

REUBEN, JUNIUS & ROSE, LLP

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Delivered Via Email (John.Baty@MorganHill.ca.gov)

Honorable Mayor and City Council Members
City of Morgan Hill
17575 Peak Avenue
Morgan Hill, CA 95037

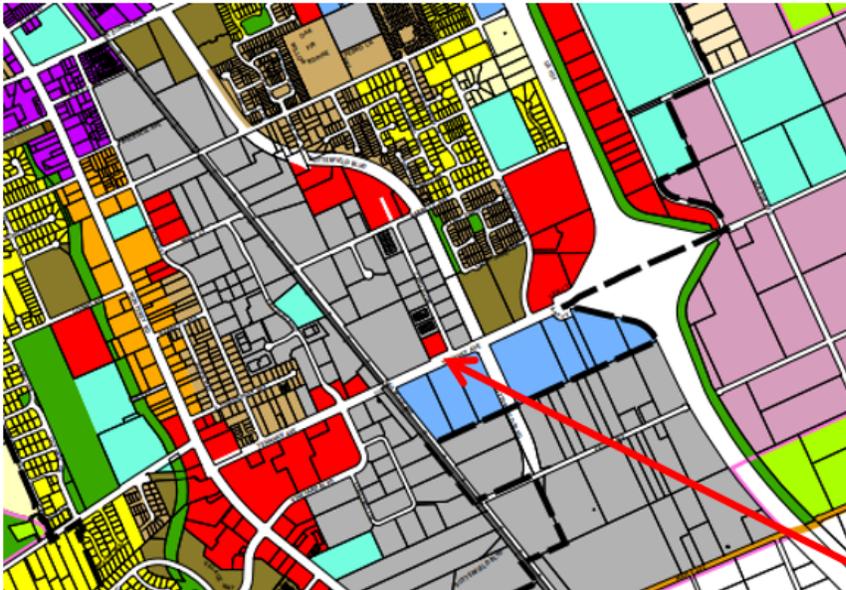
**Re: Zoning Code Update
Request to Rezone APN 817-29-027 to Service Commercial**

Honorable Mayor and Members of the City Council:

Our office represents Paul Sagayaraj Amaldoss Henry, who is currently seeking a Conditional Use Permit to construct and operate a Zip Through Car Wash (the “**Project**”) at the property located on the southwest corner of Caputo Drive and Tenant Avenue, also known as APN 817-29-027 (the “**Property**”). The proposed automated car wash is a conditionally permitted use under the current Administrative Office zoning. However, Planning Department staff have informed Mr. Henry that an automated car wash use would not be allowed under the pending Zoning Code amendments.

We urge the Council to amend the applicable zoning at the Property from Administrative Office to Service Commercial as part of the pending Zoning Code update. The current Administrative Office designation is intended for “professional, general commercial offices, and limited personal services . . .” In contrast, the Service Commercial designation is intended for “commercial services that may be appropriate in neighborhood or pedestrian-oriented shopping areas, and which generally require automotive access for customer convenience, servicing of vehicles or equipment, loading or unloading, or parking of commercial service vehicles.” The Service Commercial zoning designation would not only allow for the proposed Project, it would also be more appropriate to the industrial uses surrounding the Property, as discussed below.

The Property is located in Industrial Sub Area 4 under the General Plan. This is an Established Employment Area containing heavier industrial uses with future opportunities for a diverse range of industrial uses, including manufacturing, materials processing, and indoor storage. The detail below taken from the General Plan Land Use Map shows that the Property is surrounded by properties designated for industrial use (industrial uses are shown in medium gray on the map).



**General Plan
Land Use Map**

**APN 817-29-027
(Red Square)**

Similarly, the detail from the Zoning Map below shows that all nearby properties are zoned Light Industrial under the proposed Zoning Code (Light Industrial areas are shown in light gray on the map). Light Industrial properties are intended for “research, administrative, lighter manufacturing, wholesale and heavy service commercial uses not suitable in commercial districts.”



Zoning Map

**APN 817-29-027
(Pink Square)**

It is worthwhile to note that the properties to the south, across Tennant Avenue, are zoned Service Commercial (the red color on the map above). Similarly, the properties at the intersection of Vineyard Boulevard and Tennant Avenue, to the west, are zoned Service Commercial. Thus, a rezone of the Property to Service Commercial would be consistent with the zoning of other commercial properties in the vicinity.

The Service Commercial zoning is a better fit for the Property, given that it is surrounded by industrial uses. As noted above, the Commercial Service zoning is intended for “commercial services that may be appropriate in neighborhood or pedestrian-oriented shopping areas, and which generally require automotive access for customer convenience, servicing of vehicles or equipment, loading or unloading, or parking of commercial service vehicles.” Commercial services of this nature are a much better fit with the light industrial character of the area, as illustrated by the other nearby Service Commercial properties. Further, given that most of the allowed uses within the Commercial Service zone require a Conditional Use Permit, the rezoning to Commercial Service would preserve the City’s ability to evaluate the appropriateness of particular projects as they are proposed.

We appreciate your attention to this request. If you have questions or would like to discuss this request, please don’t hesitate to contact me.

Very truly yours,

REUBEN, JUNIUS & ROSE, LLP



Matthew D. Visick

cc: Paul Henry (via email)