:

1. Ordinance No. 1926 - Condit - Auto Park Planned Development (2009)
2. Ordinance No. 1488 - Condit Rd & Honda Site (2000)
3. Ordinance No. 1544 - Condit Rd. Precise Development Plan (2002)
4. Ordinance No. 1865 - Condit Rd. Planned Development Amendment (2008)
5. Ordinance No. 1923 - Condit Rd. Planned Development Amendment (2009)
6. Ordinance No. 1273 - Honda Site Planned Development (1996)
7. Ordinance No. 2125 Honda site Planned Development (2014)
8. Planning Commission Resolution No. 25-12 (ZA2025-0001: Condit - Auto Park PD)
9. Planning Commission Resolution No. 25-13 (ZA2025-0002 Condit-Condit Rd PD) (1)
10. Planning Commission Resolution No. 25-11 (ZA2025-0005: Laurel - Honda PD)

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:

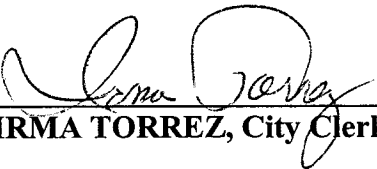
- SECTION 1.** The proposed zoning amendment is consistent with the Zoning Ordinance and the General Plan.
- SECTION 2.** The zone change is required in order to serve the public convenience, necessity and general welfare as provided in Section 18.62.050 of the Municipal Code.
- SECTION 3.** An environmental 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.

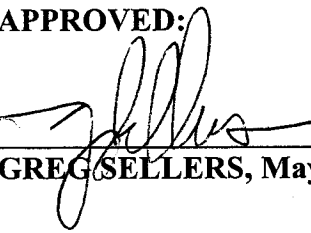
The foregoing Ordinance was introduced at a regular meeting of the City Council of the City of Morgan Hill held on the 18th day of March 2009, and was finally adopted at a regular meeting of said Council on the 25th day of March 2009, and said ordinance was duly passed and adopted in accordance with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

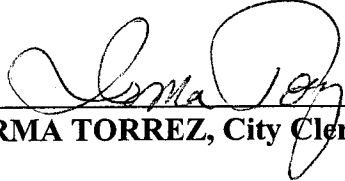

GREG SELLERS, Mayor Pro Tempore

∞ 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

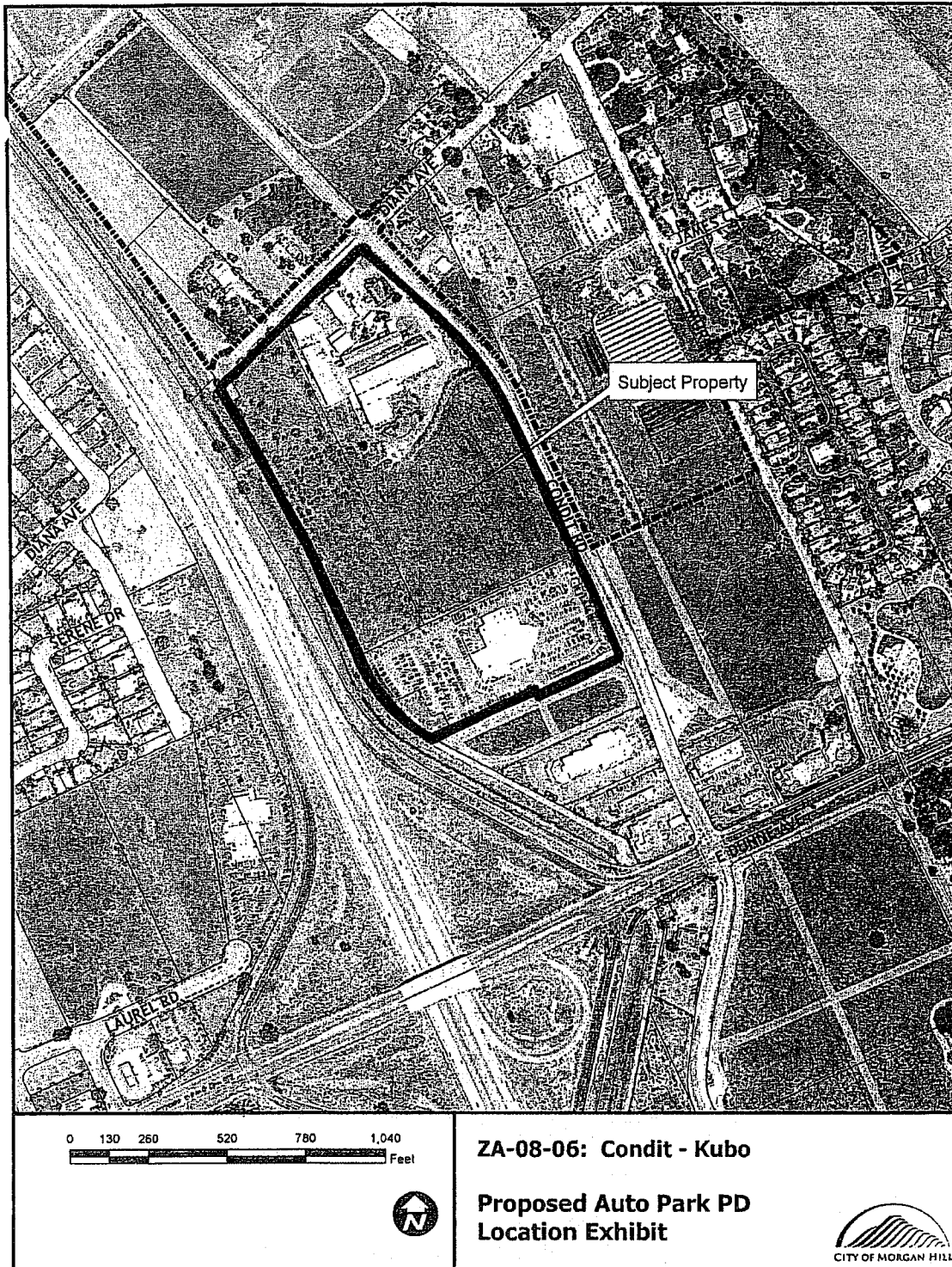
- S-1. One (1) shared use freeway sign advertising the names of the four dealerships shall be allowed for the Auto Park PD. The freeway sign shall be designed in accordance with the provisions of the City Sign Code, and shall not be installed until after a second dealership is established within the 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.



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

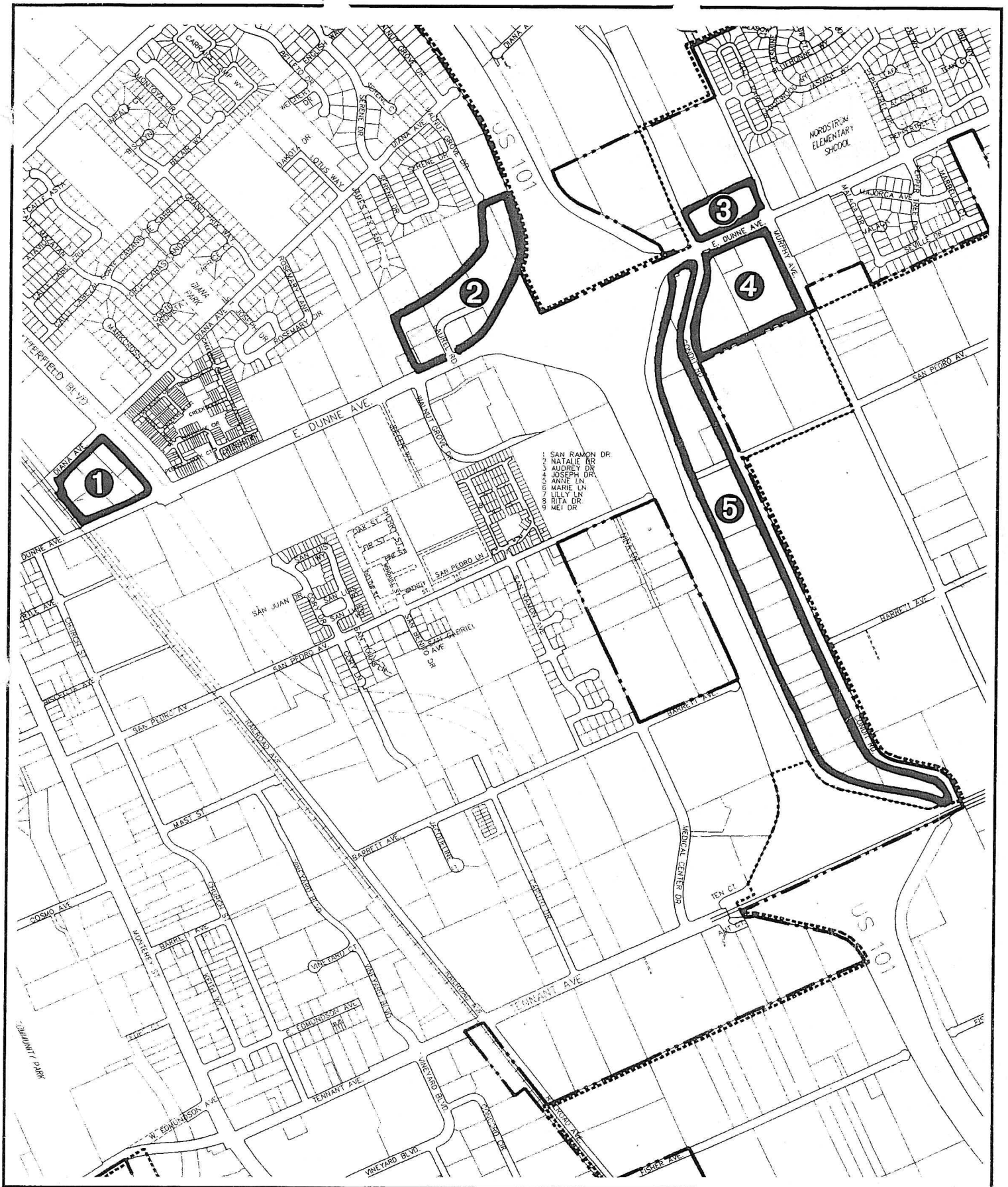
1. A mixture of building heights shall be included within the PUD. No more than two three story buildings shall be located adjacent to one another.

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.

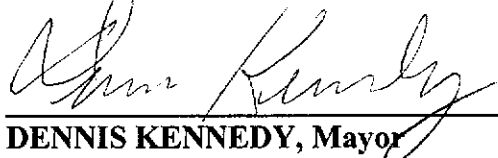
The foregoing ordinance was introduced at a meeting of the City Council held on the 16th, day of January 2002 and was finally adopted at a meeting of the City Council held on the 6th day of February, 2002 and said ordinance was duly passed and adopted in accordance with law by the following vote:

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 - FWD)

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) Provision 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.

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

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 Replacement 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)

2. 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)

3. 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)

4. The applicant shall enclosement permit from City of Morgan Hill/County of Santa Clara/ State of California/ Santa Clara Valley Water District, and provide guarantee covering off-site improvements. (MHMC 12.08.040 A)

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

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

7. 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)

8. 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)

9. 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

W.

X 1.

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.

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 dated 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

Scout, business trade or tutoring

Conditional Uses

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

+we 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

Gr Fast food restaurants, ***no more than one drive-through 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 pennitted 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.

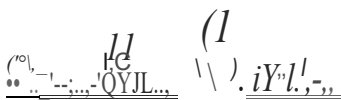
SECTION 8. Effective Date Publication. This ordinance shall take effect from and after thirty (30) days after the date of its adoption. The City Clerk is hereby directed to publish this ordinance pursuant to §36933 of the Government Code.

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:

APPROVED:


Irma Torrez, City Clef.


• Steve Tate, Mayor

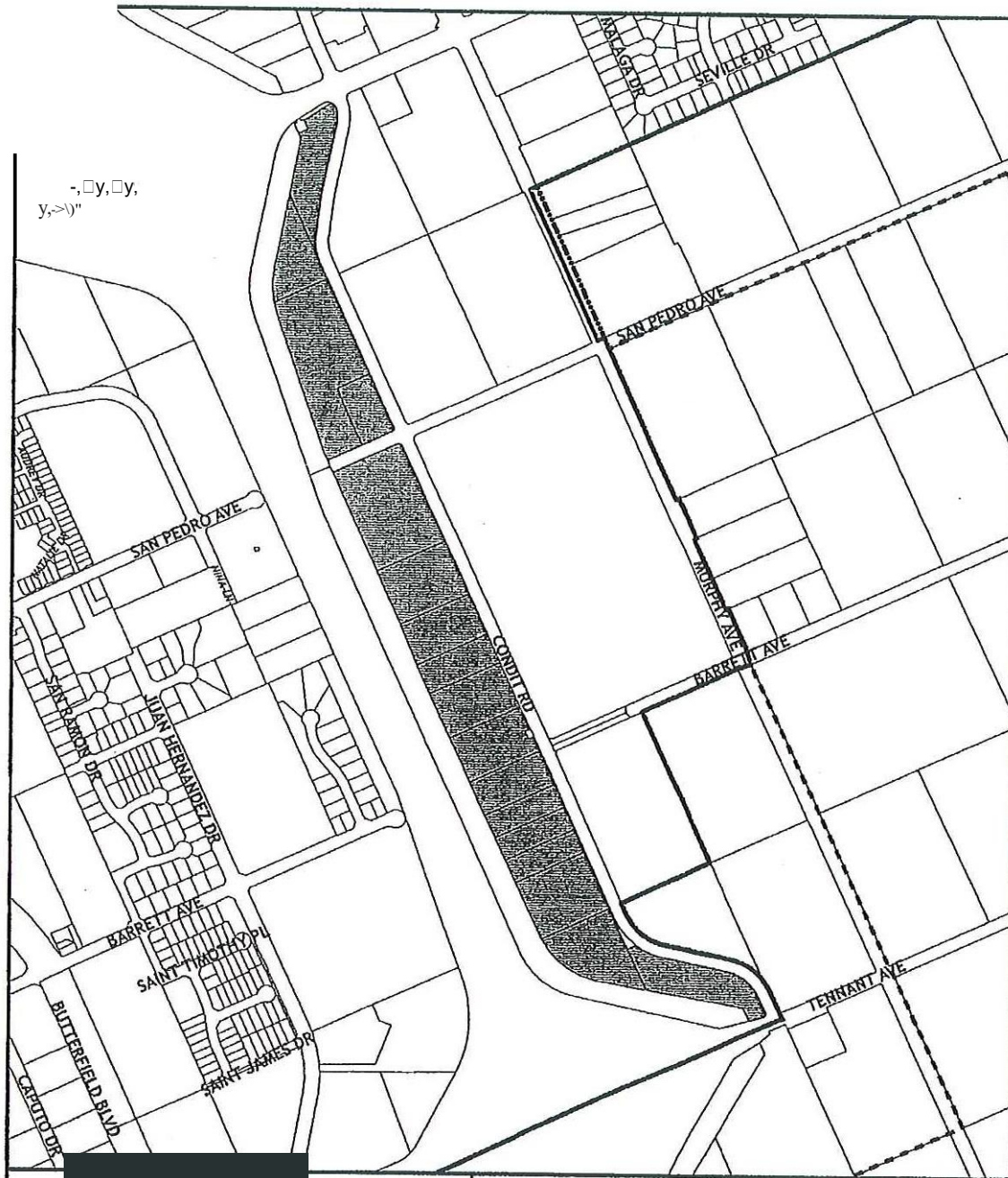
ro **CERTIFICATE OF THE CITY CLERK** 01

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: 2008/02/20

IRMA TORREZ
IRMA TORREZ, City Clerk.



 CITY OF MORGAN HILL

Exhibit A 0

Condit PUD Amendment
 APN's: 817-12-003, 004, 016 & 017
 APN's: 817-13-019, 020, 021, 022
 024, 026, 029, 030, 031, 034 & 035

ORDINANCE NO. 1923, NEW SERIES

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF MORGAN HILL AMENDING ORDINANCE NO. 1544, N.S. WHICH ESTABLISHED A DEVELOPMENT PLAN AND GUIDELINES FOR A PLANNED DEVELOPMENT DISTRICT LOCATED ON THE WEST SIDE OF CONDIT ROAD BETWEEN DUNNE AND TENNANT AVENUES TO ALLOW FOR THE EARTHQUAKES TRAINING CENTER (ZA-08-19: CONDIT-WOLFF)

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 California Environmental Quality Act. A mitigated Negative Declaration will be filed.

SECTION 4. The City Council hereby amends the Signage and Displays section of the Condit PD Guidelines prepared by DpC, Development Process Consultants, as adopted by Ordinance No. 1544, New Series. The following provision shall be added to the Condit PD Guidelines:

- 52a. In addition to the three shared-use freeway signs allowed in the planned development area as described in Item #52, above, one freeway identification sign shall be allowed along the freeway frontage of the property located at 16695 Condit Road (APN 817-13-034). The freeway identification sign shall be subject to the following provisions:
- i. The freeway sign shall be no taller than 55-ft in height as measured from existing grade to the top of the sign structure.
 - ii. The sign shall be used for identification of the San Jose Earthquakes Training Center and shall accommodate sign copy for the City of Morgan Hill.
 - iii. Maximum sign area shall not exceed 330 sf total excluding the portion reserved for the City of Morgan Hill. The sign may be one panel or two. An additional 35 sf of the sign area shall be reserved for use by the City of Morgan Hill including the City's sports facilities. Final wording for the City's portion of the sign shall be determined by the City's Recreation and Community Services Director and Community Development Director.
 - iv. The sign copy shall be static.

- v. Final design of the freeway sign shall be subject to review and approval of the Planning Division, and shall require separate review, application and building permit.

SECTION 5. The City Council hereby approves a precise development plan as contained in that certain series of documents date stamped Jan. 8, 2009, on file in the Community Development Department, entitled "San Jose Earthquakes Training Facility" prepared by Devcon Construction Incorporated. These documents, as amended by site and architectural review, show the 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 (APNs 817-12-003, -004, -016 & -017 and APNs 817-13-019 thru -022, -024, -026, -027, -029 thru -032, -034 & -035).

SECTION 6. Approval of the "San Jose Earthquakes Training Facility" precise development plan approves an exception to the Condit PD Guidelines, eliminating a requirement for a 30-ft wide landscape buffer with trees along the freeway frontage. Approval of the landscape exception will allow visibility of the Earthquakes Training Center from the freeway.

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 February 2009, and was finally adopted at a regular meeting of said Council on the 25th day of February 2009, and said ordinance was duly passed and adopted in accordance with law by the following vote:

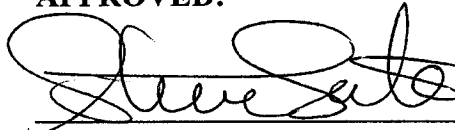
AYES:	COUNCIL MEMBERS:	Larry Carr, Marby Lee, Marilyn Librers Greg Sellers, Steve Tate
NOES:	COUNCIL MEMBERS:	None
ABSTAIN:	COUNCIL MEMBERS:	None
ABSENT:	COUNCIL MEMBERS:	None

ATTEST:



IRMA TORREZ, City Clerk

APPROVED:



STEVE TATE, Mayor

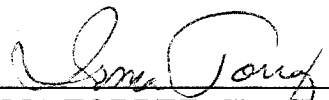
§ **CERTIFICATE OF THE CITY CLERK** §

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. 1923, New Series, adopted by the City Council of the City of Morgan Hill, California at a regular meeting held on the 25th day of February 2009.

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

DATE: _____

March 4, 2009



IRMA TORREZ, City Clerk

ORDINANCE NO. 1273, NEW SERIES

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF MORGAN HILL ESTABLISHING A PLANNED UNIT DEVELOPMENT ZONING FOR A MOTOR VEHICLE DEALERSHIP AND TWO VACANT HIGHWAY COMMERCIAL PARCELS ON 17 ACRES LOCATED ON THE NORTHWEST QUADRANT OF THE INTERSECTION OF HIGHWAY 101 AND EAST DUNNE AVE. (APN 726-01-001 AND PORTIONS OF 002 & 005)

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

SECTION 1. ESTABLISHING A PUD ZONING DISTRICT. The Zoning Map of the City of Morgan Hill, which is referenced under Title 18, Chapter 18.06 of the Morgan Hill Municipal Code, is hereby amended by establishing a PUD, Planned Unit Development District specific to one motor vehicle dealership use on parcel 726-01-001 and unspecified highway commercial uses on portions of parcels 726-01-002 & 005 of real property located in the City of Morgan Hill, County of Santa Clara, State of California, hereinafter described and defined in Ordinance No. 1047 and 1061 as amended.

SECTION 2. INCORPORATING THE MAP BY REFERENCE. There hereby is attached hereto and made a part of this ordinance, a zoning map entitled "Exhibit A" - being a part of Ordinance No. , New Series, which gives the boundaries of the above described parcels of land.

SECTION 3. FINDING OF CONSISTENCY WITH THE GENERAL PLAN. The City Council hereby finds that the planned unit development established by this ordinance on the parcels of land as described, is compatible with the goals objectives, policies, and land use designation by the General Plan of the City of Morgan Hill. The Council further finds that the proposed zone change is required in order to serve the public convenience, necessity, and general welfare, as provided in Section 18.62.010 of the Morgan Hill Municipal Code.

SECTION 4. REQUIREMENT OF APPROVAL. Prior to any further entitlement, to enact the Planned Unit Development, the following conditions shall be met:

1. The use of the most easterly parcel of the PUD shall be limited to motor vehicle sales and service. The use of all other parcels within the PUD shall exclude motor vehicle sales and service. All other uses shall be limited to uses permitted in the Highway Commercial zone. Uses allowed conditionally within the Highway Commercial zone will require conditional use permit approval.

ORDINANCE NO. 1273, NEW SERIES
PAGE 2 OF 2

2. With the implementation of Alternative I, all development within the PUD shall take primary access from Laurel Road and its extension to Walnut Grove Drive. Prior to issuance of building permits for any use within the PUD, all necessary approvals shall be secured for the rerouting of Laurel Rd. to connect to Walnut Grove Dr. Said rerouting shall be the responsibility of the owners or developers of the PUD.

If Alternative II is implemented, all development within the PUD shall take primary access from Walnut Grove Dr. Prior to issuance of building permits for any use within the PUD, all necessary approvals shall be secured for the extension of Walnut Grove Dr. Said routing shall be the responsibility of the owners or developers of the PUD.

3. If Alternative I is developed, the development of parcels 726-01-02 & 05 within the PUD shall include the dedication and improvement of Walnut Grove Dr. up to the westerly boundary of parcel number 726-01-01.

4. The development of each of the parcels shall require architectural and site approval. The over- all level of building articulation and landscaping shall be of high standards which are reflective of the project's location within the Dunne Ave. gateway. Prior to the development of the remaining two highway commercial parcels, architectural guidelines for the PUD shall be developed and approved to ensure consistency in quality and compatibility of architecture and landscaping within the PUD.

5. All mitigations contained in the Negative Declaration shall be applied to all uses proposed within the PUD

6. Defense and indemnity. Developer 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 the City by reason of its approval of developer's project.

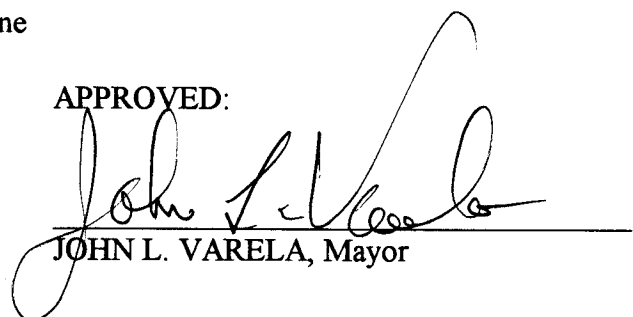
This ordinance was introduced at a meeting of the City Council held on the 3rd, day of April 1996 and adopted at a meeting held on the 17th day of April, 1996 and said ordinance was duly passed and adopted in accordance with law by the following vote:

AYES:	COUNCIL MEMBERS:	Varela, Kennedy, Freeman, Martucci
NOES:	COUNCIL MEMBERS:	Smith
ABSTAIN:	COUNCIL MEMBERS:	None
ABSENT:	COUNCIL MEMBERS:	None

ATTEST:

APPROVED:


BONNIE L. GAWF, City Clerk


JOHN L. VARELA, Mayor

LEGEND

AREA OF PROPOSED
REZONING TO PUD



"EXHIBIT A"

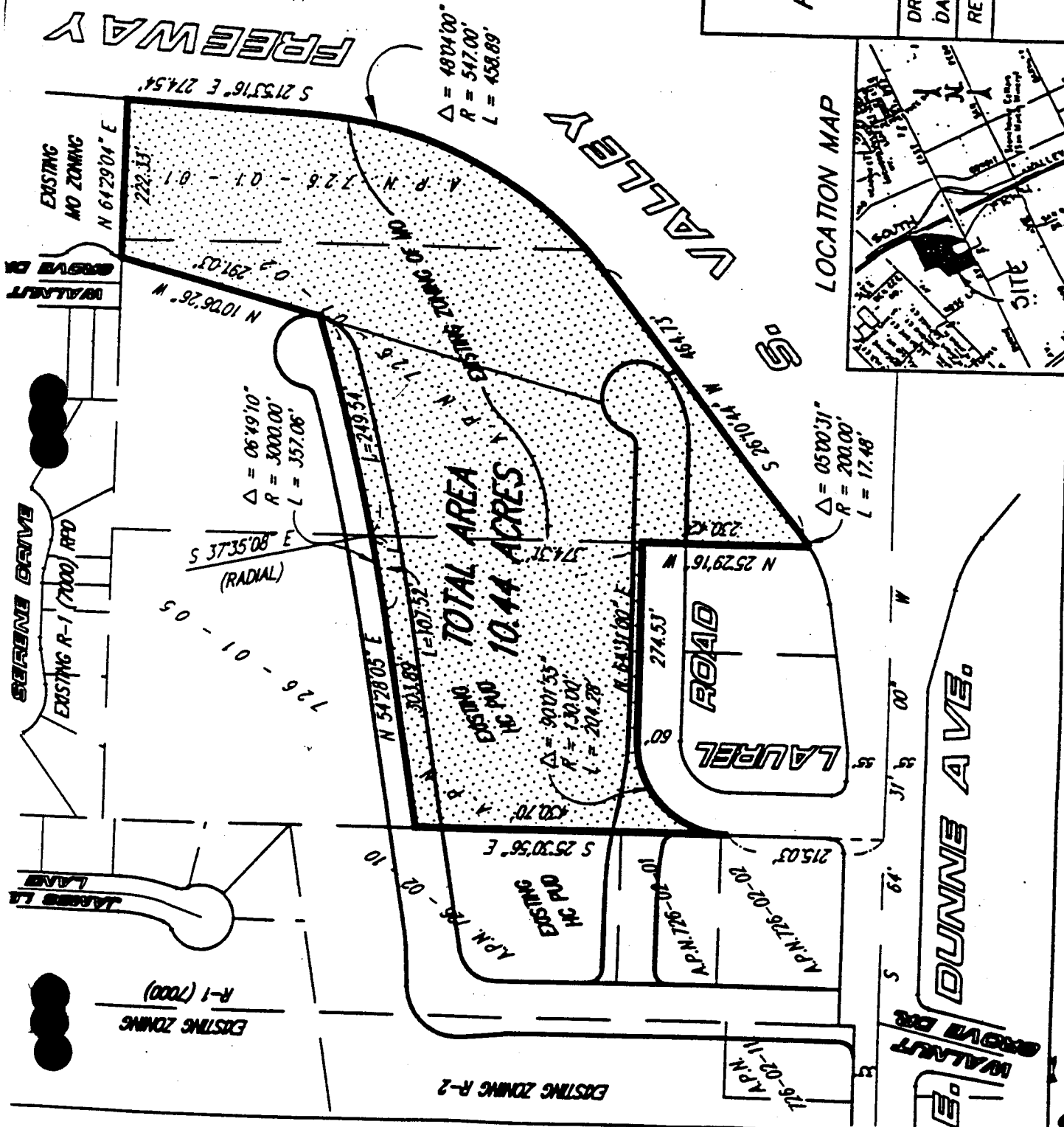
PROPOSED REZONING FOR LANDS OF
SIMONSEN & DE ROSE

DRAWN BY LW/EY
DATE: 03/29/96
REV. DATE
APPROVED BY:
SCALE: 1"=200'

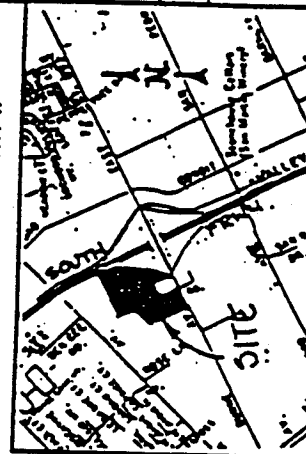
MH Engineering Co.

18075 Whetzel Blvd.
Hesperia, CA 92343
(408) 778-7381

JOB #93032



LOCATION MAP



MH 93032

Parcel One

A portion of Lot 74 as shown upon that certain Map entitled, "Morgan Hill Ranch Map No. 1, being C. H. Phillip's Subdivision of part of the Ranchos ojo de Agua de la Coche and Laguna Seca in the County of Santa Clara, California", which Map was filed for record in the Office of the Recorder of the County of Santa Clara, on June 1, 1892 in Volume "G" of Maps, Pages 2 and 3.

Beginning at the southerly corner of Lot 74, said southerly corner being in the centerline of East Dunne Avenue, and running thence along the southwesterly boundary line of Lot 74 North $25^{\circ} 30' 56''$ West a distance of 215.03 feet to the TRUE POINT OF BEGINNING of this description; thence from said TRUE POINT OF BEGINNING; continuing along said southwesterly boundary line North $25^{\circ} 30' 56''$ West 430.70 feet; thence leaving said southwesterly boundary line North $54^{\circ} 28' 05''$ East, 303.89 feet; thence along a tangent curve to the left an arc distance of 107.52 feet, said curve having a radius of 3000.00 feet and a central angle of $2^{\circ} 03' 13''$; thence South $25^{\circ} 29' 16''$ West 374.31 feet, thence South $64^{\circ} 31' 00''$ West 274.53 feet; thence along a tangent curve to the left an arc distance of 204.28 feet, said curve having a radius of 130.00 feet and a central angle of $90^{\circ} 01' 55''$ to the TRUE POINT OF BEGINNING.

Parcel Two

Being a portion of Parcel 3 as said Parcel is shown upon that certain Parcel Map filed for record in Book 303 of Maps at Page 54 Santa Clara County Records.

Beginning at the most southerly corner of said Parcel 3 and running along the southwesterly boundary line North $25^{\circ} 29' 16''$ West 604.73 feet; thence along a curve to the left, an arc distance of 249.54 feet, said curve having a tangent bearing of North $52^{\circ} 24' 52''$ East, a radius of 3000.00 feet and a central angle of $4^{\circ} 45' 57''$; thence North $10^{\circ} 06' 26''$ West 291.03 feet to a point on the northerly line of said Parcel 3; thence along said northerly line North $64^{\circ} 29' 04''$ East 222.33 feet; thence along the easterly line of said Parcel 3 South $21^{\circ} 53' 16''$ East 274.54 feet; thence along a tangent curve to the right an arc distance of 458.89 feet said curve having a radius of 547.00 feet and a central angle of $48^{\circ} 04' 00''$; thence South $26^{\circ} 10' 44''$ West, 464.73 feet; thence along a tangent curve to the right, an arc distance of 17.48 feet, said curve having a radius of 200 feet and a central angle of $5^{\circ} 00' 31''$ to the point of beginning of this description.

ORDINANCE NO. 2125, NEW SERIES

AN ORDINANCE OF THE CITY OF MORGAN HILL AMENDING THE ZONING DESIGNATION OF A 2.32 ACRE PORTION OF A 4.64 ACRE SITE ON THE NORTH SIDE OF THE EASTERN TERMINUS OF LAUREL ROAD FROM THE R-2 3,500 DISTRICT TO THE PUD PLANNED UNIT DEVELOPMENT DISTRICT (APN 726-01-007)

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

SECTION 1. INCORPORATING THE MAP BY REFERENCE. There hereby is attached hereto as "Exhibit A" and made a part of this ordinance, a map showing the boundaries of the subject property.

SECTION 2. DESCRIPTION OF LAND IN REZONING. The boundaries of the property as shown for "Parcel 2," a portion of the map filed for record with the Santa Clara County Recorder on August 27, 1996 in book 681 of Maps at pages 1 and 2.

SECTION 3. AMENDING ORDINANCE 1237. Including the subject portion of the site in the existing PUD Zoning established by Ordinance 1237 by amending the title of the Ordinance to read:

"AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF MORGAN HILL ESTABLISHING A PLANNED UNIT DEVELOPMENT ZONING FOR A MOTOR VEHICLE DEALERSHIP LOCATED ON THE NORTHWEST QUADRANT OF THE INTERSECTION OF HIGHWAY 101 AND EAST DUNNE AVENUE (APNs 726-01-001, -006, and -007).

And amending Section 1 of the Ordinance to read:

"Section 1. ESTABLISHING A PUD ZONING DISTRICT. The Zoning Map of the City of Morgan Hill, which is referenced under Title 18, Chapter 18.06 of the Morgan Hill Municipal Code, is hereby amended by establishing a PUD, Planned Unit Development District specific to one motor vehicle dealership use on parcels 726-01-001, 726-01-006, and 726-01-007 of real property located in the City of Morgan Hill, County of Santa Clara, State of California.

And amending "Exhibit A" of the Ordinance to include the map attached herein as Exhibit "A."

SECTION 4. FINDING OF CONSISTENCY WITH THE GENERAL PLAN. The City Council hereby finds that the amendment established by this ordinance as herein described is compatible with the goals, objectives, policies and land use designation of the amended General Plan of the City of Morgan Hill. The Council further finds that the proposed amendment is required in order to serve

the public health, convenience and general welfare as provided by Section 18.62.070 of the Morgan Hill Municipal Code.

SECTION 5. The City Council of the City of Morgan Hill hereby finds that, on the basis of the whole record before it (including the refined initial study and any comments received), that there is no substantial evidence that the project will have a significant effect on the environment and that the Mitigated Negative Declaration reflects the City Council's independent judgment and analysis, and that the Mitigated Negative Declaration was adopted prior to action taken to adopt the Ordinance. The custodian of the documents or other material which constitute the record shall be the Community Development Department.

SECTION 6. 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 7. Publication. This Ordinance shall take effect thirty days after adoption. The City Clerk is hereby directed to publish this ordinance pursuant to §36933 of the California Government Code.

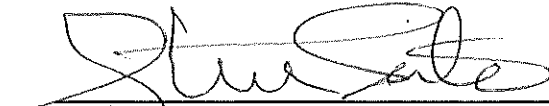
THE FOREGOING ORDINANCE WAS INTRODUCED AND THE TITLE THEREOF READ AT A REGULAR MEETING OF THE CITY COUNCIL OF THE CITY OF MORGAN HILL HELD ON THE 19TH DAY OF NOVEMBER 2014 AND WAS FINALLY ADOPTED AT A REGULAR MEETING OF SAID COUNCIL ON THE 3RD DAY OF DECEMBER 2014, AND SAID ORDINANCE WAS DULY PASSED AND ADOPTED IN ACCORDANCE WITH APPLICABLE LAW.

AYES:	COUNCIL MEMBERS:	Larry Carr, Rich Constantine, Gordon Siebert, Steve Tate
NOES:	COUNCIL MEMBERS:	None
ABSTAIN:	COUNCIL MEMBERS:	None
ABSENT:	COUNCIL MEMBERS:	Marilyn Librers

ATTEST:


IRMA TORREZ, City Clerk

APPROVED:


STEVE TATE, Mayor

Effective: January 4, 2014

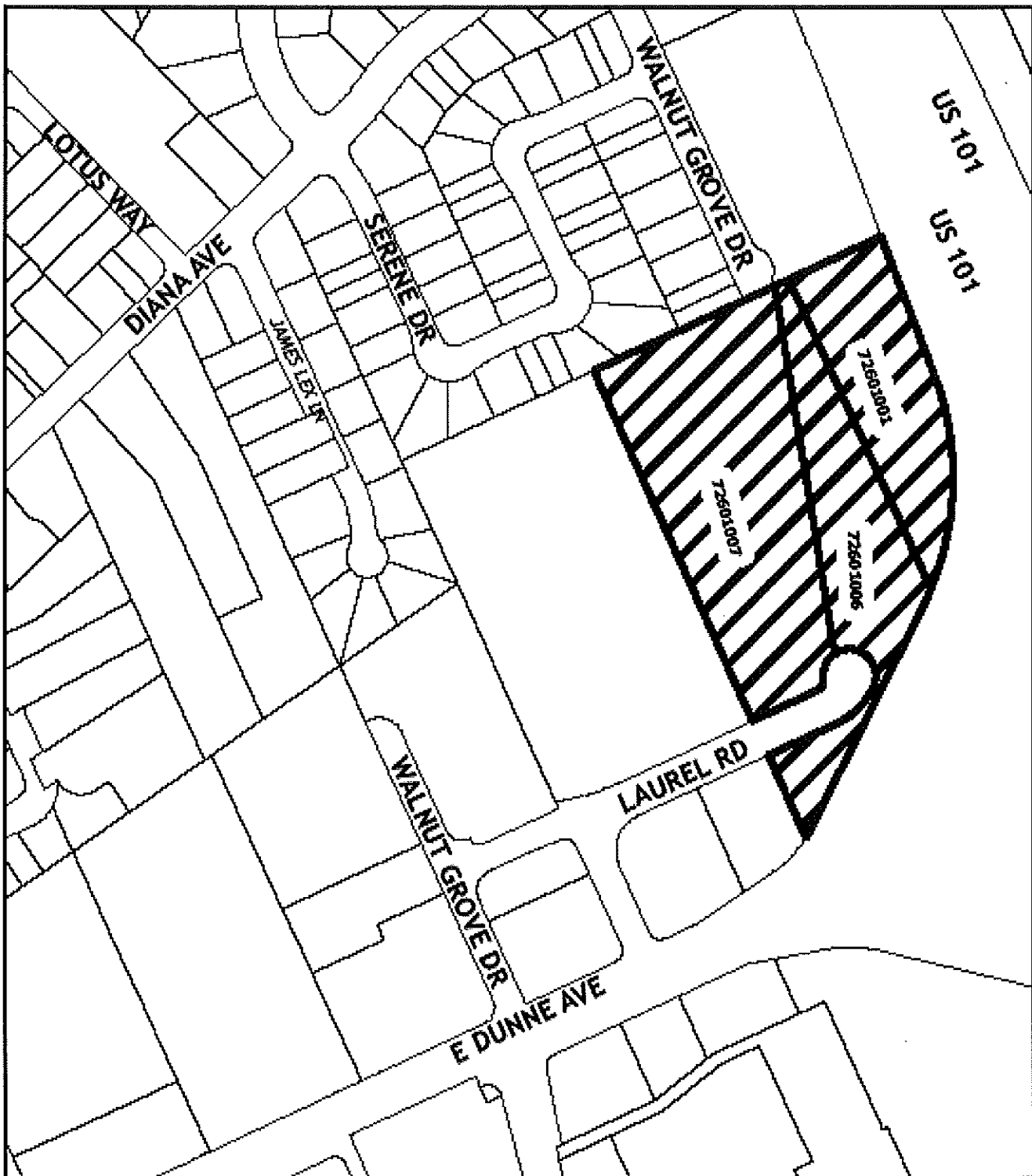
❧ CERTIFICATION ❧

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. 2125, New Series, adopted by the City Council of the City of Morgan Hill, California at its regular meeting held on the 3rd day of December 2014.

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

DATE: 12/15/2014


IRMA TORREZ, City Clerk



0 250 500
Feet



EXHIBIT A:

PROPOSED PUD ZONING DISTRICT



RESOLUTION NO. 25-12

A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF MORGAN HILL RECOMMENDING APPROVAL OF A ZONING AMENDMENT FOR AN ORDINANCE AMENDING THE HIGHWAY COMMERCIAL (CH) PLANNED UNIT DEVELOPMENT (PUD) OVERLAY ZONE ON A 25.3-ACRE SITE ON THE SOUTHWEST CORNER OF CONDIT ROAD AND DIANA AVENUE (ZA2025-0001 CONDIT-AUTOPARK) APN'S: 728-17-031, -035, and -036

WHEREAS: this proposed Ordinance (Zoning Amendment ZA2025-0001) was considered by the Planning Commission of the City of Morgan Hill at its regular meeting of September 23, 2025;

WHEREAS: the Planning Commission has reviewed recommendations contained in the September 23, 2025, staff report on this item;

WHEREAS, the amendments proposed by this Ordinance are necessary to implement the City's Economic Development Blueprint.

WHEREAS, this ordinance is categorically exempt from environmental review under Section 15061(b)(3) of the California Environmental Quality Act (CEQA) Guidelines. The proposed text amendments are covered by the common-sense exemption that CEQA applies only to projects which have the potential for causing a significant effect on the environment. Where it can be seen with certainty that there is no possibility that the activity in question may have a significant effect on the environment, the activity is not subject to CEQA; and

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

NOW, THEREFORE, THE MORGAN HILL PLANNING COMMISSION DOES RESOLVE AS FOLLOWS:

SECTION 1. The proposed zoning amendment is consistent with the General Plan and any applicable specific plan as provided by Government Code Section 65860.

The proposed zoning amendments are consistent with the City's General Plan, as they support commercial development in alignment with the site's existing Commercial land use designation.

SECTION 2. The proposed amendment will not be detrimental to the public interest,

health, safety, convenience, or welfare of the City.

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

SECTION 3. The affected site is physically suitable in terms of design, location, shape, size, and other characteristics to ensure that the permitted land uses and development will comply with the zoning code and general plan and contribute to the health, safety, and welfare of the property, surrounding properties, and the community at large.

The site is presently developed with vehicle sales uses and the allowance for additional dealerships within the same area will not be detrimental to the health, safety, and welfare of the property, surrounding properties, and the community at large.

SECTION 4. The Planning Commission hereby recommends approval of Zoning Amendment application ZA2025-0001 to amend the CH (PUD) overlay zoning as shown in the attached ordinance.

PASSED AND ADOPTED THIS 23RD DAY OF SEPTEMBER 2025, AT A REGULAR MEETING OF THE PLANNING COMMISSION BY THE FOLLOWING VOTE:

AYES: COMMISSIONERS:
NOES: COMMISSIONERS:
ABSTAIN: COMMISSIONERS:
ABSENT: COMMISSIONERS:

ATTEST:

JENNA LUNA, Deputy City Clerk

APPROVED:

JAMES WILSON, Chair

(DRAFT) ORDINANCE NO. _____, NEW SERIES

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF MORGAN HILL AMENDING THE HIGHWAY COMMERCIAL (CH) PLANNED DEVELOPMENT (PD) OVERLAY ZONE ON A 25.3-ACRE SITE ON THE SOUTHWEST CORNER OF CONDIT ROAD AND DIANA AVENUE (ZA2025-0001 CONDIT – AUTO PARK PD) APN'S: 728-17-031, -035, and -036

WHEREAS. On March 25, 2009, the City Council adopted ordinance No. 1926 approving a zoning amendment to establish a Development Plan and Guidelines for a Planned Development area including the allowance for four motor vehicle sales dealerships at the southwest corner of Condit Road and Diana Avenue.

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

SECTION 1. The proposed zoning amendment is consistent with the General Plan and any applicable specific plan as provided by Government Code Section 65860.

The proposed zoning amendments are consistent with the City's General Plan, as they support commercial development in alignment with the site's existing Commercial land use designation. The Commercial designation is primarily applied to properties located along arterial roadways west of Highway 101 and along the eastern freeway frontage. This designation is intended to accommodate a broad range of retail and service-oriented uses, including automobile dealerships.

SECTION 2. The proposed amendment will not be detrimental to the public interest, health, safety, convenience, or welfare of the City.

The proposed amendment will not be detrimental to the public interest, health, safety, convenience, or welfare of the city

SECTION 3. The affected site is physically suitable in terms of design, location, shape, size, and other characteristics to ensure that the permitted land uses and development will comply with the zoning code and general plan and contribute to the health, safety, and welfare of the property, surrounding properties, and the community at large.

The site is presently developed with a vehicle sales use and the allowance for additional dealerships within the same area will not be detrimental to the health,

safety, and welfare of the property, surrounding properties, and the community at large.

SECTION 4. This ordinance is categorically exempt from environmental review under Section 15061(b)(3) of the California Environmental Quality Act (CEQA) Guidelines. The proposed text amendments are covered by the common-sense exemption that CEQA applies only to projects which have the potential for causing a significant effect on the environment. Where it can be seen with certainty that there is no possibility that the activity in question may have a significant effect on the environment, the activity is not subject to CEQA.

SECTION 5. The City Council hereby amends the Auto Park PD Guidelines as shown in Exhibit B.

SECTION 6. The request was considered by the Planning Commission at its regular meeting of _____, 2025, at which time the Planning Commission recommended approval of Zoning Amendment application, ZA2025-0001: Condit – Auto Park PD. The City Council accepts the recommendation of the Planning Commission.

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 on the 31st day following adoption. The City Clerk is hereby directed to publish this ordinance or a summary thereof pursuant to Government Code Section §36933.

THE FOREGOING ORDINANCE WAS INTRODUCED AT A MEETING OF THE CITY COUNCIL HELD ON THE ____ DAY OF ____, 2025, AND WAS FINALLY ADOPTED AT A MEETING OF THE CITY COUNCIL HELD ON THE ____ DAY OF ____, 2025, 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:

APPROVED:

ATTEST:

MARK TURNER, Mayor

MICHELLE BIGELOW, City Clerk

CERTIFICATE OF THE CITY CLERK

I, MICHELLE BIGELOW, CITY CLERK OF THE CITY OF MORGAN HILL, CALIFORNIA, do hereby certify that the foregoing is a true and correct copy of Ordinance No. xxx, New Series, adopted by the City Council of the City of Morgan Hill, California at their regular meeting held on ____ day of _____, 2025.

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

DATE: _____

MICHELLE BIGELOW, City Clerk

'EXHIBIT B'

AUTO PARK PD GUIDELINES REVISED ~~02/24/2009~~ October 2025

Allowed Uses

AU-1. Vehicle Sales and Leasing as defined by the Morgan Hill Municipal Code.

~~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. 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 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. I

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 signs 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 18.88, 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.

RESOLUTION NO. 25-13

A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF MORGAN HILL RECOMMENDING APPROVAL OF A ZONING AMENDMENT FOR AN ORDINANCE AMENDING THE DEVELOPMENT PLAN FOR A PLANNED UNIT DEVELOPMENT (PUD) ON A 35-ACRE SITE ON THE WEST SIDE OF CONDIT ROAD BETWEEN EAST DUNNE AVENUE AND TENNANT AVENUE (ZA 2025-0002 CONDIT - CONDIT ROAD PD) APN'S: 817-12-001,-003, -004, -018, -019; 817-13-019, -020, -021, -022, -024, -026, -027, -029, -030, -031, -032, -033, -034, and -035

WHEREAS: this proposed Ordinance (Zoning Amendment ZA2025-0002) was considered by the Planning Commission of the City of Morgan Hill at its regular meeting of September 23, 2025;

WHEREAS: the Planning Commission has reviewed recommendations contained in the September 23, 2025, staff report on this item;

WHEREAS, the amendments proposed by this Ordinance are necessary to implement the City's Economic Development Blueprint.

WHEREAS, this ordinance is categorically exempt from environmental review under Section 15061(b)(3) of the California Environmental Quality Act (CEQA) Guidelines. The proposed text amendments are covered by the common-sense exemption that CEQA applies only to projects which have the potential for causing a significant effect on the environment. Where it can be seen with certainty that there is no possibility that the activity in question may have a significant effect on the environment, the activity is not subject to CEQA; and

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

NOW, THEREFORE, THE MORGAN HILL PLANNING COMMISSION DOES RESOLVE AS FOLLOWS:

SECTION 1. The proposed zoning amendment is consistent with the General Plan and any applicable specific plan as provided by Government Code Section 65860.

The proposed zoning amendments are consistent with the City's General Plan, as they support commercial development in alignment with the site's existing Commercial land use designation.

SECTION 2. The proposed amendment will not be detrimental to the public interest, health, safety, convenience, or welfare of the City.

The proposed PD zoning amendments promote development in keeping with the Commercial General Plan site designations and Economic Development policies that promote economic development.

SECTION 3. The affected site is physically suitable in terms of design, location, shape, size, and other characteristics to ensure that the permitted land uses and development will comply with the zoning code and general plan and contribute to the health, safety, and welfare of the property, surrounding properties, and the community at large.

The property on the west side of Condit Road, between East Dunne Avenue and Tennat Avenue, is predominantly developed with retail and hotel uses. The proposed amendment will facilitate additional development that will contribute to the health, safety, and welfare of the property, surrounding properties, and the community at large.

SECTION 4. The Planning Commission hereby recommends approval of Zoning Amendment application ZA2025-0002 to amend the CH (PUD) overlay zoning as shown in the attached ordinance.

PASSED AND ADOPTED THIS 23RD DAY OF SEPTEMBER 2025, AT A REGULAR MEETING OF THE PLANNING COMMISSION BY THE FOLLOWING VOTE:

AYES: COMMISSIONERS:

NOES: COMMISSIONERS:

ABSTAIN: COMMISSIONERS:

ABSENT: COMMISSIONERS:

ATTEST:

APPROVED:

JENNA LUNA, Deputy City Clerk

JAMES WILSON, Chair

(DRAFT) ORDINANCE NO. _____, NEW SERIES

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF MORGAN HILL AMENDING THE DEVELOPMENT PLAN FOR A PLANNED UNIT DEVELOPMENT (PUD) ON A 35 ACRE SITE ON THE WEST SIDE OF CONDIT ROAD BETWEEN DUNNE AND TENNANT AVENUES (ZA2025-0002 CONDIT – CONDIT ROAD PUD) APN'S 817-12-001,-003, -004, -018, -019; 817-13-019-022, -024, -026,027, 029-032, and 034-035

WHEREAS. On March 25, 2009, the City Council adopted ordinance No. 1926 approving a zoning amendment to establish a Development Plan and Guidelines for a Planned Development area including the allowance for four motor vehicle sales dealerships at the southwest corner of Condit Road and Diana Avenue.

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

SECTION 1. The proposed zoning amendment is consistent with the General Plan and any applicable specific plan as provided by Government Code Section 65860.

The proposed zoning amendments are consistent with the City's General Plan, as they support commercial development in alignment with the site's existing Commercial land use designation. The Commercial designation is primarily applied to properties located along arterial roadways west of Highway 101 and along the eastern freeway frontage. This designation is intended to accommodate a broad range of retail and service-oriented uses, including automobile dealerships.

SECTION 2. The proposed amendment will not be detrimental to the public interest, health, safety, convenience, or welfare of the City.

The proposed amendment will not be detrimental to the public interest, health, safety, convenience, or welfare of the city

SECTION 3. The affected site is physically suitable in terms of design, location, shape, size, and other characteristics to ensure that the permitted land uses and development will comply with the zoning code and general plan and contribute to the health, safety, and welfare of the property, surrounding properties, and the community at large.

The property on the west side of Condit Road, between East Dunne Avenue and

Tennat Avenue, is predominantly developed with retail and hotel uses. The proposed amendment will facilitate additional development that will contribute to the health, safety, and welfare of the property, surrounding properties, and the community at large.

SECTION 4. This ordinance is categorically exempt from environmental review under Section 15061(b)(3) of the California Environmental Quality Act (CEQA) Guidelines. The proposed text amendments are covered by the common-sense exemption that CEQA applies only to projects which have the potential for causing a significant effect on the environment. Where it can be seen with certainty that there is no possibility that the activity in question may have a significant effect on the environment, the activity is not subject to CEQA.

SECTION 5. The City Council hereby amends the permitted and conditional uses as contained in the certain series of documents date stamped December 17, 2001 on file in the Community Development Department, entitled “Condit PUD planned development and phasing plan” prepared by DpC, Development Process Consultants.

Uses allowed within the PUD shall be amended as follows:

Permitted Uses

Restaurants, Sit down.

~~Wine tasting~~ **Tasting Rooms**

General Retail uses including grocery and excluding liquor 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 and outdoor recreation **30,000 square feet or less.** ~~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 recreation greater than **30,000 square feet.** ~~3,000 square feet~~

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.

~~Fast food Restaurants with drivethrough, 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

Convenience Markets (per MHMC 18.92.030)

Athletic Training Facility with ancillary accommodations

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

Temporary Uses

Limited to 1-year with (2) 1-year extensions

In addition to those temporary uses identified in section 18.92.150 c.

- **Live Entertainment**
- **Recreation**
- **Social Gatherings**

Any other temporary uses which the Development Services Director deems to be similar to other temporary uses

SECTION 6. The request was considered by the Planning Commission at its regular meeting of _____, 2025, at which time the Planning Commission recommended approval of Zoning Amendment application, ZA 2025-0002 Condit – Condit Road PD. The City Council accepts the recommendation of the Planning Commission.

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 on the 31st day following adoption. The City Clerk is hereby directed to publish this ordinance or a summary thereof pursuant to Government Code Section §36933.

THE FOREGOING ORDINANCE WAS INTRODUCED AT A MEETING OF THE CITY COUNCIL HELD ON THE ____ DAY OF ____, 2025, AND WAS FINALLY ADOPTED AT A MEETING OF THE CITY COUNCIL HELD ON THE ____ DAY OF ____, 2025, 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:

APPROVED:

ATTEST:

MARK TURNER, Mayor

MICHELLE BIGELOW, City Clerk

CERTIFICATE OF THE CITY CLERK

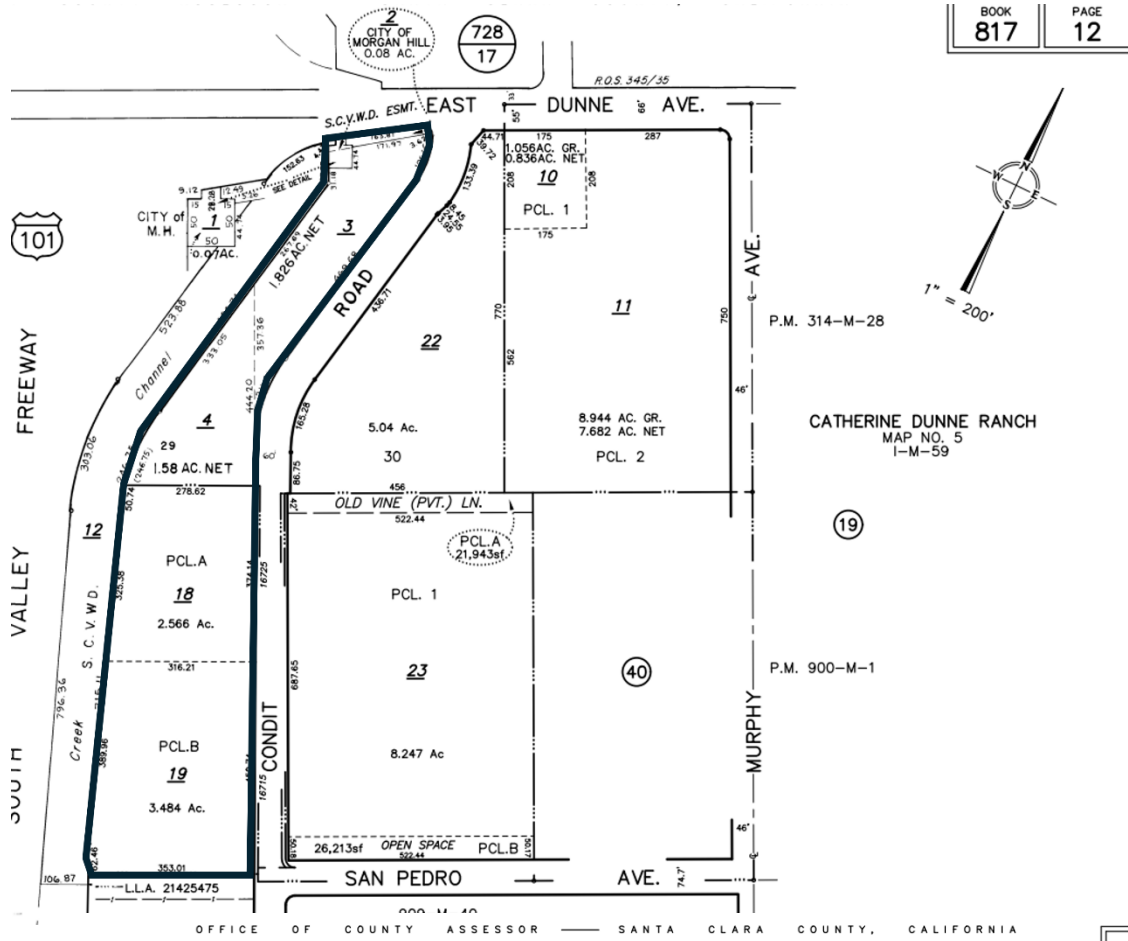
I, MICHELLE BIGELOW, CITY CLERK OF THE CITY OF MORGAN HILL, CALIFORNIA, do hereby certify that the foregoing is a true and correct copy of Ordinance No. xxx, New Series, adopted by the City Council of the City of Morgan Hill, California at their regular meeting held on ____ day of _____, 2025.

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

DATE: _____

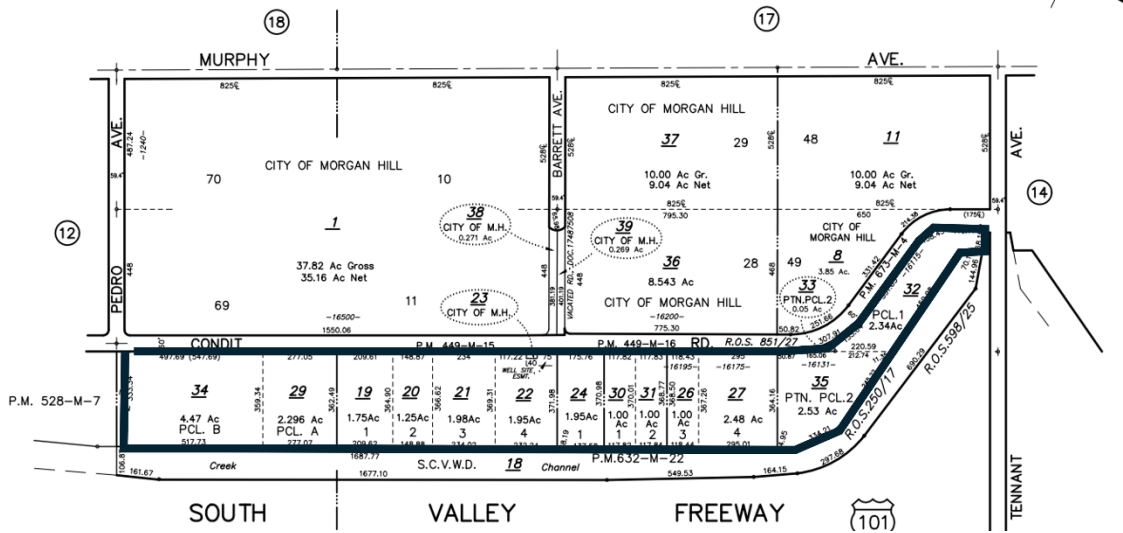
MICHELLE BIGELOW, City Clerk

EXHIBIT A



CATHERINE DUNNE RANCH MAP NO. 5
I-M-59

CATHERINE DUNNE RANCH MAP NO. 7
L-M-26



RESOLUTION NO. 25-11

A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF MORGAN HILL RECOMMENDING APPROVAL OF A ZONING AMENDMENT FOR AN ORDINANCE AMENDING THE HIGHWAY COMMERCIAL (CH) PLANNED UNIT DEVELOPMENT (PUD) OVERLAY ZONE ON A 9.27 ACRE SITE ON THE NORTH SIDE OF THE EASTERN TERMINUS OF LAUREL ROAD (ZA2025-0005 LAUREL – HONDA) APN'S: 726-01-001, 726-01-006, AND 726-01-007

WHEREAS: this proposed Ordinance (Zoning Amendment ZA2025-0005) was considered by the Planning Commission of the City of Morgan Hill at its regular meeting of September 23, 2025;

WHEREAS: the Planning Commission has reviewed recommendations contained in the September 23, 2025, staff report on this item;

WHEREAS, the amendments proposed by this Ordinance are necessary to implement the City's Economic Development Blueprint.

WHEREAS, this ordinance is categorically exempt from environmental review under Section 15061(b)(3) of the California Environmental Quality Act (CEQA) Guidelines. The proposed text amendments are covered by the common-sense exemption that CEQA applies only to projects which have the potential for causing a significant effect on the environment. Where it can be seen with certainty that there is no possibility that the activity in question may have a significant effect on the environment, the activity is not subject to CEQA; and

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

NOW, THEREFORE, THE MORGAN HILL PLANNING COMMISSION DOES RESOLVE AS FOLLOWS:

SECTION 1. The proposed zoning amendment is consistent with the General Plan and any applicable specific plan as provided by Government Code Section 65860.

The proposed zoning amendments are consistent with the City's General Plan, as they support commercial development in alignment with the site's

existing Commercial land use designation.

SECTION 2. The proposed amendment will not be detrimental to the public interest, health, safety, convenience, or welfare of the City.

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

SECTION 3. The affected site is physically suitable in terms of design, location, shape, size, and other characteristics to ensure that the permitted land uses and development will comply with the zoning code and general plan and contribute to the health, safety, and welfare of the property, surrounding properties, and the community at large.

The site is presently developed with a vehicle sales use and the allowance for additional dealerships within the same area will not be detrimental to the health, safety, and welfare of the property, surrounding properties, and the community at large.

SECTION 4. The Planning Commission hereby recommends approval of Zoning Amendment application ZA2025-0005 to amend the CH (PUD) overlay zoning as shown in the attached ordinance.

PASSED AND ADOPTED THIS 23RD DAY OF SEPTEMBER 2025, AT A REGULAR MEETING OF THE PLANNING COMMISSION BY THE FOLLOWING VOTE:

AYES: COMMISSIONERS:

NOES: COMMISSIONERS:

ABSTAIN: COMMISSIONERS:

ABSENT: COMMISSIONERS:

ATTEST:

APPROVED:

JENNA LUNA, Deputy City Clerk

JAMES WILSON, Chair

(DRAFT) ORDINANCE NO. _____, NEW SERIES

**AN ORDINANCE OF THE CITY COUNCIL OF THE
CITY OF MORGAN HILL AMENDING THE HIGHWAY
COMMERCIAL (CH) PLANNED DEVELOPMENT (PD)
OVERLAY ZONE ON A 9.27 ACRE SITE ON THE
NORTH SIDE OF THE EASTERN TERMINUS OF
LAUREL ROAD (ZA2025-0005 LAUREL – HONDA)
APN'S: 726-01-001, 726-01-006, AND 726-01-007**

WHEREAS. On April 17, 1996, the City Council adopted Ordinance No. 1273, N.S., establishing a Highway Commercial (CH) and Planned Unit Development (PUD) overlay zone to allow one motor vehicle dealership use on parcel 726-01-001 and unspecified highway commercial uses within the remainder of the zoning area on the north side of the eastern terminus of Laurel Road.

WHEREAS. On December 3, 2014, the City Council adopted Ordinance No 2125, to revise the boundaries of the PUD to include parcels 726-01-001, -006, and -007 in their entirety as shown in EXHIBIT A.

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

SECTION 1. The proposed zoning amendment is consistent with the General Plan and any applicable specific plan as provided by Government Code Section 65860.

The proposed zoning amendments are consistent with the City's General Plan, as they support commercial development in alignment with the site's existing Commercial land use designation. The Commercial designation is primarily applied to properties located along arterial roadways west of Highway 101 and along the eastern freeway frontage. This designation is intended to accommodate a broad range of retail and service-oriented uses, including automobile dealerships.

SECTION 2. The proposed amendment will not be detrimental to the public interest, health, safety, convenience, or welfare of the City.

The proposed amendment will not be detrimental to the public interest, health, safety, convenience, or welfare of the city

SECTION 3. The affected site is physically suitable in terms of design, location, shape, size, and other characteristics to ensure that the permitted land uses and development will comply with the zoning code and general plan and contribute to the health,

safety, and welfare of the property, surrounding properties, and the community at large.

The site is presently developed with a vehicle sales use and the allowance for additional dealerships within the same area will not be detrimental to the health, safety, and welfare of the property, surrounding properties, and the community at large.

SECTION 4. This ordinance is categorically exempt from environmental review under Section 15061(b)(3) of the California Environmental Quality Act (CEQA) Guidelines. The proposed text amendments are covered by the common-sense exemption that CEQA applies only to projects which have the potential for causing a significant effect on the environment. Where it can be seen with certainty that there is no possibility that the activity in question may have a significant effect on the environment, the activity is not subject to CEQA.

SECTION 5. The City Council hereby amends the permitted uses of the subject Planned Unit Development (PUD) overlay zone as follows:

Allowable Uses:

Land Uses of the Highway Commercial (CH) Zoning District

~~One motor vehicle sales and service use, to be located on the most easterly parcel in the PUD.~~

Vehicle Sales and Leasing per (MHMC 18.124.40).

SECTION 6. The request was considered by the Planning Commission at its regular meeting of _____, 2025, at which time the Planning Commission recommended approval of Zoning Amendment application, ZA2025-0005: Laurel– Honda PUD. The City Council accepts the recommendation of the Planning Commission.

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 on the 31st day following adoption. The City Clerk is hereby directed to publish this ordinance or a summary thereof pursuant to Government Code Section §36933.

THE FOREGOING ORDINANCE WAS INTRODUCED AT A MEETING OF THE CITY COUNCIL HELD ON THE ____ DAY OF ____, 2025, AND WAS FINALLY ADOPTED AT A MEETING OF THE CITY COUNCIL HELD ON THE ____ DAY OF ____, 2025, 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:

APPROVED:

ATTEST:

MARK TURNER, Mayor

MICHELLE BIGELOW, City Clerk

CERTIFICATE OF THE CITY CLERK

I, MICHELLE BIGELOW, CITY CLERK OF THE CITY OF MORGAN HILL, CALIFORNIA, do hereby certify that the foregoing is a true and correct copy of Ordinance No. xxx, New Series, adopted by the City Council of the City of Morgan Hill, California at their regular meeting held on ____ day of _____, 2025.

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

DATE: _____

MICHELLE BIGELOW, City Clerk

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BOOK 726	PAGE 1
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