

RESOLUTION NO. 23-02

A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF MORGAN HILL APPROVING AN AMENDMENT TO THE CONDITIONAL USE PERMIT (AAE2019-0001 to UP94-01), APPROVING A MITIGATED NEGATIVE DECLARATION, AND ADOPTING A MITIGATION MONITORING AND REPORTING PROGRAM (EA2019-0007) TO ALLOW FOR THE DEMOLITION AND RECONSTRUCTION OF THE EXISTING GAS STATION WITH CAR WASH AND CONVENIENCE STORE LOCATED AT 810 EAST DUNNE AVENUE (APN 817-11-043 AND 077)

WHEREAS, an application was submitted by Sunny Goyal representing AU Energy, LLC, for the request of an amendment (AAE2019-0001) to the conditional use permit (UP94-01) to allow for the demolition and reconstruction of the existing gas (fuel service) station with car wash and convenience store (“Project”). The property, identified by Assessor Parcel Numbers (APN 817-11-043 and 817-11-077), is located on the southeast corner of Dunne Avenue and Walnut Grove Drive (Sunny Goyal, Property Owner); and

WHEREAS, such request was considered by the Planning Commission at its regular meeting of March 28, 2023; and

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

WHEREAS, the City of Morgan Hill is the lead agency on the Project, and the Planning Commission is the decision-making body for the proposed Project; and

WHEREAS, prior to the adoption of this Resolution, the Planning Division of the City of Morgan Hill prepared an Initial Study (IS), a Mitigated Negative Declaration (MND), and the Mitigation Monitoring and Reporting Program (MMRP) for the Project in accordance with the requirements of the California Environmental Quality Act of 1970, as amended (“CEQA”), and state and local guidelines implementing CEQA; and

WHEREAS, the IS, MND, and MMRP prepared for the project is incorporated, by this reference, into this Resolution as if fully set forth herein; and

WHEREAS, the Planning Commission has reviewed and considered the IS/MND and MMRP for the Project; and

WHEREAS, although the proposed project could have a significant effect on the

environment, all potentially significant effects have been (a) analyzed adequately in the IS/MND and (b) have been avoided or mitigated pursuant to the MMRP which includes measures that are imposed upon the Project and reduces potential impacts to a less than significant level and is consistent with Section 15070 of CEQA Guidelines.

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

SECTION 1. The Planning Commission does hereby make the following CEQA findings:

- (1) It has independently reviewed and analyzed the Initial Study/Mitigated Negative Declaration and other information in the record and has considered the information contained therein, prior to acting upon the Project;
- (2) The Initial Study/Mitigated Negative Declaration prepared for the Project has been completed in compliance with CEQA and consistent with state and local guidelines implementing CEQA;
- (3) The Initial Study/Mitigated Negative Declaration represents the independent judgment and analysis of the City as lead agency for the Project. The Development Services Director of the Development Services Department at 17575 Peak Avenue, Morgan Hill, California 95037, is the custodian of documents and records of proceedings on which this decision is based; and,
- (4) On the basis of the whole record before it (including the Initial Study and any comments received), there is no substantial evidence that the project will have a significant effect on the environment with the application of mitigation measures.

SECTION 2. The approved Conditional Use Permit has been found consistent with the Findings of approval contained in Section 18.108.030 of the Zoning Code and hereby adopted:

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

A fuel service station and convenience market is a conditionally permitted use within the General Commercial zoning designation.

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

The use is consistent with the General Plan, specifically, but not limited to,

Policies CNF 8.1, CNF 8.7, CNF 8.9 and CNF 16.2 as described in the staff report. The proposed project enhances the existing use by redeveloping the site, and if approved, will construct the facility to meet all the development standards within the zoning district.

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

The proposed use is a redevelopment of the existing use. The site plan demonstrates that the proposed gas (fuel) service station with car wash and convenience store can meet all the development standards of the City of Morgan Hill Municipal Code and aesthetically enhances the site layout and design.

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

The proposed use is the redevelopment of an existing use at this location. The proposed site layout relocates the convenience store closer to Dunne Avenue, removes driveway access point from Dunne Avenue to enhance circulation, realigns the pump stations with a canopy, and incorporates the carwash into the convenience market building.

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

The new construction will meet all current building codes and therefore will not be detrimental to the public health, safety, and welfare. In addition, an environmental assessment was completed in compliance with the California Environmental Quality Act and concludes that the project will have a less than significant impact with the adoption of the listed mitigation measures.

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

The site is accessed from the south and east by the common drive aisle with the Commercial Shopping Center, and a separate individual access point off of Dunne Avenue. A Traffic Impact Analysis (TIA) was conducted to analyze the proposed site layout and queuing of the car wash, removal of the access point off Dunne Avenue, and modifications to the common entrance to the Commercial Shopping Center off Dunne Avenue. The new site plan enhances circulation by relocating the store and car wash to the northwest corner of the site, centrally locating the fueling stations with canopy, and removing a curb cut driveway access point off of Dunne Avenue. The removal of the driveway access point off Dunne Avenue is

preferred. The City discourages multiple curb cut access points within a close proximity along arterial roadways and located. The TIA concludes the overall onsite vehicular circulation is adequate and should not result in traffic operation issues that would result in a significant impact to the City streets.

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

The proposed use is the redevelopment of the existing use at this location and, pursuant to the General Plan, there is sufficient services and infrastructure to support the remodeled gas station with convenience market.

SECTION 3. The Planning Commission hereby adopts the IS/MND with MMRP and approves the Conditional Use Permit subject to the conditions set forth in Exhibit A attached hereto and incorporated herein this reference. Any expansion, intensification, or changes to the use approved under this conditional use permit deemed major by the Development Services Director shall be permitted only upon amendment of this Conditional Use Permit or approval of a separate Conditional Use Permit application.

PASSED AND ADOPTED THIS 28th DAY OF MARCH 2023, AT A REGULAR MEETING OF THE PLANNING COMMISSION BY THE FOLLOWING VOTE:

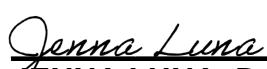
AYES: COMMISSIONERS: MUELLER, TANDA, HABIB, LAKE, WILSON

NOES: COMMISSIONERS: NONE

ABSTAIN: COMMISSIONERS: NONE

ABSENT: COMMISSIONERS: DOWNEY, KUMAR

ATTEST:


Jenna Luna
JENNA LUNA, Deputy City Clerk

APPROVED:


Joseph H. Mueller
Joseph H. Mueller (Apr 2, 2023 17:34 PDT)

JOSEPH MUELLER, Chair

EXHIBIT "A"
STANDARD CONDITIONS

APPLICATION NO: AAE2019-0001 EA2019-0007

**THE FOLLOWING APPROVAL REQUIREMENTS AND ANY SPECIAL CONDITIONS
SHALL BE APPLIED THROUGH THE DEVELOPMENT APPROVAL PROCESS.**

Legend

MHMC= Morgan Hill Municipal Code

MHARH= Morgan Hill Architectural Review Handbook

CMH= City of Morgan Hill

CFC= California Fire Code

I. PROJECT DESCRIPTION

The 1.07-acre project site consists of two parcels located on the southeast corner of Dunne Avenue and Walnut Grove Drive. The site is accessed from the south and east by the common drive aisle with the Commercial Shopping Center, and a separate individual access point off of Dunne Avenue. The site is currently developed with an existing Shell gas station, car wash, and convenience store featuring a fueling canopy comprised of seven fuel dispensers, a car wash and paved surface parking.

II. PROJECT MITIGATION MEASURES

The applicant shall be subject to compliance with the mitigation measures of the project's adopted Mitigation Monitoring and Reporting Program. The following mitigation measures shall be included with all building permit, grading, or improvement plans.

A. **MM BIO-1 (IV-1):** If construction is proposed during the breeding season (February 1 to August 31), a pre-construction nesting survey for raptors and other protected migratory birds shall be conducted by a qualified biologist and submitted to the City of Morgan Hill Development Services Department for review no more than 14 days prior to the start of construction. Pre-construction surveys during the non-breeding season (September 1 to January 31) are not necessary for birds, including roosting raptors, as they are expected to abandon their roosts during construction. If the aforementioned species are deemed absent from the area, no further mitigation is required and construction may occur within 14 days following the survey during the early nesting season (February to May) and within 30 days following the survey during the late nesting season (June to August).

If nesting migratory birds or raptors are detected on or adjacent to the project site during the survey, a suitable construction-free buffer shall be established around all active nests. The precise dimension of the buffer (250-foot minimum for certain raptors) shall be determined by the qualified biologist at that time and may vary depending on location, topography, type of construction activity, and species. The

buffer areas shall be enclosed with temporary fencing, and construction equipment and workers shall not enter the enclosed setback areas. Buffers shall remain in place for the duration of the breeding season or until it has been confirmed by a qualified biologist that all chicks have fledged and are independent of their parents.

B. **MM BIO-2 (IV-2):** The project applicant shall mitigate for the removal of on-site Ordinance Sized Trees and Street Trees, as identified in the Existing Topography sheet for the proposed project, by obtaining a Tree Removal Permit in accordance with the requirements set forth in Morgan Hill Municipal Code Chapter 12.32 and providing an on-site replacement planting at a minimum 1:1 ratio with 15-gallon minimum size trees.

For the Ordinance Sized Trees and Street Trees to be preserved as part of the proposed project, the project applicant shall retain a certified arborist to prepare a Tree Protection Plan, subject to review and approval by the Morgan Hill Development Services Department, prior to issuance of a grading permit. The plan shall demonstrate how any retained trees are to be protected during and after construction. The Tree Protection Plan may include, but not be limited to, the following:

- Locate structures, grade changes, etc. as far as feasible from the 'dripline' area of the tree.
- Avoid root damage through grading, trenching, compaction, etc., at least within an area 1.5 times the 'dripline' area of trees. Where root damage cannot be avoided, roots encountered (over one inch in diameter) should be exposed approximately 12 inches beyond the area to be disturbed (towards tree stem), by hand excavation, or with specialized hydraulic or pneumatic equipment, cut cleanly with hand pruners or power saw, and immediately back-filled with soil. Tearing, or otherwise disturbing the portion of the root(s) to remain, shall be avoided.
- A temporary fence shall be constructed as far from the tree stem (trunk) as possible, completely surrounding the tree, and six to eight feet in height. 'No parking or storage' signs shall be posted outside/on the fencing. Postings shall not be attached to the main stem of the tree.
- Vehicles, equipment, pedestrian traffic, building materials, debris storage, and/or disposal of toxic or other materials shall not be permitted inside of the fenced off area.
- The project applicant shall avoid pruning immediately before, during, or immediately after construction impact. Perform only that pruning which is unavoidable due to conflicts with proposed development. Aesthetic pruning should not be performed for at least one to two years following completion of construction.
- Trees that will be impacted by construction may benefit from fertilization, ideally performed in the fall, and preferably prior to any construction activities, with not more than six pounds of actual nitrogen per 1,000 square feet of accessible 'drip line' area or beyond.

- The 'rooting' area shall be mulched with an acidic, organic compost or mulch.
- The project applicant shall arrange for periodic (biannual/quarterly) inspection of tree's condition, and treatment of damaging conditions (insects, diseases, nutrient deficiencies, etc.) as such conditions occur, or as appropriate.

Subject to the discretion of the Development Services Department, individual trees likely to suffer significant impacts may require specific, more extensive efforts and/or a more detailed specification than those contained within the above general guidelines.

C. **GHG-1 (VIII-1):** The following requirement shall be noted on project improvement plans, subject to review and approval by the Morgan Hill Development Services Department:

- A minimum of two electric vehicle (EV) capable parking spaces shall be included onsite, consistent with the Tier 2 CALGreen standards.

D. **HAZ-1 (IX-1):** Prior to the issuance of a grading permit, the project applicant shall submit an application for an Underground Storage Tank (UST) System Closure Permit to the Santa Clara County Hazardous Materials Compliance Division (HMCD) for review and approval, pursuant to the requirements set forth in Santa Clara County Code Section B11-325. As part of the UST System Closure Permit application, the project applicant shall also pay associated fees. At minimum, the UST Closure Permit application shall detail the following:

- The proposed schedule for collection and sampling of soils beneath the on-site USTs and along piping runs;
- The California Department of Toxic Substances Control (DTSC) and U.S. Environmental Protection Agency (USEPA) standards against which collected on-site soils shall be tested;
- Applicable work practice standards, in accordance with the Occupational Safety and Health Administration (OSHA) Technical Manual, that shall be implemented to ensure appropriate precautions are incorporated to protect construction workers and the surrounding community during removal of the on-site USTs and associated piping runs;
- The proposed disposal methods for on-site soils associated with the existing USTs and piping runs;
- The proposed date of UST closure inspection; and
- The methods with which soils shall be remediated on-site, if contaminants in tested soils exceed applicable standards. If on-site remediation is not possible, the methods and routes in which contaminated soils shall be hauled to an appropriate facility for disposal.

In accordance with California Code of Regulations (CCR) Title 22, Division 4.5, Chapter 32, the existing on-site USTs and primary piping shall be managed as hazardous waste upon removal, unless such facilities are cleaned on-site and certified by an HMCD representative as non-hazardous in accordance with DTSC

hazardous waste regulations. The proposed UST and sump removal and sampling activities shall be witnessed by a HMCD representative.

E. **HAZ-2 (IX-2):** If unidentified or suspected contaminated soil or groundwater, as evidenced by stained soil, noxious odors, or other factors, is encountered during site improvements, work shall stop in the area of potential contamination, and the nature and extent of the contamination shall be assessed by a qualified environmental professional. The qualified environmental professional shall be retained by the applicant to prepare a report that describes the assessment of apparently contaminated soil and any identified contaminants and their reported concentrations. The report shall also include a comparison of contaminant concentrations (if any) to applicable health risk-based screening levels and hazardous waste criteria (as appropriate), provide a conclusion stating whether or not the contaminants are present at concentrations that could pose a threat to human health or the environment, and, if so, recommend appropriate handling and/or off-site disposal of the contaminated soil, as appropriate. Site improvement activities shall not recommence within the contaminated areas until any necessary remediation identified in the report is complete. The report and verification of proper remediation and disposal shall be submitted to the Santa Clara County Environmental Health Department for review and approval.

F. **HAZ-3 (IX-3):** If on-site soil excavation for UST removal and replacement will result in the need to export the excavated soil for disposal at an off-site location, the applicant shall retain a qualified environmental professional to characterize the excavated soil as a waste to determine an appropriate disposal facility and obtain their acceptance of the soil. The qualified environmental professional shall oversee the loading, transportation, and disposal of the soil including retaining copies of transportation and disposal documentation (i.e., waste manifests and landfill weigh tickets, respectively). The qualified environmental professional shall also prepare a report summarizing the methodology of soil waste characterization, results of the characterization, and describing the loading, transportation, and disposal of the soil. The report shall be submitted to the Santa Clara County Environmental Health Department for review and approval.

G. **TRA-1 (XVII-1):** Prior to any construction activities at the project site, the project applicant shall prepare a detailed Construction Traffic Control Plan and submit it for review and approval to the City of Morgan Hill Engineering Land Development Division. At a minimum, the plan shall include:

- The number of truck trips, time, and day of street closures;
- Time of day of arrival and departure of trucks;
- Limitations on the size and type of trucks, provision of a staging area with a limitation on the number of trucks that can be waiting;
- Provision of a truck circulation pattern;

- Provision of driveway access plan so that safe vehicular, pedestrian, and bicycle movements are maintained (e.g., steel plates, minimum distances of open trenches and private vehicle pick up and drop off areas);
- Safe and efficient access routes for emergency vehicles;
- Manual traffic control, when necessary;
- Proper advance warning and posted signage concerning street closures; and
- Provisions for pedestrian safety.

A copy of the Construction Traffic Control Plan shall be submitted to local emergency response agencies, and the agencies shall be notified at least 14 days prior to the commencement of construction that would partially or fully obstruct roadways.

III. PROJECT CONDITIONS OF APPROVAL

It shall be the responsibility of the Owner to ensure that any changes or modifications to the Project are in compliance with the original City Conditions of Approval of the Project, which are hereby incorporated herein as set forth in full.

PLANNING DIVISION

- A. **Conditional Use Permit.** This Conditional Use Permit approval is limited to the Project Description above and the conceptual plan set on file (AAE2019-0001) with the Development Services Department. The proposal will require approval of a Design Permit prior to submittal of a building permit. The approved building plans and landscape plans must be in substantial conformance with the approved Use Permit and future Design Permit plans as determined by the Development Services Director.
- B. **Design Permit.** The applicant shall submit for a Design Permit for the review of the future gas station with car wash and convenience market. The site design shall comply with all applicable development standards within the General Commercial Zoning designation and applicable parking requirements.
- C. **Convenience markets with fuel services stations.** Per Section 18.92.032 of the Municipal Code, convenience markets which also sell automotive fuels shall provide the following additional services without charge:
 1. Restrooms available to customers and employees. If restroom entrances open directly to the outside of the building, the restroom entrances shall be screened from public view and shall comply with the lighting and crime prevention measure in the Section 18.92.032(D).
 2. Hoses conveying air and water for the service of automotive vehicles available for public uses in locations approved by the development services department.
- D. **Loiter Control.** Per Section 18.92.032 of the Municipal Code, convenience markets which also sell automotive fuels shall control loitering by incorporating the following standards:

1. Public pay telephones on an exterior wall of the convenience market fuel and service stations or anywhere on the site shall not allow incoming calls. Public telephones allowing incoming calls are allowed within the building interior.
2. Video games may not be installed or operated on the premises of the convenience market with fuel and service station.

E. **Crime Prevention Measures.** Per Section 18.92.032 of the Municipal Code, the following measure shall be followed:

1. The exterior of the convenience market with fuel and service stations shall be illuminated during all hours of darkness during which the market is open for business. Exterior illumination shall allow law enforcement personnel to easily identify persons within front entry areas, adjacent public sidewalks, parking areas, throughways, and alleys under control by the convenience market. Illumination shall be located and designed to minimize interference with the enjoyment of nearby residential properties.
2. Commercial alarm systems and video security cameras shall be installed and maintained within the building to the specifications of the police department as required by this conditional use permit.
3. The police department may require additional crime prevention measures as part of this approval. In this case, the Police Department is requiring access to camera feed and camera recordings to be available to view in real time and recorded footage if/when required.
4. Persons under the age of eighteen who are employed in a capacity which allows for selling of alcoholic beverage must be under the continual supervision of a person twenty-one years of age or older.

F. **Concurrent Sale of Alcoholic Beverages and Automotive Fuels.** Per Section 18.92.032 of the Municipal Code, when the concurrent sale of alcoholic beverages and automotive fuels are proposed in conjunction with the convenience market, the following additional requirements shall apply:

1. No alcoholic beverages shall be displayed within ten feet of the cash register or front door unless located within a permanently affixed cooler.
2. No display or sale of alcoholic beverages shall be made from an ice tub.
3. No alcoholic beverages advertising shall be located on fuel pump islands and no self-illuminated advertising for alcoholic beverages shall be located on buildings or windows.
4. Employees on duty between the hours of ten p.m. and two a.m. who sell beer or wine shall be at least twenty-one years of age.

G. A liquor store with a fuel and service station is not permitted.

H. **Time Limits:** The conditional use permit approval granted pursuant to this Resolution shall remain in effect for two years from approval date. Failure to obtain a design permit 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 18.108.040 and 18.104.210)**

I. **Defense and Indemnity.** As part of, and in connection, with this application to the City of Morgan Hill, Applicant agrees to defend, indemnify, and hold harmless the City of Morgan Hill, its officers, agents, employees, officials and representatives (Indemnitees) from and against any and all claims, actions, or proceedings arising from any suit for damages or for equitable or injunctive relief which is filed against City to attack, set aside, void or annul its approval of this application or any related decision, or the adoption of any environmental documents which relates to said approval. The City shall promptly notify the Applicant of any such claim, action or proceeding and the City shall cooperate fully in the defense thereof. In the event that Applicant is required to defend Indemnitees in connection with the proceeding, Indemnitees shall retain the right to approve (a) the counsel to so defend Indemnitees; (b) all significant decisions concerning the manner in which the defense is conducted; and (c) any and all settlements, which approval shall not be unreasonably withheld. This indemnification shall include, but is not limited to, (a) 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; (b) reasonable internal City administrative costs, including but not limited to staff time and expense spent on the litigation, after tender is accepted; and (c) all damages, costs, expenses, attorney fees or expert witness fees that may be awarded to the prevailing party arising out of or in connection with the approval of the application or related decision. City may, in its sole discretion, participate in the defense of such action; but such participation shall not relieve Applicant of its obligations under this condition. The undersigned hereby represents that they are the Applicant or are fully empowered by the Applicant as their agent to agree to provide the indemnification, defense and hold harmless obligations, and the signature below represents the unconditional agreement by Applicant to be bound by such conditions.

ENGINEERING DIVISION

- A. The Design Permit will be reviewed for compliance with the Municipal Code including but not limited to the on- and off-site improvements and storm water control plan. A lot merger may be required prior to building permit issuance.
- B. Project will be subject to impact fees prior to issuance of any future building permit.

ENVIRONMENTAL SERVICES

- A. The Design Permit landscaping shall comply with the Morgan Hill Municipal Code (MHMC) 18.148 – Water Conservation.

BUILDING DIVISION

- A. The following items need to be incorporated into the design and will be verified at Building Permit application plan review:

1. Project shall be designed to comply with the current edition of the California Codes of Regulations as amended by the Morgan Hill Municipal Code Title 15.
2. Project shall comply with the Morgan Hill Municipal Code (MHMC) including but not limited to:
 - a. MHMC 15.65 Sustainable Building Regulations.
https://library.municode.com/ca/morgan_hill/codes/code_of_ordinances?nodeId=TIT15BUCO_CH15.65SUBURE
 - b. MHMC 15.40 Building Security
https://library.municode.com/ca/morgan_hill/codes/code_of_ordinances?nodeId=TIT15BUCO_CH15.40BUSE
 - c. MHMC 15.38 Wage Theft Preventions
https://library.municode.com/ca/morgan_hill/codes/code_of_ordinances?nodeId=TIT15BUCO_CH15.38WATHPR
 - d. MHMC 18.148 Water Conservation
https://library.municode.com/ca/morgan_hill/codes/code_of_ordinances?nodeId=TIT18ZO_DIVIIDEO_CH18.148WACO
 - e. MHMC 15.63 Prohibition of Natural Gas Infrastructure in New Buildings
https://library.municode.com/ca/morgan_hill/codes/code_of_ordinances?nodeId=TIT15BUCO_CH15.38WATHPR
3. A separate Building Permit will be required for demolition of existing structures. Demolition of existing tank requires Santa Clara Environmental Health Hazardous Materials approval.
4. A separate submittal, fee and permit is required to Santa Clara County Environmental Health for installation of fuel tanks and food preparation.

FIRE DIVISION

A. **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 plan submittal application that clearly shows all intended grading, demolition, construction or building modifications.

Prior to Design Permit submittal, provide Fire Apparatus turning template to show onsite access, turning, radius and if access exceeds 150-feet and approved fire apparatus turn around.

B. **Fire Apparatus (Engine) Access Roads Required:** Prior to the commencement of combustible construction, an access roadway 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 to the City of Morgan Hill Standard Details and Specifications 11-B. **(CFC Section 503 as amended by MHMC 15.44.140)**

- C. Review of the conceptual plans does not release the developer, architect, or contractor of the responsibility for the corrections of mistakes, errors or omissions contained therein.

POLICE DEPARTMENT

- A. **Safety and Security Plan.** The Police Department shall review and approve a safety and security plan for the facility including a security camera plan prior to the issuance of a building permit or site development permit, whichever one is issued first.
- B. **Camera Access.** The Police department will require access to camera feed and camera recordings to be able to view real time and recorded footage if/when required.

Planning Commission Resolution and Conditions (AU Energy)

Final Audit Report

2023-04-03

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"Planning Commission Resolution and Conditions (AU Energy)" History

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