

RESOLUTION NO. 21-01

A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF MORGAN HILL APPROVING A CONDITIONAL USE PERMIT TO PERMIT AN APPROXIMATELY 1,575 SQUARE FOOT ADDITION TO AN EXISTING 9,296 SQUARE FOOT CHURCH BUILDING LOCATED AT 17400 PEAK AVENUE ON THE NORTHWEST CORNER OF NOBLE COURT AND PEAK AVENUE (APN 767-04-010)

WHEREAS, on May 07, 2020, St. Catherine of Alexandria Church submitted an application for a Conditional Use Permit UP-2020-0007: Peak-St. Catherine to allow for an approximately 1,575 square foot addition to an existing 9,296 square foot church building; and

WHEREAS, the Development Services Director has determined that the Project is exempt from the California Environmental Quality Act (CEQA) pursuant to Section 15301 Class 1 of the CEQA Guidelines. The addition would not exceed 50 percent of the floor area or 2,500 square feet; and

WHEREAS, such request was initially presented to the Planning Commission at their regular meeting of January 12, 2021 and continued to January 26, 2021; and

WHEREAS, such request was considered by the Planning Commission at their regular meeting of January 26, 2021; and

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

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

SECTION 1. The conditional use is consistent with the Zoning Ordinance and the General Plan as described below and in the staff report dated January 12, 2021.

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

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

Community assembly is allowed within the RAL 3,500 zone district with an approved Conditional Use Permit.

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

Community assembly uses are typically found within or adjacent to residential area and are allowed with an approved Conditional Use Permit. The place of worship also serves as a neighborhood center to the surrounding area.

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

The intended use of the site is for a church. There will be sufficient parking onsite to accommodate the use. The use will operate primarily during non-traditional business hours and will not adversely impact the surrounding neighborhood.

- 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 project site meets the on-site parking requirements, with additional street parking available. There is weekday morning mass, however the majority of worship/mass services occur on the weekend when City facilities are closed and the traffic in the neighborhood is a minimum. The proposed addition to the facility is not expected to impact the neighborhood.

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

Adequate parking will be provided on-site. Typical worship/mass services are held indoors. The proposed addition to the existing facility would not be detrimental to the public health, safety, and welfare of the neighborhood.

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

The surrounding area is mostly residential and public facilities (City Hall, Council Chambers, City library). The place of worship is an existing use and does not currently generate

any substantial adverse effect on street circulation. Worship/mass services primarily occur on weekends, when City facilities are closed. Therefore, the proposed activity would not have an impact on circulation or the planned capacity of the street system.

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

The property is within City limits and urban service area. The property is adequately served by City services and PG&E.

SECTION 3. The Planning Commission hereby approves the conditional use subject to the conditions set forth in "Exhibit A - Conditions of Approval", attached hereto and incorporated herein by this reference. The place of worship shall additionally be expressly conditioned to operate in conformance with statement of operations incorporated herein. Any expansion, intensification, or changes to the uses approved under this Conditional Use Permit shall be permitted only upon amendment of this Conditional Use Permit or approval of a separate Conditional Use Permit application.

SECTION 4. Notice is hereby given that, pursuant to the Mitigation Fee Act, the City of Morgan Hill charges certain fees (as such term is defined in Government Code Section 66000) in connection with approval of your use for the purpose of defraying all or a portion of the cost of public facilities related to your development project (Mitigation Fee Act Fees). These fees do not include fees for processing applications for governmental regulatory actions or approvals, or fees collected (a) under development agreements, (b) pursuant to agreements with the Morgan Hill Redevelopment Agency or (c) as a part of your application for development allocations under the City's Residential Development Control System. The Mitigation Fee Act Fees applying to your project are listed in the schedule of fees provide. Notice is also hereby given that you have the opportunity to protest the imposition of the Mitigation Fee Act Fees within 90 days of the approval of the approval or conditional approval of your development project and that the 90-day approval period in which you may protest has begun. This right to protest does not apply to voluntary Residential Development Control System fees.

PASSED AND ADOPTED THIS 26th DAY OF JANUARY 2021, AT A REGULAR MEETING OF THE PLANNING COMMISSION BY THE FOLLOWING VOTE:

AYES:	COMMISSIONERS:	HABIB, KUMAR, MUELLER, GONZALEZ-ESCOTO, DOWNEY, MUNOZ - MORRIS
NOES:	COMMISSIONERS:	TANDA
ABSTAIN:	COMMISSIONERS:	NONE
ABSENT:	COMMISSIONERS:	NONE

ATTEST:


JENNA LUNA, Deputy City Clerk

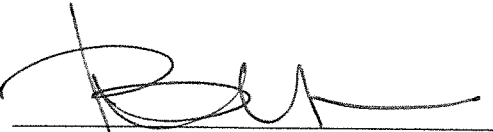
APPROVED:


MOHAMMAD HABIB, Chair

AFFIDAVIT

We, St. Catherine of Alexandria Church applicants, hereby agree to accept and abide by the terms and conditions specified in this resolution.

By:


Rosio Gonzalez, CDO
Attorney-in-Fact

Date:

3/4/2021

Statement of Operations

St. Catherine of
Alexandria Parish
Renewal Project
17400 Peak Ave
Morgan Hill, CA 95037

Project Description

St. Catherine Parish proposes to renew the existing church in order to beautify both the interior and exterior of the building. The architecturally re-designed building and structure will be pleasing to the eye and will be in compliance with all pertinent regulations. The church will have a new, welcoming façade towards Peak Avenue that visually links the buildings on the site, with similar massing and exterior color scheme.

The renewed church will have small additions on each side of the new entry portico that will house new accessible restrooms and ancillary spaces, such as a crying room and vestry. The exterior concrete masonry will be resurfaced with painted stucco. All of the interior finishes will be replaced, and the mechanical, plumbing and electrical systems upgraded. A sprinkler and fire alarm system will be added. The renewed altar area will be dramatic and draw people to the front of the church. Other features will be a baptismal font, reconciliation rooms and shrines with electronic votive “candle” holders. While the existing church accommodates 580 people, the renewed church will accommodate 657 attendees.

At a minimum, the site immediately adjacent to the church will be reworked to provide accessibility to and from the building. Depending on budget, there may also be additional landscaping improvements further away from the church. The existing plaza between the church, parish center and rectory may be modified with additional plantings as well as the relocation of the existing large metal cross from the front of the existing church. The renewed plaza would welcome people to the church from the larger side parking lot, with the cross creating a focal point that can be seen from a distance. A new concrete walkway will connect the church, existing parish center and rectory to the public sidewalk. Accessible parking will be relocated, and the driveway reconfigured to improve circulation on the site. The existing parking will be reduced by 15 stalls, but still exceeds the minimum parking required by the zoning ordinance. The length of the existing approved queuing / drop-off curb for school drop-off and pick-up will be increased, which will improve the already well-functioning condition.

Exterior pole-mounted lighting of the parking areas will remain as is. Existing exterior lighting on the sides and back of the church will be replaced with high cut-off angled lighting. New exterior lighting will be provided at the new covered entry portico.

History

The original St. Catherine church was built in 1909 at the corner of Monterey and Dunne, in Morgan Hill. By 1959 the congregation had outgrown the church. Land was purchased for a new church on Peak Avenue. The St. Catherine School was built first on the Peak Avenue site in 1963, followed by the rectory in 1965, and the church in 1967. The stained glass windows, Stations of the Cross, and the shrine of St. Catherine were taken from the old church and placed in the new. These stained glass windows will be restored and reinstalled in the renewed church. The gothic style window above the entry of the original church is the source of inspiration for the gothic style arch at the new entry portico. This theme of arched gothic openings continues to the opening between nave and narthex, and the chancel backdrop

Program

This church will be used regularly for church services on the weekend and for morning daily mass. There are approximately 15 weddings per year, and approximately 53 funerals per year. Weddings usually occur on Saturday, but funerals can be any day of the week, except Sunday. Additional services will be held at Easter and Christmas, as they currently do.

Hours of Use

	AM	PM	Evening
Sun	Mass 7:15-8:15 - 250 people 8:45-9:45 - 350 people 10:30-11:30 - 400 people 12:15-1:15 - 550 people	Mass 5:30-6:30 - 500 people	
Mon	Mass 8:15-9:15 - 80 people		
Tues	Mass 8:15-9:15 - 100 people		
Wed	Mass 8:15-9:15 - 50 people		
Thurs	Mass 8:15-9:15 - 80 people		
Fri	Mass 8:15-9:15 - 100 people		
Sat	Mass 8:15-9:15 - 50 people	Mass 5:30-6:30 - 350 people Confession 4-5PM - 30 people	Mass 7:00-8:00 - 250 people

EXHIBIT "A"

CONDITIONS OF APPROVAL

APPLICATION: UP2020-0007: PEAK-ST. CATHERINE

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

ACRONYMS:

MHMC – Morgan Hill Municipal Code

MHARH – Morgan Hill Architectural Review Handbook

PLANNING DIVISION

I. TIME LIMITS

- A. Term of Permit: The Conditional Use Permit approval granted under this Resolution shall remain in effect for 24 months to January 26, 2023. Failure to commence the use within this term shall result in termination of approval unless an extension of time is granted prior to the expiration date. (MHMC 18.104.210)

II. SITE DEVELOPMENT

- A. Tree Protection: Unless tree removal has been previously approved, all trees located within the project shall be protected using the following minimum protection measures (these guidelines shall be included with all site development plans):
1. Mark all trees to be saved with a survey flag or ribbon. Do not nail or staple directly to the tree.
 2. Erect a temporary fence enclosing an area equal to at least the dripline of the tree (or as far from the trunk as possible). This tree protection zone shall not be used for parking, storage of building materials, or other equipment or the placement of temporary or permanent fill. Signs should be posted identifying the restriction of uses in the tree protection zone.
 3. Locate structures, grade changes, and other ground or surface disturbances (e.g. concrete pours) as far as feasible from the "dripline" area of the tree.
 4. Avoid root damage through grading, trenching, compaction, etc. at least within an area 1.5 times the dripline area of the tree. Where root damage cannot be avoided, roots encountered over 1" in diameter should be exposed

approximately 12” beyond the area to be disturbed (towards the 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. Avoid tearing or otherwise disturbing that portion of the roots to remain.

5. The addition of plant or other landscaping materials shall remain outside of the dripline of all trees.
6. Any tree subject to Chapter 12.32 Restrictions On Removal Of Significant Trees of the Morgan Hill Municipal Code requires approval from the Planning Division. The applicant shall request approval prior to removing any significant trees.

B. **Final Site Development Plans:** Final site development plans shall be reviewed for conformance with Morgan Hill Municipal Code Section 18.108.040 and approved by the Community Development Department prior to issuance of a building permit. All such plans shall include:

1. Detail depicting all concrete curbs as full formed.
2. 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.
3. Ramps, special parking spaces, signing and other physical features for the disabled, shall be provided throughout the site for all publicly used facilities.
4. 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, berming, and landscaping. **(MHARH p.20, 45, 79)** For additional screening, backflow preventers shall be painted dark green, except the fire connection which shall be painted yellow.

C. **Dust, Noise, Vibration and Materials Management Plan:** A management plan detailing strategies for control of noise, dust and vibration, and storage of hazardous materials during construction of the project shall be on all site development and grading plans. The intent of this condition is to minimize construction related disturbance of residents of the nearby or adjacent properties. **(MHMC 18.76)**

The plan must include the following “Basic Construction Mitigation Measures” per Bay Area Air Quality Management District’s guidelines:

1. All exposed surfaces (e.g., parking areas, staging areas, soil piles, graded areas, and unpaved access roads) shall be watered two times per day.

2. All haul trucks transporting soil, sand, or other loose material off-site shall be covered.
3. All visible mud or dirt track-out onto adjacent public roads shall be removed using wet power vacuum street sweepers at least once per day. The use of dry power sweeping is prohibited.
4. All vehicle speeds on unpaved roads shall be limited to 15 mph.
5. All roadways, driveways, and sidewalks to be paved shall be completed as soon as possible. Building pads shall be laid as soon as possible after grading unless seeding or soil binders are used.
6. Idling times shall be minimized either by shutting equipment off when not in use or reducing the maximum idling time to 5 minutes (as required by the California airborne toxics control measure Title 13, Section 2485 of California Code of Regulations [CCR]). Clear signage shall be provided for construction workers at all access points.
7. All construction equipment shall be maintained and properly tuned in accordance with manufacturer's specifications. All equipment shall be checked by a certified visible emissions evaluator.
8. Post a publicly visible sign with the telephone number and person to contact at the lead agency regarding dust complaints. This person shall respond and take corrective action within 48 hours. The Air District's phone number shall also be visible to ensure compliance with applicable regulations.

III. BUILDING DESIGN

- A. **Roof mounted mechanical equipment:** All roof mounted mechanical equipment shall be placed within a screened roof top enclosure depicted on the elevation drawings or located below the parapet level and shall not be visible from the ground at any distance from the building. Cross section roof drawings shall be provided at the building permit stage indicating the relative height of the screen wall or parapet. Minimum screen height or parapet depth shall be 5 ft. or greater to match the height of any proposed equipment. **(MHARH p.48, 65, 87, 106)**
- B. **Building mounted lighting:** Lighting fixtures shall not project above the fascia or roofline of the building. 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. **(MHARH p. 67, 109)**
- C. **Architectural elements**
 1. 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)**

2. 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)

IV. LANDSCAPING

- A. **Planting and irrigation working drawings:** Detailed landscape planting and irrigation working drawings shall be submitted to the Development Services Department for approval prior to issuance of building permits as part of the design review plans.
- B. **Trees and shrubs minimum size:** 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 Development Services Director.
- C. **Maintenance of landscaping:** 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 not be permitted unless otherwise approved by the Development Services Director.
- D. **Water Conserving Landscape Ordinance:** The landscape plans shall be in conformance with the City's Water Conserving Landscape Ordinance that was developed in accordance with California law. This Ordinance restricts landscaping turf to certain areas, specifies plant selection, requires certain types of irrigation equipment, and calls for the development of comprehensive water use calculations as an aspect of the submitted landscape plans. It is strongly suggested that the project's landscape designer refer to the City's Ordinance prior to beginning development of the project's landscape plans. (MHMC 18.64)

V. HABITAT PLAN

- A. **Fees:** The approved project is covered under the Santa Clara Valley Habitat Plan (Habitat Plan) and subject to fees and conditions contained in the Habitat Plan.
- B. **Habitat Plan Application:** Prior to issuance of building permits or grading permits the project shall complete and submit a Habitat Plan Application Package. All fees must be paid prior to issuance building permits or grading permits. (MHMC 18.132)
- C. **Conditions or Mitigation:** Any additional conditions or mitigations required by the Habitat Plan shall be clearly stated on all plans that involve any ground disturbing activity (i.e. grading plans, improvement plans, paving plans, demolition plans or other plans for site clearing or temporary stockpile of dirt). (MHMC 18.132)

VI. OTHER CONDITIONS

- A. **Limits of Use:** The Conditional Use Permit is approved solely for the operation of the church building and church services as described in the applicants proposed statement of operations on file with the planning division date stamped May 7, 2020 for file UP2020-0007: Peak-St. Catherine. Other special services or

activities normally associated with or ancillary to church operations (Not specified in the Statement of Operations) may be permitted to the limit of building occupancy. All masses shall be permitted to maximum seating capacity. Any expansion, intensification, or changes to the uses approved under this Conditional Use Permit shall be permitted only upon amendment of this Conditional Use Permit or approval of a separate Conditional Use Permit application.

- B. **Limits of Improvements:** This Conditional Use Permit approval is limited to the plan set date stamped November 17, 2020 on file UP2020-0007: Peak-St. Catherine with the Development Services Department. The approved building plans and landscape plans must be in substantial conformance with these plans as determined by the Development Services Director.
- C. **Defense and indemnity:** 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 damage equitable or injunctive relief which is filed against City to attack, set aside, void or annul its approval of this discretionary project 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 fully empowered by the Applicant as their agent to agree to provide the indemnification, defense and hold harmless obligations, and the signature below represents the unconditional agreement by applicant to be bound by such conditions.
- D. **Signed copies of Resolution:** Submit two (2) signed copies of **Resolution 21-01** to the Planning Division prior to issuance of building permits.