



Regular Meeting Agenda
Planning Commission

Liam Downey - Chairman
Joseph Mueller - Planning Commissioner
Mohammad Habib - Planning Commissioner
Juan Miguel Munoz Morris - Planning Commissioner
Wayne Tanda - Planning Commissioner
-
-

Tuesday, March 12, 2019 7:00 pm

Council Chamber
17555 Peak Avenue, Morgan Hill, CA 95037

CALL TO ORDER

ROLL CALL ATTENDANCE

DECLARATION OF POSTING AGENDA

Pursuant to Government Code Section 54954.2

PLEDGE OF ALLEGIANCE

OPEN PUBLIC COMMENT PERIOD

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 Planning 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. APPROVE THE JANUARY 22, 2019 MEETING MINUTES

Recommendation:

Approve Minutes.

2. APPROVE THE FEBRUARY 12, 2019 MEETING MINUTES

Recommendation:

Approve Minutes.

PUBLIC HEARINGS

3. ZA2019-0007: WIRELESS COMMUNICATIONS FACILITIES: POLE-MOUNTED WIRELESS COMMUNICATIONS FACILITY IN THE PUBLIC RIGHT-OF-WAY

Recommendation:

Adopt a Resolution recommending the City Council approve Zoning Amendment ZA2019-0007: Wireless Communication Facilities

4. SR2019-0009 PRELIMINARY PLAN REVIEW: MONTEREY - BLOCK ONE

Recommendation:

Provide feedback on SR2019-0009 Preliminary Plan Review's consistency with the adopted Block-Level Master Plan for Monterey Corridor Block One.

5. SR2019-0008 PRELIMINARY PLAN REVIEW: MONTEREY - BLOCK FOUR

Recommendation:

Provide feedback on SR2019-0008 Preliminary Plan Review's consistency with the adopted Block-Level Master Plan for Monterey Corridor Block Four.

OTHER BUSINESS

6. GENERAL PLAN AND HOUSING ELEMENT ANNUAL PROGRESS REPORT (APR) 2018

Recommendation:

Accept the 2018 General Plan and Housing Element Annual Progress Report (APR).

DIRECTOR'S REPORT/ANNOUNCEMENTS

ADJOURNMENT

NOTICE

All public records relating to an open session item on this agenda, which are not exempt from disclosure pursuant to the California Public Records Act that are distributed to a majority of the legislative body less than 72 hours prior to an open session, will be made available for public inspection at the Office of the City Clerk at Morgan Hill City Hall located at 17575 Peak Avenue, Morgan Hill, CA, 95037 at the same time that the public records are distributed or made available to the legislative body. (Pursuant to Government Code 54957.5)

PUBLIC COMMENT

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

Persons interested in proposing an item for the 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 Commission action, your request may be placed on the next appropriate agenda. 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 michelle.wilson@morganhill.ca.gov.

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 City Clerk's Office at (408)779-7259, (408)779-3117 (fax) or by email michelle.wilson@morganhill.ca.gov. Requests must be made as early as possible and at least two-full business days before the start of the meeting.

DRAFT



Meeting Minutes Planning Commission

Liam Downey - *Chairman*
Joseph Mueller - *Planning Commissioner*
Mohammad Habib - *Planning Commissioner*
Juan Miguel Munoz Morris - *Planning Commissioner*
Wayne Tanda - *Planning Commissioner*
 -
 -

Tuesday, January 22, 2019 6:00 pm

Council Chamber
17555 Peak Avenue, Morgan Hill, CA 95037

STUDY SESSION 6:00 P.M.

A Study Session of the Planning Commission is for the purpose of discussing two proposed Block Level Master Plans.

REGULAR MEETING

CALL TO ORDER

Chair Downey called the meeting to order at 7:23 p.m.

ROLL CALL ATTENDANCE

Minutes Clerk Luna called the attendance.

Attendee Name	Title	Status	Arrived
Liam Downey	Chairman	Present	
Joseph Mueller	Planning Commissioner	Present	
Mohammad Habib	Planning Commissioner	Present	
Juan Miguel Munoz Morris	Planning Commissioner	Present	
Wayne Tanda	Planning Commissioner	Present	

DECLARATION OF POSTING AGENDA

Minutes Clerk Luna declared the posting of the Agenda.

PLEDGE OF ALLEGIANCE

Commissioner Munoz-Morris lead the pledge of Allegiance.

OPEN PUBLIC COMMENT PERIOD

Chair Downey opened the Public Comment Period at 7:06 p.m. Hearing no requests to speak, the Public Comment Period was closed.

ORDERS OF THE DAY

No changes made.

MINUTES APPROVAL

1. APPROVE THE DECEMBER 11, 2018 MEETING MINUTES

Recommendation:

Approve Minutes.

MOTION:

Approve the December 11, 2018 Minutes with the correction that Commissioner Tanda had an excused absence. Staff will confirm if Steve Pace was the last speaker on agenda item 4.

RESULT:	APPROVED [4 TO 0]
MOVER:	Joseph Mueller, Planning Commissioner
SECONDER:	Juan Miguel Munoz Morris, Planning Commissioner
AYES:	Downey, Mueller, Habib, Munoz Morris
ABSTAIN:	Tanda

PUBLIC HEARINGS

2. RDCS2018-0002/DA2018-0007: DEPOT-LATALA: PLANNING COMMISSION AWARD OF 49 DOWNTOWN RDCS SET-ASIDE BUILDING ALLOTMENTS AND DEVELOPMENT AGREEMENT TO CONFIRM RDCS PUBLIC BENEFIT COMMITMENTS. THE PROPERTY, IDENTIFIED BY ASSESSOR PARCEL NUMBER 726-13-049, IS LOCATED ON THE EAST SIDE OF DEPOT STREET, NORTH OF EAST DUNNE AVENUE.

Recommendation:

1. Adopt a Resolution awarding 49 Downtown RDCS building allotments to RDCS2018-0002: Depot-Latala, and;
2. Adopt a Resolution recommending City Council approval of a Development Agreement for the project.

Principal Planner Gina Paolini presented the Staff Report.

Chair Downey opened the Public Hearing at 7:40 p.m.
Paul Latala was called to speak.
John Moniz was called to speak.

Rocke Garcia was called to speak.

Hearing no further requests to speak, the Public Hearing was closed at 7:49 p.m.

MOTION:

Adopt a Resolution awarding 49 Downtown RDCS building allotments to RDCS2018-0002: Depot-Latala.

RESULT:	ADOPTED [UNANIMOUS]
MOVER:	Joseph Mueller, Planning Commissioner
SECONDER:	Juan Miguel Munoz Morris, Planning Commissioner
AYES:	Downey, Mueller, Habib, Munoz Morris, Tanda

MOTION:

Adopt a Resolution recommending City Council approval of a Development Agreement with a modification to Section 6 of the Resolution that would replace the word "project" with "Development Agreement".

RESULT:	ADOPTED [UNANIMOUS]
MOVER:	Joseph Mueller, Planning Commissioner
SECONDER:	Wayne Tanda, Planning Commissioner
AYES:	Downey, Mueller, Habib, Munoz Morris, Tanda

3. ZA2019-0001: MONTEREY CORRIDOR BLOCK ONE - CITY OF MORGAN HILL. CITY COUNCIL INITIATED ZONING AMENDMENT FROM THE PLANNED UNIT DEVELOPMENT (PUD) AND SERVICE COMMERCIAL (CS) ZONING DISTRICTS TO THE MIXED USE FLEX/PLANNED DEVELOPMENT (PD) COMBINING DISTRICT TO ESTABLISH A BLOCK-LEVEL MASTER PLAN (BLMP) FOR MONTEREY ROAD CORRIDOR BLOCK ONE LOCATED AT THE NORTHEAST CORNER OF MONTEREY ROAD AND BURNETT AVENUE, IDENTIFIED BY ASSESSOR PARCEL NUMBERS 725-01-018, -032, AND -033 (LUCKYSHING LLC; WEST ELAINE C TRUSTEE & ET AL; MORGAN HILL UNIFIED SCHOOL DISTRICT, OWNERS)

Recommendation:

Adopt a Resolution recommending the City Council consider the Addendum to the Morgan Hill 2035 EIR for the Zoning Code Update in accordance with CEQA and approve a Zoning Amendment from the Planned Unit Development (PUD) and Service Commercial (CS) Zoning Districts to the Mixed Use Flex/Planned Development (PD) Combining District to establish a Block-Level Master Plan (BLMP) for Monterey Road Corridor Block One.

Principal Planner John Baty presented the Staff Report.

Chair Downey opened the Public Hearing at 8:44 p.m.

Dick Oliver was called to speak.

Hearing no requests to speak, the Public Hearing was closed at 8:55 p.m.

MOTION:

Adopt a Resolution recommending City Council consider the Addendum to the Morgan Hill 2035 EIR in accordance with CEQA and approve the Zoning Amendment with the following edits to Exhibit B, Section 1.D - add Item 11. Incorporate design features that reflect project's location at a northern entrance to the City. In Section 2.A. - clarify that the PD Master Plan must include a plan for the future development of the entire block by modifying the last sentence to read, "The PD Master Plan shall be consistent with the approved Block Level Mast Plan PD and must plan for the future development and integration of all parts of the block."

RESULT: ADOPTED [UNANIMOUS]
MOVER: Wayne Tanda, Planning Commissioner
SECONDER: Juan Miguel Munoz Morris, Planning Commissioner
AYES: Downey, Mueller, Habib, Munoz Morris, Tanda

4. ZA2019-0002: MONTEREY CORRIDOR BLOCK FOUR - CITY OF MORGAN HILL. CITY COUNCIL INITIATED ZONING AMENDMENT TO ADD A PLANNED DEVELOPMENT (PD) COMBINING DISTRICT TO ESTABLISH A BLOCK-LEVEL MASTER PLAN (BLMP) FOR MONTEREY ROAD CORRIDOR BLOCK FOUR LOCATED ON THE EAST SIDE OF MONTEREY ROAD OPPOSITE OLD MONTEREY ROAD, IDENTIFIED BY ASSESSOR PARCEL NUMBERS 726-25-006 AND -005 (DOBKIN ROBERT C TRUSTEE & ET AL AND SUTTER JOE L AND NANCY L TRUSTEE, OWNERS)

Recommendation:

Adopt a Resolution recommending City Council consider the Addendum to the Morgan Hill 2035 EIR for the Zoning Code Update in accordance with CEQA and approve a Zoning Amendment to add a Planned Development (PD) Combining District to establish a Block-Level Master Plan for Monterey Road Corridor Block Four.

Principal Planner Baty presented the Staff Report.

Chair Downey opened the Public Hearing at 9:24 p.m.

Jason Bernstein was called to speak.

Hearing no further requests to speak, the Public Hearing was closed at 9:31 p.m.

MOTION:

Adopt a Resolution recommending City Council consider the Addendum to the Morgan Hill 2035 EIR in accordance with CEQA and approve the Zoning Code Update with the following edits to Exhibit B, Section 1:C.2: Tree Preservation: add a sentence, "Preserve all other significant trees to the greatest extent practicable." In Section 2.A - Clarify that PD Master Plan must include a plan for the future development of the entire block by modifying the last sentence to read, "The PD Master Plan shall be consistent with the approved Block Level Master Plan PD and must plan for the future development and integration of all parts of the block."

RESULT: ADOPTED [4 TO 1]
MOVER: Juan Miguel Munoz Morris, Planning Commissioner
SECONDER: Wayne Tanda, Planning Commissioner
AYES: Downey, Habib, Munoz Morris, Tanda
NAYS: Mueller

OTHER BUSINESS

5. SELECTION OF PLANNING COMMISSION VICE-CHAIR

Recommendation:

Select member to serve as Vice-Chair of the Planning Commission until June 2019.

Principal Planner Paolini presented this item to the Planning Commission.

MOTION:

The Planning Commission has appointed Commissioner Munoz - Morris as Vice-Chair.

RESULT:	ACCEPTED [UNANIMOUS]
MOVER:	Wayne Tanda, Planning Commissioner
SECONDER:	Mohammad Habib, Planning Commissioner
AYES:	Downey, Mueller, Habib, Munoz Morris, Tanda

DIRECTOR'S REPORT/ANNOUNCEMENTS

Assistant City Attorney Cynthia Hasson reminded the Planning Commission of her e-mail that was sent out to confirm their addresses or other property owned within the City's limits so staff can update the City's maps to avoid any conflicts of interest. Community Development Director Jennifer Carman updated the Planning Commission on how many applications City Council received for the two vacancies on the Planning Commission and when to expect interviews to be held.

ADJOURNMENT

There being no further business, Chair Downey adjourned the meeting at 10:05 p.m.

MINUTES PREPARED BY:

Jenna Luna, Minutes Clerk

DRAFT



Meeting Minutes Planning Commission

Liam Downey - *Chairman*
Joseph Mueller - *Planning Commissioner*
Mohammad Habib - *Planning Commissioner*
Juan Miguel Munoz Morris - *Planning Commissioner*
Wayne Tanda - *Planning Commissioner*
 -
 -

Tuesday, February 12, 2019 7:00 pm

Council Chamber
17555 Peak Avenue, Morgan Hill, CA 95037

CALL TO ORDER

ROLL CALL ATTENDANCE

Minutes Clerk Luna called the attendance.

Attendee Name	Title	Status	Arrived
Liam Downey	Chairman	Present	
Joseph Mueller	Planning Commissioner	Present	
Mohammad Habib	Planning Commissioner	Absent	
Juan Miguel Munoz Morris	Planning Commissioner	Present	
Wayne Tanda	Planning Commissioner	Present	

DECLARATION OF POSTING AGENDA

Minutes Clerk Luna declared the posting of the Agenda.

PLEDGE OF ALLEGIANCE

Commissioner Mueller led the Pledge of Allegiance.

Minutes Acceptance: Minutes of Feb 12, 2019 7:00 PM (CONSENT AGENDA)

OPEN PUBLIC COMMENT PERIOD

Chair Downey opened the Public Comment Period at 7:05 p.m.

ORDERS OF THE DAY

No changes made.

PUBLIC HEARINGS

There are no Public Hearing items scheduled.

OTHER BUSINESS

1. REGIONAL HOUSING NEEDS ASSESSMENT (RHNA) UPDATE AND PENDING HOUSING TRENDS

Recommendation:

Receive Report

Assistant City Manager for Community Development Leslie Little presented the Staff Report.

Chair Downey opened the Public Comment Period at 7:46 p.m.

Rocke Garcia was called to speak.

John Telfer was called to speak.

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

This report was given to inform the Planning Commission and the Community.

RESULT:	NO ACTION TAKEN
----------------	------------------------

2. VACANT LAND INVENTORY UPDATE

Recommendation:

Accept presentation on City's Vacant Land Inventory

Interim Principal Planner John Baty presented the Staff Report.

Chair Downey opened the Public Comment period at 8:33 p.m.

Doug Muirhead was called to speak.

John Telfer was called to speak.

Rocke Garcia was called to speak.

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

The Planning Commission accepted the presentation on the City's Vacant Land Inventory.

RESULT:	NO ACTION TAKEN
----------------	------------------------

3. PROPOSED MASTER STREET TREE PLAN FOR THE CITY OF MORGAN HILL

Recommendation:

Planning Commission to receive information and provide input on the proposed Master Street Tree Plan.

Urban Forestry Project Manager Christina Raby presented Staff Report.

The Planning Commission reviewed and provided feedback on the presentation.

RESULT: NO ACTION TAKEN

DIRECTOR'S REPORT/ANNOUNCEMENTS

Community Development Director Jennifer Carman informed the Planning Commission that the February 26, 2019 meeting may be cancelled. Interviews for the new Commissioners will be held on February 20, 2019 at the City Council meeting and Staff will be working with the consulting team once the new Commissioners are on board and coordinate a Team Building exercise in April.

ADJOURNMENT

There being no further business, Chair Downey adjourned the meeting at 9:12 p.m.

MINUTES PREPARED BY:

Jenna Luna, Minutes Clerk

Minutes Acceptance: Minutes of Feb 12, 2019 7:00 PM (CONSENT AGENDA)



PLANNING COMMISSION STAFF REPORT

MEETING DATE: March 12, 2019

PREPARED BY: John Lang, Economic Development Manager
APPROVED BY: Jennifer Carman, Community Development Director

ZA2019-0007: WIRELESS COMMUNICATIONS FACILITIES: POLE-MOUNTED WIRELESS COMMUNICATIONS FACILITY IN THE PUBLIC RIGHT-OF-WAY

RECOMMENDATION(S)

Adopt a Resolution recommending the City Council approve Zoning Amendment ZA2019-0007: Wireless Communication Facilities

BACKGROUND

The public right-of-way (streets, sidewalks, and areas owned by government agency with access to the public) offer built-in infrastructure, such as utility poles, traffic signals, and street lights, which support wireless infrastructure. Small cell antennas and associated equipment are commonly placed traffic signal or street light located in the public right-of-way. The California Public Utilities Commission (CPUC) has determined that wireless providers are a utility and, therefore, have the right to use the public right-of-way as any other utility.

A recent ruling (Small Cell Order) by the Federal Communications Commission (FCC) requires cities to identify Small Cell Design Standards for public right-of-way by April 15, 2019. Pursuant to this recent FCC Order, cities cannot require undergrounding and must provide reasonable, deployable and scalable design standards. Furthermore, the FCC Small Cell Order provides a “shot clock” that requires cities to approve wireless cell antennas within 60 days for existing poles and 90 days for new poles. Finally, the Order states that poles must be made available for small cell wireless and sets a cost-based structure based on cost-recovery rates.

PROJECT SUMMARY

Title 18, Division 1, Chapter 18.96 of the Zoning Code establishes standards and the permitting process for wireless communication facilities and regulates placement on private and public property. The City is initiating an amendment to Chapter 18.96 (Wireless Communication Facilities) removing the requirement for an Administrative Use Permit for pole-mounted facilities within the public right-of-way in compliance with an FCC ruling. Other associated changes are recommended related to this amendment.

ANALYSIS

The City of Morgan Hill has identified Telecommunications as one of the City's top priorities. A recent ruling by the FCC requires the City to identify Small Cell Design Standards for projects within the public right-of-way by April 15, 2019 and process these applications within 90 days. To streamline this process, the amendment to Chapter 18.96 (Wireless Communication Facilities) has been proposed (Attachment 2). The City would review new facilities within the public right-of-way through the encroachment permit process with the Engineering Division. A Small Cell License (SCL) agreement between the City and the wireless provider would be required.

Staff anticipates bringing forward recommended design standards for wireless facilities in the public right-of-way and a Master Licensing Agreement along with the proposed changes to the Zoning Code to City Council on March 20, 2019. The following sections of the report will provide additional background on the City's efforts to improve telecommunications, industry trends and additional background on State and Federal regulations.

Commented [GP1]: The Planning Commission is going to question why they are not seeing the Design Standards. Maybe we strike this out.

1. Wireless Industry and Trends

The need for broadband is growing exponentially for both businesses and residents. Broadband can be delivered wirelessly (satellite/cellular) often through antennas or fixed (copper, coaxial, fiber) through an underground conduit or overhead cable. The City needs a strong telecommunications network to support its growing business community. Yet, the City of Morgan Hill has poor broadband availability. A 2016 study gave Morgan Hill a grade of "D" in terms of quality and access of broadband service. Morgan Hill is challenged by the limited number of providers and market models for return on investment (ROI).

In general, wireless providers are experiencing increased customer demand, particularly with respect to data capacity and speed. Because of this increasing data consumption, wireless providers are seeking rapid investment in the necessary infrastructure to meet not only current data demands but to prepare for consumer deployment of fifth generation wireless systems (5G) technology.

Unlike past approaches when wireless communications facilities sites were predominately on leased private property, wireless providers are now interested in locating new facilities within public right-of-way. Given the increasing costs for use permits and frequent public concern and resulting delay associated with leases on private property, wireless providers are seeking alternatives to allow continued expansion, leading them to advocate for less expensive and more streamlined deployment on utility poles or City-owned structures in the City's right-of-way.

2. City's Telecommunication Efforts

The City can influence investment or disinvestment in telecommunications through City's policies and regulations and/or through direct investment. Currently, the City does not have clear City Standards for either implementation (wireless or fixed). Furthermore, the industry is rapidly changing with federal mandates that limit the City's regulatory

oversight.

The City of Morgan Hill is working diligently to comply with FCC Declaratory Ruling and Third Report and Order FCC 18-133, which requires the City to identify Small Cell Design Standards for public right-of-way by April 15, 2019. Pursuant to this recent FCC Order, cities cannot require undergrounding and must provide reasonable, deployable and scalable design standards. As part of this effort, staff is partnering with Joint Venture Silicon Valley on their Wireless Communications Initiative to work with industry professionals to develop best practices that provide clarity and encourage fiber installation and deployment of wireless antennas.

Other telecommunications efforts include developing a dig-once policy to incentivize installation of conduit when an open trench is available and identify opportunities to enhance connectivity amongst City facilities. This will be done through a Request for Proposals that will be issued in March 2019.

3. Legislative Background

a. Telecommunications Act

Section 253 of the Telecommunications Act (the Act) of 1996 guides the City's review of Wireless Communication Facilities (WCF). The Act states the City's review and approval or denial of WCF applications "shall not unreasonably discriminate among providers of functionally equivalent services," and "shall not prohibit or have the effect of prohibiting the provision of personal wireless services."

The Act requires the City to act on a permit application request within a reasonable period of time, and states that any decision to deny a request to "place, construct, or modify a wireless communication facility shall be in writing and supported by substantial evidence contained in the written record."

The Act also prohibits the City from regulating the "placement, construction, and modification of [WCFs] on the basis of the environmental effects of Radio Frequency (RF) emissions to the extent that such facilities comply with the [FCC's] regulations concerning such emissions." Title 18.96.050 of Morgan Hill's Municipal Code requires that WCF applications provide a report, prepared by a qualified RF engineer, demonstrating that the WCF will comply with the FCC RF Guidelines.

b. Spectrum Act

Section 6409(a) of the Middle-Class Tax Relief and Job Creation Act of 2012 (Spectrum Act) states that a State or local government may not deny, and shall approve, any eligible facilities request for a modification of an existing wireless tower or base station that does not substantially change the physical dimensions of such tower or base station and describes required timelines (60 days for modifications and 90 days for collocations). The associated FCC Report and Order 14-153 provides guidance on what may be considered an eligible facility request and what constitutes substantial change.

c. FCC Declaratory Ruling and Third Report and Order FCC 18-133

The FCC adopted Report and Order FCC 18-133 (Small Cell Order) to accelerate the deployment of the next generation of wireless technology (known as 5G) using small cell antennas. Such antennas are typically placed on City streetlights or traffic signals in the right-of-way, although not exclusively. The Small Cell Order requires local jurisdictions to process applications for collocation of small cells on existing structures within 60 days and on new structures within 90 days. As proposed with the amendment, right-of-way applications on City assets would be reviewed by staff and processed concurrently with a SCL agreement.

CALIFORNIA ENVIRONMENTAL QUALITY ACT (CEQA)

Small cell deployments on pole mounted facilities in the right-of-way are exempt from CEQA based on a Categorical Exemption pursuant to Section 15303, Class 3 of the CEQA Guidelines because the project consists of the construction and location of a small facility, where only minor modifications are made to the exterior of the structure.

COMMUNITY ENGAGEMENT

A hearing notice was published in the Morgan Hill Times ten (10) days prior to the hearing date.

LINKS/ATTACHMENTS:

1. RESOLUTION - 18.96 Wireless Communication Facilities
2. Exhibit A Draft Ordinance amending Chapter 18.96 WIRELESS COMMUNICATIONS FACILITIES
3. EXHIBIT B - Clean Version 18.96 Wireless Communication Facilities
4. Do not accept the changes in Exhibit A

RESOLUTION NO.

A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF MORGAN HILL RECOMMENDING APPROVAL OF AN AMENDMENT (ZA2019-0007: WIRELESS COMMUNICATION FACILITIES) TO TITLE 18, DIVISION 1, ZONING CODE TO AMEND CHAPTER 18.96 TO REMOVE THE REQUIREMENT FOR APPROVAL OF AN ADMINISTRATIVE USE PERMIT FOR POLE-MOUNTED FACILITIES WITHIN THE PUBLIC RIGHT-OF-WAY CONSISTENT WITH THE CITY OF MORGAN HILL'S SMALL CELL MASTER LICENSE AGREEMENT AND WITH THE FEDERAL COMMUNICATIONS COMMISSION (FCC) RULING THAT GOES INTO EFFECT ON APRIL 15, 2019.

WHEREAS, this proposed ordinance (Zoning Amendment ZA2019-0007) was considered by the Planning Commission of the City of Morgan Hill at its regular meeting of March 12, 2019, at which time the Planning Commission recommended approval of application ZA2019-0007: Removing requirements for approval of an Administrative Use Permit for pole-mounted facilities within the public right-of-way;

WHEREAS, the Planning Commission has reviewed recommendations contained in the March 12, 2019, staff report on this item; and

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

NOW, THEREFORE, BE IT RESOLVED BY THE PLANNING COMMISSION OF THE CITY OF MORGAN HILL THAT:

SECTION 1. The Planning Commission hereby finds that the zoning amendment proposed by this ordinance herein described is consistent with the general plan and any applicable specific plan of the City of Morgan Hill as provided by Government Code Section 65860.

SECTION 2. The proposed amendment is not be detrimental to the public interest, health, safety, convenience, or welfare of the city as provided in Section 18.114.060 of the Municipal Code.

SECTION 3. The proposed amendment is internally consistent with other applicable provisions of the zoning code.

SECTION 4. Small cell deployments on pole mounted facilities in the right-of-way are Categorically Exempt from CEQA pursuant to Section 15303, Class 3 of the CEQA Guidelines because the project consists of the construction and location of a small facility, where only minor modifications are made to the exterior of the structure.

City of Morgan Hill
 Resolution No.
 Page 2 of 2

SECTION 5. The Planning Commission hereby recommends approval of changes to the text of the Morgan Hill Municipal Code amending Chapter 18.96 as described in the attached ordinance (Exhibit A).

PASSED AND ADOPTED THIS 12TH DAY OF MARCH 2019, 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

LIAM DOWNEY, Chair

Date: _____

ORDINANCE NO. , NEW SERIES

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF MORGAN HILL AMENDING SECTIONS 18.96.040, 18.96.060, 18.96.070, and 18.96.080 OF CHAPTER 18.96 WIRELESS COMMUNICATION FACILITIES OF TITLE 18 (ZONING) OF THE MUNICIPAL CODE OF THE CITY OF MORGAN HILL REGARDING SMALL CELL DEPLOYMENTS ON POLE MOUNTED FACILITIES WITHIN THE CITY RIGHT-OF-WAY TO DELETE THE REQUIREMENT FOR AN ADMINISTRATIVE USE PERMIT.

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

SECTION 1. Section 18.96.040 (Required Permits) of Chapter 18.96 (Wireless Communications Facilities) of Title 18 (Zoning) is hereby amended to read as follows (additions in underline, deletions in strikeout):

18.96.040 - Required permits.

- A. Conditional Use Permit. Planning commission approval of a conditional use permit is required for all new facilities and modifications or collocation to existing facilities outside the public right-of-way, except for facilities requiring an administrative use permit or a Section 6409(a) Permit as identified below.
- B. Administrative Use Permit. Community development director approval of an administrative use permit is required for the following facilities:
 - 1. A collocation to an existing facility that is not eligible for a Section 6409(a) permit.
 - 2. A modification to an eligible support structure that is not eligible for a Section 6409(a) permit.
 - 3. Building- and facade-mounted facilities in a non-residential zoning district where the facility is completely concealed from public view and architecturally integrated into the existing support structure.
 - ~~4. Pole-mounted facilities in the public right-of-way consistent with Section 18.96.080.D (Rights-of-Way Facilities).~~
 - 5. A micro wireless facility in a non-residential zoning district, including within the public right-of-way.
- C. Section 6409(a) Permit. Modifications to an existing facility that do not result in a substantial change as defined by FCC regulations may be eligible for a Section 6409(a) permit. See Section 18.96.060 (Section 6409(a) Modifications).

SECTION 2. Section 18.96.060 (Section 6409(a) modifications) of Chapter 18.96 (Wireless Communications Facilities) of Title 18 (Zoning) is hereby amended to read as follows (additions in underline, deletions in strikeout):

18.96.060 - Section 6409(a) modifications.

- A. Purpose. This section describes the process and requirements for the approval of an "eligible facilities request" that does not cause a "substantial change" to an existing facility as defined by FCC regulations.
- B. Eligible Facilities Request Defined. "Eligible facilities request" means the same as defined by the FCC in 47 C.F.R. Section 1.40001(b)(3), as may be amended, which defines that term as a request for modification of an existing tower or base station that does not substantially change the physical dimensions of the tower or base station, involving
1. Collocation of new transmission equipment;
 2. Removal of transmission equipment; or
 3. Replacement of transmission equipment.
- C. Substantial Change Defined. "Substantial change" means the same as defined by the FCC in 47 C.F.R. Section 1.40001(b)(7), as may be amended, defined according to the facility type and location as follows:
1. Towers Outside the Public Right-of-Way. For towers outside the public right-of-way, a substantial change occurs when:
 - a. The proposed collocation or modification increases the overall height more than ten percent or the height of one additional antenna array not to exceed twenty feet (whichever is greater); or
 - b. The proposed collocation or modification increases the width more than twenty feet from the edge of the wireless tower or the width of the wireless tower at the level of the appurtenance (whichever is greater); or
 - c. The proposed collocation or modification involves the installation of more than the standard number of equipment cabinets for the technology involved, not to exceed four; or
 - d. The proposed collocation or modification involves excavation outside the current boundaries of the leased or owned property surrounding the wireless tower, including any access or utility easements currently related to the site.
 2. ~~Towers Monopoles~~ in the Public Right-of-Way ~~and Base Stations~~. For ~~towers monopoles~~ in the public rights-of-way ~~and for all base stations~~, a substantial change occurs when:
 - a. The proposed collocation or modification increases the overall height more than ten percent or ten feet (whichever is greater); or
 - b. The proposed collocation or modification increases the width more than six feet from the edge of the wireless ~~tower or base station~~ monopoles; or
 - c. The proposed collocation or modification involves the installation of any new equipment cabinets on the ground when there are no existing ground-mounted equipment cabinets; or
 - d. The proposed collocation or modification involves the installation of any new ground-mounted equipment cabinets that are ten percent (ten percent) larger in height or volume than any existing ground-mounted equipment cabinets; or
 - e. The proposed collocation or modification involves excavation outside the area in proximity to the structure and other transmission equipment already deployed on the ground.

3. All Towers and Base Stations. In addition, for all towers and base stations wherever located, a substantial change occurs when:
 - a. The proposed collocation or modification would defeat the existing concealment elements of the support structure as determined by the community development director; or
 - b. The proposed collocation or modification violates a prior condition of approval, provided however that the collocation need not comply with any prior condition of approval related to height, width, equipment cabinets or excavation that is inconsistent with the thresholds for a substantial change described in this section.
4. Interpretation of Thresholds.
 - a. The thresholds for a substantial change described above are disjunctive. The failure to meet any one or more of the applicable thresholds means that a substantial change would occur.
 - b. The thresholds for height increases are cumulative limits. For sites with horizontally separated deployments, the cumulative limit is measured from the originally-permitted support structure without regard to any increases in size due to wireless equipment not included in the original design. For sites with vertically separated deployments, the cumulative limit is measured from the permitted site dimensions as they existed on February 22, 2012—the date that Congress passed Section 6409(a).
- D. Permit Required. Approval of an eligible facilities request as defined above requires community development director approval of a Section 6409(a) Permit.
- E. Applications. Applications for a Section 6409(a) Permit shall contain all information and materials specified in Section 18.96.050.B (Application Contents) except as follows:
 1. Section 6409(a) Permit applications are not required to include a statement of purpose (Section 18.96.050.B.1) or an alternative sites analysis (Section 18.96.050.B.5).
 2. The application must include a detailed explanation as to why the applicant believes that the application qualifies as an eligible facilities request subject to a Section 6409(a) Permit.
 3. For applications involving a collocation or modification to an eligible support structure, the application must be accompanied by all prior approvals for the existing facility (including but not limited to all conditions associated with the siting approval of the construction or modification of the eligible support structure or base station equipment), as well as all permit applications with required application materials for each separate permit required by the city for the proposed facility, including but not limited to a building permit and an encroachment permit (if applicable).
- F. Public Notice. Before the community development director may approve a Section 6409(a) Permit application, notice of the application shall be posted on site at least ten calendar days prior to the city taking action on the application and shall contain the following information:
 1. A general explanation of the proposed modification or collocation;
 2. A general description of the location of the real property that is the subject of the application; and

3. The following statement: "Federal law may require approval of this application pursuant to Section 6409(a) of the Middle Class Tax Relief and Job Creation Act of 2012, Pub. L. No. 112-96, 126 Stat. 156, codified as 47 U.S.C. Section 1455(a)."

G. Basis for Approval.

1. This subsection shall be interpreted and applied so as to be consistent with the Telecommunications Act of 1996, Section 6409(a), and the applicable FCC and court decisions and determinations relating to the same. In the event that a court of competent jurisdiction invalidates all or any portion of Section 6409(a) or a FCC rule or regulation that interprets Section 6409(a), such that federal law would not mandate approval for any eligible facilities request, then all proposed modifications to existing facilities subject to this section must be approved by an administrative use permit, or conditional use permit, as applicable, and subject to the discretion of the community development director.
2. The community development director shall approve a Section 6409(a) Permit upon finding that the proposed collocation or modification qualifies as an eligible facilities request and does not cause a substantial change as defined above.
3. In addition to any other alternative recourse permitted under federal law, the community development director may deny a Section 6409(a) permit upon finding that the proposed collocation or modification:
 - a. Violates any legally enforceable standard or permit condition reasonably related to public health and safety;
 - b. Involves a structure constructed or modified without all regulatory approvals required at the time of the construction or modification;
 - c. Involves the replacement of the entire support structure; or
 - d. Does not qualify for mandatory approval under Section 6409(a) for any lawful reason.
4. A denial of a Section 6409(a) permit application shall be without prejudice to the applicant, the real property owner, or the project. Subject to the application and submittal requirements in this chapter, the applicant may immediately resubmit a permit application for either a conditional use permit, administrative use permit, or Section 6409(a) permit as appropriate.

H. Appeals. Community development director decisions on a Section 6409(a) Permit are final and may not be appealed.

I. No Permit Term Extension.

1. The approval of a Section 6409(a) permit constitutes a federally-mandated modification to the underlying permit or approval for the subject tower or base station.
2. A Section 6409(a) permit does not extend the permit term for any conditional use permit, administrative use permit, or other underlying regulatory approval and its term shall be coterminous with the underlying permit for the subject tower or base station.

J. Applicant Notifications for Deemed Granted Remedies.

1. Under state and/or federal law, the city's failure to act on a wireless communications facility permit application within a reasonable period of time in accordance with the time periods and procedures established by applicable FCC decisions, accounting for tolling, may result in the permit being deemed granted by operation of law.

2. To the extent federal or state law provides a "deemed granted" remedy for wireless communications facility applications not timely acted upon by the city, no such application shall be deemed granted unless and until the applicant satisfies the following requirements:
 - a. Submits a complete application package consistent with the application procedures specified in this chapter and applicable federal and state laws and regulations.
 - b. Following the date by which the city must take final action on the application (as determined in accordance with the time periods and procedures established by applicable FCC decisions and accounting for tolling), the applicant must provide notice to the city that the application is deemed granted by operation of law.
- K. Accelerated Permit Terms Due to Invalidation.
1. In the event that any court of competent jurisdiction invalidates any portion of Section 6409(a) or any FCC rule that interprets Section 6409(a) such that federal law would not mandate approval for any Section 6409(a) permit, the permit or permits issued in connection with such 6409(a) modification(s) shall automatically expire one year from the effective date of the judicial order.
 2. A permit holder is not required to remove its improvements approved under the invalidated Section 6409(a) permit if the permit holder submits an application for a conditional use permit or administrative use permit for those improvements before the one-year period ends.
- L. No Waiver of Standing. The approval of a Section 6409(a) permit shall not be construed to waive any standing by the City to challenge Section 6409(a), any FCC rules that interpret Section 6409(a) or any Section 6409(a) modification.

SECTION 3. Section 18.96.070 (Preferred siting and location) of Chapter 18.96 (Wireless Communications Facilities) of Title 18 (Zoning) is hereby amended to read as follows (additions in underline, deletions in strikeout):

18.96.070 - Preferred siting and location.

The following siting and location preferences apply to all proposed new facilities and substantial changes to existing facilities. The community development director may require the applicant to submit an alternative sites analysis and evidence to demonstrate that a proposed facility could not be feasibly installed in a preferred site or location.

- A. Preferred Siting. To the extent possible, all proposed facilities should be sited according to the following preferences, ordered from most preferred to least preferred:
 1. Collocations on existing base stations outside the rights-of-way; then
 - ~~2. Collocations on eligible support structures in the rights-of-way; then~~
 3. Collocations on towers outside the rights-of-way; then
 - ~~4.~~ New building-mounted facilities outside the rights-of-way; then
 - ~~5. New eligible support structures in the rights-of-way; then~~
 4. New towers outside the rights-of-way.

- B. Preferred Locations — General. All applicants should, to the extent possible, propose new facilities and substantial changes to existing facilities in non-residential zones.
- C. Preferred Locations — Non-Residential Zones. To the extent possible, all proposed facilities in non-residential zones should be located according to the following preferences, ordered from most preferred to least preferred:
 - 1. City owned or controlled parcels; then
 - 2. Parcels in the public facilities (PF) zone; then
 - 3. Parcels in the industrial (CI, IO, IC, IL, IG) zones; then
 - 4. Parcels in the commercial (CN, CG, CH, CS) zones;
 - 5. Parcels in the sports recreation leisure (SRL) zone.
 - 6. Parcels in the mixed use (MU-D, MU-N, MUF) zones.
- D. Preferred Locations -Residential and Open Space Zones. If a facility is proposed in a residential (RE, RDL, RDH, RAL, RAM, RAH)), a residential Planned Development, or open space (OS) zone, all facilities should be located according to the following preferences, ordered from most preferred to least preferred:
 - ~~1. In the public right-of-way abutting a residential zone; then~~
 - 21. City owned or controlled parcels; then
 - 23. Parcels that contain non-residential uses and do not contain residential uses; then
 - 34. Parcels that contain non-residential conditional uses and do contain residential uses; then
 - 45. Parcels that do not contain single-family homes; then
 - 56. All other parcels.

SECTION 4. Section 18.96.080 (Development standards) of Chapter 18.96 (Wireless Communications Facilities) of Title 18 (Zoning) is hereby amended to read as follows (additions in underline, deletions in strikeout):

18.96.080 - Development standards.

- A. General Design Standards. All facilities must conform to the following design standards.
 - 1. Concealment. All new facilities and substantial changes to existing facilities must incorporate concealment measures and/or techniques appropriate for the proposed location and design. All ground-mounted equipment on private property must be completely concealed to the extent feasible according to the following preferences, ordered from most preferred to least preferred:
 - a. Within an existing structure including, but not limited to, an interior equipment room, mechanical penthouse or dumpster corral; then
 - b. Within a new structure designed to integrate with or mimic the adjacent existing structure; then

- c. Within an underground equipment vault if no other feasible above-ground design that complies with subsections (a) or (b) exists.
 - 2. Height.
 - a. All new facilities and substantial changes to existing facilities must not exceed the height limit in the applicable zone except as allowed in Paragraph b below.
 - b. The review authority may approve a height exception up to 8 feet above the height limit when a proposed facility is (1) mounted on the rooftop of an existing building; (2) completely concealed; and (3) architecturally integrated into the underlying building. This exception does not apply to any towers or utility poles.
 - 3. Setbacks. All facilities must comply with all setback requirements in the applicable zone.
 - 4. Collocation. Applicants shall design their facilities to accommodate future collocated facilities to the extent feasible.
 - 5. Landscaping. In addition to any landscaping required by the city for concealment or screening purposes, the applicant shall install and maintain additional landscaping to replace any existing landscaping displaced during the construction or installation of the facility.
 - 6. Backup or Standby Power Sources and Generators. The city may not approve any fossil fuel-powered backup power sources or generators unless the applicant demonstrates that the facility cannot feasibly achieve its power needs with batteries, fuel cells or other similarly non-polluting, low noise-level means.
 - 7. Lights.
 - a. Unless otherwise required under FAA or FCC regulations, applicants may install only timed or motion-sensitive light controllers and lights, and must install such lights so as to avoid illumination impacts to adjacent properties to the maximum extent feasible. The city may exempt an applicant from this requirement when the applicant demonstrates a substantial public safety need.
 - b. All aircraft warning lighting must use lighting enclosures that avoid illumination impacts to properties in the city to the maximum extent feasible.
 - 8. Noise. All transmission equipment and other equipment (including without limitation air conditioners and sump pumps) associated with the facility must not emit sound that exceeds the applicable limit established in municipal code Chapter 8.28 (Noise).
 - 9. Signage.
 - a. A facility may not display any signage or advertisements unless expressly allowed by the city in a written approval, recommended under FCC regulations or required by law or permit condition.
 - b. Every facility shall at all times display signage that accurately identifies the facility owner and provides the facility owner's unique site number, and also provides a local or toll-free telephone number to contact the facility owner's operations center.
 - 10. Code Compliance. A permit holder shall design and maintain all facilities in compliance with all applicable federal, state and local laws, codes, regulations, ordinances or other rules.
- B. Tower-Mounted Facilities.

1. General Design Preferences. To the extent feasible and appropriate for the proposed location, all new towers applications should be designed according to the following preferences, ordered from most preferred to least preferred:
 - a. Faux architectural features (examples include, but are not limited to, bell towers, clock towers, lighthouses, obelisks and water tanks); then
 - b. Faux trees; then
 - c. Monopoles that do not conceal the antennas within a concealment device.
 2. Tower-mounted Equipment. All tower-mounted equipment shall be mounted as close to the vertical support structure as possible to reduce its visual profile. Applicants should mount non-antenna, tower-mounted equipment (including, but not limited to, remote radio units/heads, surge suppressors, and utility demarcation boxes) directly behind the antennas to the maximum extent feasible.
 3. Ground-mounted Equipment. Ground-mounted equipment shall be concealed with opaque fences or other opaque enclosures. The city may require, as a condition of approval, design and/or landscape features in addition to other concealment when necessary to blend the equipment or enclosure into the surrounding environment.
 4. Concealment Standards for Faux Trees. All faux tree facilities shall comply with the following standards:
 - a. The canopy shall completely envelop all tower-mounted equipment and extend beyond the tower-mounted equipment at least eighteen inches.
 - b. The canopy shall be naturally tapered to mimic the particular tree species.
 - c. All tower-mounted equipment, including antennas, equipment cabinets, cables, mounts and brackets, shall be painted flat natural colors to mimic the particular tree species.
 - d. All antennas and other tower-mounted equipment cabinets shall be covered with broadleaf or pine needle "socks" to blend in with the faux foliage.
 - e. The entire vertical structure shall be covered with permanently-affixed three-dimensional faux bark cladding to mimic the particular tree species.
- C. Building and Facade Mounted Facilities.
1. General Design Preferences. To the extent feasible and appropriate for the proposed location, all new building and facade mounted facilities should be designed according to the following preferences, ordered from most preferred to least preferred:
 - a. Completely concealed and architecturally integrated facade or rooftop mounted base stations which are not visible from any publicly accessible areas at ground level (examples include, but are not limited to, antennas behind existing parapet walls or facades replaced with RF-transparent material and finished to mimic the replaced materials); then
 - b. Completely concealed new structures or appurtenances designed to mimic the support structure's original architecture and proportions (examples include, but are not limited to, cupolas, steeples, chimneys and water tanks); then

- c. Facade-mounted facilities incorporated into "pop-out" screen boxes designed to be architecturally consistent with the original support structure; then
 - d. Exposed facade-mounted and rooftop antennas.
2. Ground-mounted Equipment. Outdoor ground-mounted equipment associated with base stations must be avoided whenever feasible. In locations visible or accessible to the public, outdoor ground-mounted equipment shall be concealed with opaque fences or landscape features that mimic the adjacent structures (including, but not limited to, dumpster corrals and other accessory structures).

~~D. Rights-of-Way Facilities.~~

- ~~1. Concealment. All facilities in the public right-of-way shall be concealed to the extent feasible with design elements and techniques that blend with the underlying support structure, surrounding environment and adjacent uses.~~
- ~~2. Undergrounded Equipment. To conceal the non-antenna equipment, all non-antenna equipment shall be installed underground to the extent feasible. Additional expense to install and maintain an underground equipment enclosure shall not exempt applicants from this requirement, except where an applicant demonstrates by clear and convincing evidence that this requirement will effectively prohibit the provision of personal wireless services.~~
- ~~3. Ground-mounted Equipment. Ground-mounted equipment shall be installed in a location that does not obstruct pedestrian or vehicular traffic. The review authority may require landscaping as a condition of approval to conceal ground-mounted equipment.~~
- ~~4. Pole-mounted Equipment. All pole-mounted equipment shall be installed as close to the pole as technically and legally feasible to minimize impacts to the visual profile, painted flat and non-reflective colors to match the underlying pole, placed behind existing signs, and oriented away from prominent views. All required or permitted signage in the right-of-way must face toward the street or otherwise placed to minimize visibility from adjacent sidewalks and structures. All conduits, conduit attachments, cables, wires and other connectors must be concealed from public view to the extent feasible.~~

Section 4. Severability. Should any provision of this ordinance be deemed unconstitutional or unenforceable by a court of competent jurisdiction, such provision shall be severed from the ordinance, and such severance shall not affect the remainder of the ordinance.

Section 5. Effective Date; Posting. This Ordinance shall take effect on _____, 2019. The City Clerk is hereby directed to publish this Ordinance or a summary thereof pursuant to Government Code Section 36933.

This ordinance was introduced at a meeting of the City Council held on the _____ day of _____, 2019, and adopted at a meeting held on the _____ day of _____, 2019, and said ordinance was duly passed and adopted in accordance with law by the following vote:

AYES: **COUNCIL MEMBERS:**

NOES: COUNCIL MEMBERS:

ABSTAIN: COUNCIL MEMBERS:

ABSENT: COUNCIL MEMBERS:

ATTEST:

APPROVED:

IRMA TORREZ, City Clerk

RICHARD CONSTANTINE, Mayor

CERTIFICATE OF THE CITY CLERK

I, **IRMA TORREZ, CITY CLERK OF THE CITY OF MORGAN HILL, CALIFORNIA**, do hereby certify that the foregoing is a true and correct copy of Ordinance No. _____, New Series, adopted by the City Council of the City of Morgan Hill, California at their regular meeting held on the ____ day of _____, 2019.

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

DATE: _____

IRMA TORREZ, City Clerk

Chapter 18.96 - WIRELESS COMMUNICATIONS FACILITIES

18.96.010 - Purpose and legislative intent.

- A. Purpose. This chapter establishes standards for the installation, modification, and operation of wireless communications facilities. These standards aim to protect public health, safety, and welfare while balancing the benefits of robust wireless services with the unique community character, aesthetics and local values of Morgan Hill.
- B. Legislative Intent. This chapter does not intend to, and shall not be interpreted or applied to:
 1. Prohibit or effectively prohibit personal wireless services;
 2. Unreasonably discriminate among providers of functionally equivalent personal wireless services;
 3. Regulate the installation, operation, collocation, modification or removal of wireless facilities on the basis of the environmental effects of radio frequency (RF) emissions to the extent that such emissions comply with all applicable Federal Communications Commission (FCC) regulations;
 4. Prohibit or effectively prohibit any collocation or modification that the City may not deny under state or federal law; or
 5. Preempt any applicable state or federal law.

(Ord. No. 2277 N.S., § 5(Exh. A), 6-6-2018)

18.96.020 - Definitions.

- A. Terms Defined. Terms used in this chapter are defined as follows:

1. "Amateur radio facilities" are antennas and related equipment for the purpose of self-training, intercommunication, or technical investigations carried out by an amateur radio operator who operates without commercial interest, and who holds a written authorization from the Federal Communications Commission to operate an amateur radio facility.
2. "Antenna" means a device or system of wires, poles, rods, dishes, discs, or similar devices used to transmit and/or receive radio or electromagnetic waves.
3. "Applicable FCC decisions" means the same as defined by California Government Code Section 65964.1(d)(1), as may be amended, which defines that term as "In re Petition for Declaratory Ruling, 24 FCC Rcd. 13994 (2009) and In the Matter of Acceleration of Broadband Deployment by Improving Wireless Facilities Siting Policies, Report and Order, 29 FCC Rcd. 12865 (2014)."
4. "Array" means one or more antennas mounted at approximately the same level above ground on tower or base station.
5. "Base station" means the same as defined by the FCC in 47 C.F.R. Section 1.40001(b)(1), as may be amended, which defines that term as a structure or equipment that enables wireless communications between user equipment and a communications network. Examples include wireless facilities mounted on a building or façade, ground-mounted equipment, facilities mounted to a utility pole or light standard, radio transceivers, antennas, coaxial or fiber-optic cable, power supplies, and comparable equipment regardless of technological configuration (including distributed antenna systems (DAS) and small-cell networks). The term does not include "towers" or tower-mounted equipment as defined below.
6. "Collocation" means the same as defined by the FCC in 47 C.F.R. Section 1.40001(b)(2), as may be amended, which defines that term as "[t]he mounting or installation of transmission equipment on an eligible support structure for the purpose of transmitting and/or receiving radio frequency signals for communications purposes." As an illustration and not a limitation, the FCC's definition effectively means "to add" new equipment to an existing facility and does not necessarily refer to more than one wireless facility installed at a single site.
7. "Distributed Antenna System" or "DAS" means a network of one or more antennas and related fiber optic nodes typically mounted to or located on streetlight poles, utility poles, sporting venues,

arenas or convention centers which provide access and signal transfer for wireless service providers. A distributed antenna system also includes the equipment location, sometimes called a "hub" or "hotel" where the DAS network is interconnected with one or more wireless service provider's facilities to provide the signal transfer services.

8. "Eligible facilities request." See Section 18.96.060.B (Eligible Facilities Request Defined).
9. "Eligible support structure" means the same as defined by the FCC in 47 C.F.R. Section 1.40001(b)(4), as may be amended, which defines that term as "[a]ny tower or base station as defined in [47 C.F.R. Section 1.40001], provided that it is existing at the time the relevant application is filed with the state or local government under [47 C.F.R. Section 1.40001]."
10. "Existing" means the same as defined by the FCC in 47 C.F.R. Section 1.40001(b)(5), as may be amended, which provides that "[a] constructed tower or base station is existing for purposes of the [FCC rules implementing Section 6409 of the Spectrum Act] if it has been reviewed and approved under the applicable zoning or siting process, or under another state or local regulatory review process, provided that a tower that has not been reviewed and approved because it was not in a zoned area when it was built, but was lawfully constructed, is existing for purposes of this definition."
11. "FCC" means the Federal Communications Commission or its successor agency.
12. "Personal wireless services" has the same meaning as provided in 47 U.S.C. Section 332(c)(7)(C)(i), as may be amended, which defines the term as "commercial mobile services, unlicensed wireless services, and common carrier wireless exchange access services."
13. "Facility" means a "wireless communication facility" as defined in this chapter.
14. "Micro wireless facility" means a wireless communication facility that is no larger than twenty-four inches in length, fifteen inches in width, twelve inches in height, and that has an exterior antenna, if any, no longer than eleven inches.
15. "Monopole" means a single freestanding non-lattice, tubular tower that is not camouflaged and that is used to act as or support an antenna or antenna arrays.
16. "Radio Frequency (RF) Emissions" means electromagnetic radiation in the portion of the spectrum from three kilohertz to three hundred gigahertz.
17. "Section 6409(a)" means Section 6409(a) of the Middle Class Tax Relief and Job Creation Act of 2012, Pub. L. No. 112-96, 126 Stat. 156, codified as 47 U.S.C. Section 1455(a), as may be amended.
18. "Section 6409(a) Modification" means any eligible facilities request that does not cause a substantial change and submitted for approval pursuant to Section 6409(a) and the FCC's regulations at 47 C.F.R. § 1.40001 et seq.
19. "Service provider" means a wireless communications provider, company or organization, or the agent of a company or organization that provides wireless communications services.
20. "Significant gap" is a gap in the service provider's own wireless telecommunications facilities, as defined in federal case law interpretations of the Federal Telecommunications Act of 1996.
21. "Site" means the same as defined by the FCC in 47 C.F.R. Section 1.40001(b)(6), as may be amended, which provides that "[f]or towers other than towers in the public rights-of-way, the current boundaries of the leased or owned property surrounding the tower and any access or utility easements currently related to the site, and, for other eligible support structures, further restricted to that area in proximity to the structure and to other transmission equipment already deployed on the ground."
22. "Substantial change." See Section 18.96.060.C (Substantial Change Defined).
23. "Tower" means the same as defined by the FCC in 47 C.F.R. Section 1.40001(b)(9), as may be amended, which defines that term as "[a]ny structure built for the sole or primary purpose of supporting any [FCC]-licensed or authorized antennas and their associated facilities, including

structures that are constructed for wireless communications services including, but not limited to, private, broadcast, and public safety services, as well as unlicensed wireless services and fixed wireless services such as microwave backhaul, and the associated site." Examples include, but are not limited to, monopoles, mono-trees, and lattice towers.

24. "Transmission equipment" means the same as defined by the FCC in 47 C.F.R. Section 140001(b)(8), as may be amended, which defines that term as "[e]quipment that facilitates transmission for any [FCC]-licensed or authorized wireless communication service, including, but not limited to, radio transceivers, antennas, coaxial or fiber-optic cable, and regular and backup power supply. The term includes equipment associated with wireless communications services including, but not limited to, private, broadcast, and public safety services, as well as unlicensed wireless services and fixed wireless services such as microwave backhaul."
 25. "Wireless" means any FCC-licensed or authorized wireless communication service transmitted over frequencies in the electromagnetic spectrum.
 26. "Wireless communications facility" is a facility that sends and/or receives radio frequency signals, AM/FM, microwave, and/or electromagnetic waves for the purpose of providing voice, data, images or other information, including, but not limited to, cellular and/or digital telephone service, personal communications services, and paging services. Wireless communications facilities include antennas and all other types of equipment for the transmission or receipt of such signals; towers or similar structures built to support such equipment; equipment cabinets, base stations, and other accessory development; and screening and concealment elements. (Also referred to as "facility" and "wireless facility").
 27. "Wireless communications provider" is any company or organization that provides or who represents a company or organization that provides wireless communications services. (Also referred to as "service provider").
- B. Terms Not Defined. Terms not defined in this section shall be interpreted so as to give this chapter its most reasonable meaning and application.

(Ord. No. 2277 N.S., § 5(Exh. A), 6-6-2018)

18.96.030 - Applicability and exemptions.

- A. Applicability. This chapter applies to all new and modified wireless communication facilities unless exempted by Subsection B below.
- B. Exemptions. This chapter does not apply to:
 1. Amateur radio facilities;
 2. Direct-to-home satellite dishes, TV antennas, wireless cable antennas, and other antennas covered by the over-the-air reception devices (OTARD) rule in 47 Code of Federal Regulations (C.F.R.) Section 1.4000 et seq.;
 3. Non-commercial wireless communications facilities owned and operated by a public agency; and
 4. All antennas and wireless facilities identified by the FCC or the California Public Utilities Commission (CPUC) as exempt from local regulations.

(Ord. No. 2277 N.S., § 5(Exh. A), 6-6-2018)

18.96.040 - Required permits.

- A. Conditional Use Permit. Planning commission approval of a conditional use permit is required for all new facilities and modifications or collocation to existing facilities outside the public right-of-way, except for facilities requiring an administrative use permit or a Section 6409(a) Permit as identified below.

- B. Administrative Use Permit. Community development director approval of an administrative use permit is required for the following facilities:
 - 1. A collocation to an existing facility that is not eligible for a Section 6409(a) permit.
 - 2. A modification to an eligible support structure that is not eligible for a Section 6409(a) permit.
 - 3. Building- and facade-mounted facilities in a non-residential zoning district where the facility is completely concealed from public view and architecturally integrated into the existing support structure.
 - 4. A micro wireless facility in a non-residential zoning district-
- C. Section 6409(a) Permit. Modifications to an existing facility that do not result in a substantial change as defined by FCC regulations may be eligible for a Section 6409(a) permit. See Section 18.96.060 (Section 6409(a) Modifications).

(Ord. No. 2277 N.S., § 5(Exh. A), 6-6-2018)

18.96.050 - Application submittal and review; post-approval permit requirements.

- A. Application — General. An application for a proposed wireless communications facility shall be filed and reviewed in compliance with Chapter 18.104 (Common Permit Requirements) unless otherwise specified in this chapter.
- B. Application Contents. The application shall include the information required by the development services department with all required application fees. The project applicant may be required to submit some or all of the following information, depending on the scope of the proposed project and as determined by the development services department.
 - 1. Statement of Purpose. A written statement that includes:
 - a. A description of the technical objectives to be achieved;
 - b. An annotated topographical map that identifies the targeted service area to be benefitted;
 - c. The estimated number of potentially affected users in the targeted service area; and
 - d. A full-color signal propagation maps with objective units of signal strength measurement that show the applicant's current service coverage levels from all adjacent sites without the proposed site, predicted service coverage levels from all adjacent sites with the proposed site, and predicted service coverage levels from the proposed site without all adjacent sites.
 - e. A description of how the design may promote shared use by different carriers, if applicable.
 - f. A description of how the design may consolidate future planned facilities, if applicable.
 - 2. Site Development Plans. A fully dimensioned site plan and elevation drawings prepared by a California-licensed engineer or architect showing any existing wireless facilities with all existing transmission equipment and other improvements, the proposed facility with all proposed transmission equipment and other improvements, and the legal boundaries of the leased or owned area surrounding the proposed facility and any associated access or utility easements.
 - 3. Required Licenses or Approvals. Evidence that the applicant has all current licenses and registrations from the FCC, the California Public Utilities Commission (CPUC), and any other applicable regulatory bodies where such licenses or registrations are necessary to provide wireless communication services utilizing the proposed facility.
 - 4. Photo Simulations. Photo simulations that show the proposed facility in context of the site from reasonable line-of-sight locations from public streets or other adjacent public viewpoints, together with a map that shows the photo location of each view angle.
 - 5. Alternative Sites Analysis.

- a. The applicant must provide a list of all existing structures considered as alternatives to the proposed location, together with a general description of the site design considered at each location.
 - b. The applicant must also provide a written explanation for why the alternatives considered were unacceptable or infeasible, unavailable or not as consistent with the development standards in this chapter as the proposed location. This explanation must include a meaningful comparative analysis and such technical information and other factual justification as are necessary to document the reasons why each alternative is unacceptable, infeasible, unavailable or not as consistent with the development standards in this chapter as the proposed location.
 - c. If an existing facility is listed among the alternatives, the applicant must specifically address why the modification of such wireless communication facility is not a viable option. When an applicant proposes a site in the public right-of-way, the initial alternative sites analysis required for a complete application may evaluate other potential locations within the right-of-way.
- 6. RF Exposure Compliance Report. A radio frequency (RF) report acceptable to the city prepared and certified by an RF engineer that certifies that the proposed facility, as well as any collocated facilities, will comply with applicable federal RF exposure standards and exposure limits.
- 7. Noise Study. A noise study prepared and certified by an engineer for the proposed facility and all associated equipment including all environmental control units, sump pumps, temporary backup power generators, and permanent backup power generators demonstrating compliance with the city's noise regulations.
- 8. Deposit for Third Party Review. A cash deposit for third party peer review determined by the community development director to be necessary to ensure compliance with the requirements of this chapter.
- 9. Additional Information. Additional information determined by the development services department as necessary for processing the application for the proposed facility.
- C. Application Processing Time. The application processing time for applications subject to this chapter shall be in conformance with the time periods and procedures established by applicable FCC decisions, adjusted for any tolling due to incomplete application notices or mutually agreed upon extensions of time.
- D. Public Notice and Hearing.
 - 1. Conditional Use Permit. The planning commission shall review and act on a conditional use permit for a proposed facility at a noticed public hearing in compliance with Chapter 18.104 (Common Permit Requirements).
 - 2. Administrative Use Permit. Public notice of a pending action on an administrative use permit application shall be provided in compliance with Section 18.104.090 (Notice of Pending Action). The community development director shall hold a public hearing for an administrative use permit application only upon receiving a written request for a public hearing as provided in Section 18.104.090.
- E. Basis for Approval. To approve a conditional use permit or administrative use permit for a proposed facility, the review authority must find that:
 - 1. The facility is consistent with the requirements of this chapter;
 - 2. The facility is sited and located in the most preferred manner possible, as described in Section 18.96.070 (Preferred Siting and Location), while meeting the applicant's wireless service objectives; and
 - 3. All the findings required for the conditional use or administrative use permit as specified in Chapter 18.108 (Specific Permit Requirements) can be made for the proposed facility.

F. Appeals.

1. Community development director decisions on an administrative use permit may be appealed to the planning commission in accordance with Section 18.112 (Appeals).
2. Planning commission decisions on a conditional use permit may be appealed to the planning commission in accordance with Section 18.112 (Appeals).

G. Length of Approval.

1. All approvals for wireless communication facilities are valid for an initial maximum period of ten years.
2. An approval may be extended by the community development director from the initial approval date for a subsequent five years and may be extended by the director every five years thereafter upon the verification of the wireless communications provider's continued compliance with this chapter and with the findings and conditions of approval under which the application was originally approved.

H. Permit Revocation.

1. Basis for Revocation. A permit granted under this chapter may be revoked for noncompliance with any enforceable permit, permit condition or law applicable to the facility.
2. Revocation Procedures.
 - a. When the community development director finds reason to believe that grounds for permit revocation exist, the director shall send written notice to the permit holder that states the nature of the violation and a means to correct the violation. The permit holder shall have a reasonable time from the date of the notice to correct the violation or show that the violation has not occurred.
 - b. If the permit holder does not correct the violation or show that the violation has not occurred, the planning commission shall conduct a noticed public hearing to consider whether to revoke the permit. The planning commission may revoke the permit upon findings that the permit holder has not complied with any enforceable permit, permit condition or law applicable to the facility.
 - c. The planning commission's decision may be appealed to the city council in accordance with Chapter 18.112 (Appeals).
- I. Cessation of Operations — New Permit Required. A new permit shall be required if a site is to be used again for the same purpose as permitted under the original permit if a consecutive period of six months have lapsed since cessation of operations.
- J. Transfer of Ownership. In the event that the original permit holder sells its interest in a wireless communication facility, the succeeding carrier shall assume all project responsibilities and shall be held responsible for maintaining consistency with all permit requirements and conditions of approval.

(Ord. No. 2277 N.S., § 5(Exh. A), 6-6-2018)

18.96.060 - Section 6409(a) modifications.

- A. Purpose. This section describes the process and requirements for the approval of an "eligible facilities request" that does not cause a "substantial change" to an existing facility as defined by FCC regulations.
- B. Eligible Facilities Request Defined. "Eligible facilities request" means the same as defined by the FCC in 47 C.F.R. Section 1.40001(b)(3), as may be amended, which defines that term as a request for modification of an existing tower or base station that does not substantially change the physical dimensions of the tower or base station, involving
 1. Collocation of new transmission equipment;

2. Removal of transmission equipment; or
 3. Replacement of transmission equipment.
- C. Substantial Change Defined. "Substantial change" means the same as defined by the FCC in 47 C.F.R. Section 1.40001(b)(7), as may be amended, defined according to the facility type and location as follows:
1. Towers Outside the Public Right-of-Way. For towers outside the public right-of-way, a substantial change occurs when:
 - a. The proposed collocation or modification increases the overall height more than ten percent or the height of one additional antenna array not to exceed twenty feet (whichever is greater); or
 - b. The proposed collocation or modification increases the width more than twenty feet from the edge of the wireless tower or the width of the wireless tower at the level of the appurtenance (whichever is greater); or
 - c. The proposed collocation or modification involves the installation of more than the standard number of equipment cabinets for the technology involved, not to exceed four; or
 - d. The proposed collocation or modification involves excavation outside the current boundaries of the leased or owned property surrounding the wireless tower, including any access or utility easements currently related to the site.
 2. Monopoles in the Public Right-of-Way. For monopoles in the public rights-of-way, a substantial change occurs when:
 - a. The proposed collocation or modification increases the overall height more than ten percent or ten feet (whichever is greater); or
 - b. The proposed collocation or modification increases the width more than six feet from the edge of the wireless monopoles; or
 - c. The proposed collocation or modification involves the installation of any new equipment cabinets on the ground when there are no existing ground-mounted equipment cabinets; or
 - d. The proposed collocation or modification involves the installation of any new ground-mounted equipment cabinets that are ten percent (ten percent) larger in height or volume than any existing ground-mounted equipment cabinets; or
 - e. The proposed collocation or modification involves excavation outside the area in proximity to the structure and other transmission equipment already deployed on the ground.
 3. All Towers and Base Stations. In addition, for all towers and base stations wherever located, a substantial change occurs when:
 - a. The proposed collocation or modification would defeat the existing concealment elements of the support structure as determined by the community development director; or
 - b. The proposed collocation or modification violates a prior condition of approval, provided however that the collocation need not comply with any prior condition of approval related to height, width, equipment cabinets or excavation that is inconsistent with the thresholds for a substantial change described in this section.
 4. Interpretation of Thresholds.
 - a. The thresholds for a substantial change described above are disjunctive. The failure to meet any one or more of the applicable thresholds means that a substantial change would occur.
 - b. The thresholds for height increases are cumulative limits. For sites with horizontally separated deployments, the cumulative limit is measured from the originally-permitted support structure without regard to any increases in size due to wireless equipment not included in the original design. For sites with vertically separated deployments, the

cumulative limit is measured from the permitted site dimensions as they existed on February 22, 2012—the date that Congress passed Section 6409(a).

- D. Permit Required. Approval of an eligible facilities request as defined above requires community development director approval of a Section 6409(a) Permit.
- E. Applications. Applications for a Section 6409(a) Permit shall contain all information and materials specified in Section 18.96.050.B (Application Contents) except as follows:
 - 1. Section 6409(a) Permit applications are not required to include a statement of purpose (Section 18.96.050.B.1) or an alternative sites analysis (Section 18.96.050.B.5).
 - 2. The application must include a detailed explanation as to why the applicant believes that the application qualifies as an eligible facilities request subject to a Section 6409(a) Permit.
 - 3. For applications involving a collocation or modification to an eligible support structure, the application must be accompanied by all prior approvals for the existing facility (including but not limited to all conditions associated with the siting approval of the construction or modification of the eligible support structure or base station equipment), as well as all permit applications with required application materials for each separate permit required by the city for the proposed facility, including but not limited to a building permit and an encroachment permit (if applicable).
- F. Public Notice. Before the community development director may approve a Section 6409(a) Permit application, notice of the application shall be posted on site at least ten calendar days prior to the city taking action on the application and shall contain the following information:
 - 1. A general explanation of the proposed modification or collocation;
 - 2. A general description of the location of the real property that is the subject of the application; and
 - 3. The following statement: "Federal law may require approval of this application pursuant to Section 6409(a) of the Middle Class Tax Relief and Job Creation Act of 2012, Pub. L. No. 112-96, 126 Stat. 156, codified as 47 U.S.C. Section 1455(a)."
- G. Basis for Approval.
 - 1. This subsection shall be interpreted and applied so as to be consistent with the Telecommunications Act of 1996, Section 6409(a), and the applicable FCC and court decisions and determinations relating to the same. In the event that a court of competent jurisdiction invalidates all or any portion of Section 6409(a) or a FCC rule or regulation that interprets Section 6409(a), such that federal law would not mandate approval for any eligible facilities request, then all proposed modifications to existing facilities subject to this section must be approved by an administrative use permit, or conditional use permit, as applicable, and subject to the discretion of the community development director.
 - 2. The community development director shall approve a Section 6409(a) Permit upon finding that the proposed collocation or modification qualifies as an eligible facilities request and does not cause a substantial change as defined above.
 - 3. In addition to any other alternative recourse permitted under federal law, the community development director may deny a Section 6409(a) permit upon finding that the proposed collocation or modification:
 - a. Violates any legally enforceable standard or permit condition reasonably related to public health and safety;
 - b. Involves a structure constructed or modified without all regulatory approvals required at the time of the construction or modification;
 - c. Involves the replacement of the entire support structure; or
 - d. Does not qualify for mandatory approval under Section 6409(a) for any lawful reason.

4. A denial of a Section 6409(a) permit application shall be without prejudice to the applicant, the real property owner, or the project. Subject to the application and submittal requirements in this chapter, the applicant may immediately resubmit a permit application for either a conditional use permit, administrative use permit, or Section 6409(a) permit as appropriate.
- H. Appeals. Community development director decisions on a Section 6409(a) Permit are final and may not be appealed.
- I. No Permit Term Extension.
1. The approval of a Section 6409(a) permit constitutes a federally-mandated modification to the underlying permit or approval for the subject tower or base station.
 2. A Section 6409(a) permit does not extend the permit term for any conditional use permit, administrative use permit, or other underlying regulatory approval and its term shall be coterminous with the underlying permit for the subject tower or base station.
- J. Applicant Notifications for Deemed Granted Remedies.
1. Under state and/or federal law, the city's failure to act on a wireless communications facility permit application within a reasonable period of time in accordance with the time periods and procedures established by applicable FCC decisions, accounting for tolling, may result in the permit being deemed granted by operation of law.
 2. To the extent federal or state law provides a "deemed granted" remedy for wireless communications facility applications not timely acted upon by the city, no such application shall be deemed granted unless and until the applicant satisfies the following requirements:
 - a. Submits a complete application package consistent with the application procedures specified in this chapter and applicable federal and state laws and regulations.
 - b. Following the date by which the city must take final action on the application (as determined in accordance with the time periods and procedures established by applicable FCC decisions and accounting for tolling), the applicant must provide notice to the city that the application is deemed granted by operation of law.
- K. Accelerated Permit Terms Due to Invalidation.
1. In the event that any court of competent jurisdiction invalidates any portion of Section 6409(a) or any FCC rule that interprets Section 6409(a) such that federal law would not mandate approval for any Section 6409(a) permit, the permit or permits issued in connection with such 6409(a) modification(s) shall automatically expire one year from the effective date of the judicial order.
 2. A permit holder is not required to remove its improvements approved under the invalidated Section 6409(a) permit if the permit holder submits an application for a conditional use permit or administrative use permit for those improvements before the one-year period ends.
- L. No Waiver of Standing. The approval of a Section 6409(a) permit shall not be construed to waive any standing by the City to challenge Section 6409(a), any FCC rules that interpret Section 6409(a) or any Section 6409(a) modification.

(Ord. No. 2277 N.S., § 5(Exh. A), 6-6-2018)

18.96.070 - Preferred siting and location.

The following siting and location preferences apply to all proposed new facilities and substantial changes to existing facilities. The community development director may require the applicant to submit an alternative sites analysis and evidence to demonstrate that a proposed facility could not be feasibly installed in a preferred site or location.

- A. Preferred Siting. To the extent possible, all proposed facilities should be sited according to the following preferences, ordered from most preferred to least preferred:

1. Collocations on existing base stations outside the rights-of-way; then
 2. Collocations on towers outside the rights-of-way; then
 3. New building-mounted facilities outside the rights-of-way; then
 4. New towers outside the rights-of-way.
- B. Preferred Locations — General. All applicants should, to the extent possible, propose new facilities and substantial changes to existing facilities in non-residential zones.
- C. Preferred Locations — Non-Residential Zones. To the extent possible, all proposed facilities in non-residential zones should be located according to the following preferences, ordered from most preferred to least preferred:
1. City owned or controlled parcels; then
 2. Parcels in the public facilities (PF) zone; then
 3. Parcels in the industrial (CI, IO, IC, IL, IG) zones; then
 4. Parcels in the commercial (CN, CG, CH, CS) zones;
 5. Parcels in the sports recreation leisure (SRL) zone.
 6. Parcels in the mixed use (MU-D, MU-N, MUF) zones.
- D. Preferred Locations -Residential and Open Space Zones. If a facility is proposed in a residential (RE, RDL, RDH, RAL, RAM, RAH)), a residential Planned Development, or open space (OS) zone, all facilities should be located according to the following preferences, ordered from most preferred to least preferred:
1. City owned or controlled parcels; then
 2. Parcels that contain non-residential uses and do not contain residential uses; then
 3. Parcels that contain non-residential conditional uses and do contain residential uses; then
 4. Parcels that do not contain single-family homes; then
 5. All other parcels.

(Ord. No. 2277 N.S., § 5(Exh. A), 6-6-2018)

18.96.080 - Development standards.

A. General Design Standards. All facilities must conform to the following design standards.

1. Concealment. All new facilities and substantial changes to existing facilities must incorporate concealment measures and/or techniques appropriate for the proposed location and design. All ground-mounted equipment on private property must be completely concealed to the extent feasible according to the following preferences, ordered from most preferred to least preferred:
 - a. Within an existing structure including, but not limited to, an interior equipment room, mechanical penthouse or dumpster corral; then
 - b. Within a new structure designed to integrate with or mimic the adjacent existing structure; then
 - c. Within an underground equipment vault if no other feasible above-ground design that complies with subsections (a) or (b) exists.
2. Height.
 - a. All new facilities and substantial changes to existing facilities must not exceed the height limit in the applicable zone except as allowed in Paragraph b below.

- b. The review authority may approve a height exception up to 8 feet above the height limit when a proposed facility is (1) mounted on the rooftop of an existing building; (2) completely concealed; and (3) architecturally integrated into the underlying building. This exception does not apply to any towers or utility poles.
- 3. Setbacks. All facilities must comply with all setback requirements in the applicable zone.
- 4. Collocation. Applicants shall design their facilities to accommodate future collocated facilities to the extent feasible.
- 5. Landscaping. In addition to any landscaping required by the city for concealment or screening purposes, the applicant shall install and maintain additional landscaping to replace any existing landscaping displaced during the construction or installation of the facility.
- 6. Backup or Standby Power Sources and Generators. The city may not approve any fossil fuel-powered backup power sources or generators unless the applicant demonstrates that the facility cannot feasibly achieve its power needs with batteries, fuel cells or other similarly non-polluting, low noise-level means.
- 7. Lights.
 - a. Unless otherwise required under FAA or FCC regulations, applicants may install only timed or motion-sensitive light controllers and lights and must install such lights so as to avoid illumination impacts to adjacent properties to the maximum extent feasible. The city may exempt an applicant from this requirement when the applicant demonstrates a substantial public safety need.
 - b. All aircraft warning lighting must use lighting enclosures that avoid illumination impacts to properties in the city to the maximum extent feasible.
- 8. Noise. All transmission equipment and other equipment (including without limitation air conditioners and sump pumps) associated with the facility must not emit sound that exceeds the applicable limit established in municipal code Chapter 8.28 (Noise).
- 9. Signage.
 - a. A facility may not display any signage or advertisements unless expressly allowed by the city in a written approval, recommended under FCC regulations or required by law or permit condition.
 - b. Every facility shall at all times display signage that accurately identifies the facility owner and provides the facility owner's unique site number, and also provides a local or toll-free telephone number to contact the facility owner's operations center.
- 10. Code Compliance. A permit holder shall design and maintain all facilities in compliance with all applicable federal, state and local laws, codes, regulations, ordinances or other rules.
- B. Tower-Mounted Facilities.
 - 1. General Design Preferences. To the extent feasible and appropriate for the proposed location, all new towers applications should be designed according to the following preferences, ordered from most preferred to least preferred:
 - a. Faux architectural features (examples include, but are not limited to, bell towers, clock towers, lighthouses, obelisks and water tanks); then
 - b. Faux trees; then
 - c. Monopoles that do not conceal the antennas within a concealment device.
 - 2. Tower-mounted Equipment. All tower-mounted equipment shall be mounted as close to the vertical support structure as possible to reduce its visual profile. Applicants should mount non-antenna, tower-mounted equipment (including, but not limited to, remote radio units/heads, surge

suppressors, and utility demarcation boxes) directly behind the antennas to the maximum extent feasible.

3. Ground-mounted Equipment. Ground-mounted equipment shall be concealed with opaque fences or other opaque enclosures. The city may require, as a condition of approval, design and/or landscape features in addition to other concealment when necessary to blend the equipment or enclosure into the surrounding environment.
4. Concealment Standards for Faux Trees. All faux tree facilities shall comply with the following standards:
 - a. The canopy shall completely envelop all tower-mounted equipment and extend beyond the tower-mounted equipment at least eighteen inches.
 - b. The canopy shall be naturally tapered to mimic the particular tree species.
 - c. All tower-mounted equipment, including antennas, equipment cabinets, cables, mounts and brackets, shall be painted flat natural colors to mimic the particular tree species.
 - d. All antennas and other tower-mounted equipment cabinets shall be covered with broadleaf or pine needle "socks" to blend in with the faux foliage.
 - e. The entire vertical structure shall be covered with permanently-affixed three-dimensional faux bark cladding to mimic the particular tree species.
- C. Building and Facade Mounted Facilities.
 1. General Design Preferences. To the extent feasible and appropriate for the proposed location, all new building and facade mounted facilities should be designed according to the following preferences, ordered from most preferred to least preferred:
 - a. Completely concealed and architecturally integrated facade or rooftop mounted base stations which are not visible from any publicly accessible areas at ground level (examples include, but are not limited to, antennas behind existing parapet walls or facades replaced with RF-transparent material and finished to mimic the replaced materials); then
 - b. Completely concealed new structures or appurtenances designed to mimic the support structure's original architecture and proportions (examples include, but are not limited to, cupolas, steeples, chimneys and water tanks); then
 - c. Facade-mounted facilities incorporated into "pop-out" screen boxes designed to be architecturally consistent with the original support structure; then
 - d. Exposed facade-mounted and rooftop antennas.
 2. Ground-mounted Equipment. Outdoor ground-mounted equipment associated with base stations must be avoided whenever feasible. In locations visible or accessible to the public, outdoor ground-mounted equipment shall be concealed with opaque fences or landscape features that mimic the adjacent structures (including, but not limited to, dumpster corrals and other accessory structures).

(Ord. No. 2277 N.S., § 5(Exh. A), 6-6-2018)

18.96.090 - Operation and maintenance requirements.

- A. Inspections and Emergencies. The city or its designee may enter onto the facility area to inspect the facility upon reasonable notice to the permit holder. The permit holder shall cooperate with all inspections. The city or its designee may enter the facility and support, repair, disable or remove any elements of the facility in emergencies or when the facility threatens imminent harm to persons or property.

- B. **Contact Information for Responsible Parties.** The permit holder shall at all times maintain accurate contact information for all parties responsible for the facility, which shall include a phone number, street mailing address and email address for at least one natural person. All such contact information for responsible parties shall be provided to the community development director upon the community development director's written or verbal request.
- C. **General Maintenance.** The site and the facility, including but not limited to all landscaping, fencing and related transmission equipment, shall be maintained in a neat and clean manner and in accordance with all approved permits and conditions of approval.
- D. **Removal of Discontinued Equipment.** All equipment and improvements associated with a wireless communications facility shall be removed within 30 days of the discontinuation of the use, and the site shall be restored to its original pre-construction condition. If a permit holder fails to remove a discontinued facility, the city may remove or cause to remove the facility at the permit holder's sole expense.
- E. **Change in Federal or State Regulations.** All facilities shall meet the current standards and regulations of the FCC, the California Public Utilities Commission, and any other agency of the federal or state government with the authority to regulate wireless communications providers. If such standards and/or regulations are changed, the wireless communications provider shall bring its facilities into compliance with such revised standards and regulations within ninety days of the effective date of such standards and regulations, unless a more stringent compliance schedule is mandated by the controlling federal or state agency. Failure to bring wireless communications facility into compliance with revised standards and regulations shall constitute grounds for the immediate removal of the facility at the wireless communications provider's expense.
- F. **RF Exposure Compliance.** All facilities shall comply with all standards and regulations of the FCC and any other state or federal government agency with the authority to regulate radio frequency (RF) exposure standards. Under the Federal Telecommunications Act of 1996, the city may not deny an application for a wireless telecommunications facility due to perceived health risks if the proposed facility complies with Federal RF exposure standards.

(Ord. No. 2277 N.S., § 5(Exh. A), 6-6-2018)

18.96.100 - Limited waivers.

- A. **Request for Exemption.** An applicant may request a waiver from one or more requirements in this chapter on the basis that a permit denial would effectively prohibit personal wireless services in Morgan Hill.
- B. **Basis for Approval.** For the city to approve such an exemption, the applicant must demonstrate with clear and convincing evidence all of the following:
 - 1. A significant gap in the applicant's service coverage exists;
 - 2. All alternative sites identified in the application review process are either technically infeasible or not potentially available; and
 - 3. Permit denial would effectively prohibit personal wireless services in Morgan Hill.
- C. **Applicant Must Demonstrate Basis for Approval.** The applicant always bears the burden to demonstrate why an exemption should be granted.

(Ord. No. 2277 N.S., § 5(Exh. A), 6-6-2018)

18.96.110 - Severability.

If any section or portion of this chapter is found to be invalid by a court of competent jurisdiction, such finding shall not affect the validity of the remainder of the chapter, which shall continue in full force and effect.

(Ord. No. 2277 N.S., § 5(Exh. A), 6-6-2018)



PLANNING COMMISSION STAFF REPORT

MEETING DATE: March 12, 2019

PREPARED BY: John Baty, Principal Planner/Development Services
 APPROVED BY: Jennifer Carman, Community Development Director

SR2019-0009 PRELIMINARY PLAN REVIEW: MONTEREY - BLOCK ONE

RECOMMENDATION(S)

Provide feedback on SR2019-0009 Preliminary Plan Review's consistency with the adopted Block-Level Master Plan for Monterey Corridor Block One.

LOCATION MAP



PROJECT SUMMARY:

1. Location: Northeast corner of Monterey Road and Burnett Avenue (APN: 725-01-018, -032, and -033)
2. Site Area: 8.55 acres
3. General Plan: Mixed Use Flex
4. Zoning: Mixed-Use Flex/Planned Development (PD), Ord. No. 2297ns

BACKGROUND:

1. Mixed Use Flex General Plan Land Use Designation

On July 27, 2016 the City Council adopted the Morgan Hill 2035 General Plan, a comprehensive update of the City's 2001 General Plan and Morgan Hill 2035 General Plan Land Use Map that designates certain properties Mixed Use Flex.

The Mixed Use Flex designation, which is primarily applied to properties along the Monterey Road corridor north and south of Downtown, allows for a mix of residential, commercial, and office uses applied either vertically (i.e., one structure with multiple uses) or horizontally (i.e., structures with different land uses located adjacent to one another). The Mixed Use Flex designation allows 7 to 24 units per acre (residential) and a maximum Floor Area Ratio (FAR) of 0.5 (commercial). The density of residential and intensity of non-residential uses should transition from higher near Downtown to lower at the ends of the Monterey Road corridor.

The General Plan requires that, prior to development of residential or mixed-use projects within the Mixed Use Flex designation, a Block-Level Master Plan is required to: A) identify how commercial uses will be incorporated within the development of the block, and B) how individual development projects will connect with each other.

2. Monterey Road Corridor Block One Block-Level Master Plan (BLMP)

Following City Council meetings on November 28, December 5, and December 19, 2018, the City Council directed the Development Services Director to initiate a Zoning Amendment to establish a Block-Level Master Plan (BLMP) for Monterey Road Corridor Block One, which includes the approximately 8.55 acres of property located at the northeast corner of Monterey Road and Burnett Avenue.

The Planning Commission held a study session and public hearing on January 22, 2019 to evaluate the draft guidelines and standards for the proposed BLMP Ordinance (File No. ZA2019-0001: Monterey Corridor Block One) and recommended the City Council approve, with two modifications, the proposed Zoning Amendment.

On February 6, 2019 the City Council introduced Ordinance No. 2297n.s. (Attachment 1), which was adopted on February 20, 2019, establishing a BLMP for Monterey Corridor Block One.

3. Next Steps and Purpose of Preliminary Plan Review

The approved Monterey Corridor Block One BLMP allows an applicant to compete in the Residential Development Control System (RDSCS) for residential allotments, with Planning Commission and City Council determining that the Preliminary Plan Review is consistent with the Block One BLMP. As of the drafting of this report, staff anticipates that the applicant (North Corridor Investors LLC) will submit an RDSCS application on March 8, 2019.

The Preliminary Plan Review (File No. SR2019-0009: Monterey Block One) provides the Planning Commission and City Council with an opportunity to provide feedback to the applicant regarding how their specific proposal is or is not consistent with the adopted BLMP. If the Commission and Council find the Preliminary Plan Review consistent with the BLMP the applicant would be allowed to continue to compete in the RDCS.

After the RDCS competition, if the applicant is awarded allotments, the applicant would submit for a Zoning Amendment to establish a Planned Development (PD) Master Plan for the entire block, which would provide specific details for the applicant's proposed project and demonstrate how the project will integrate with future development on any remaining portions of the block.

Attached is an updated tentative schedule illustrating how the Preliminary Plan Review/PD Master Plan process could progress in parallel with the current RDCS schedule (Attachment 2).

Project Description

North Corridor Investors LLC., has submitted a Preliminary Plan Review request pursuant to Morgan Hill Municipal Code Section 18.30.050.F (Planned Development Combining District) to obtain guidance from the Planning Commission and City Council for the proposed Block One BLMP development. The applicant has proposed a plan that shows connectivity between the residential and commercial uses and public gathering places. Their goal was to provide a large central park area fronting Tilton Avenue. A wide paseo has been provided, creating an unobstructed open space view corridor. In the applicant's consistency letter (Attachment 3), the applicant states that the project meets the requirements specified by the City for Block One.

ANALYSIS:

The proposed Preliminary Plan Review was analyzed with respect to consistency with the: 1) Block-Level Master Plan; 2) Planned Development (PD) Master Plan Findings; and 3) California Environmental Quality Act (CEQA).

1. Block-Level Master Plan (BLMP) Consistency

The adopted BLMP Ordinance for Block One established the basic expectations and specific requirements for future development within the block in the form of a diagram (Attachment 1-Exhibit A) and land use regulations (Attachment 1-Exhibit B).

Consistent with the BLMP diagram (Attachment 1-Exhibit A), the proposal shows:

- A setback buffer along the northerly property line (adjacent to Coyote Greenbelt) and along the Monterey Road frontage
- The Tilton Avenue extension through the block
- Preservation of the existing historic building on the commercial/mixed-use portion of

the block

- Residential development on the residential or commercial portion of the block

In terms of consistency with land use regulations (Attachment 1-Exhibit B), the project is proposing:

- A density of 12.06 dwelling units per acre; within the allowable 7 to 24 units per acre
- To transition from four-plex to tri-plex to duplex units and three story to two story units from south to north
- Perimeter setbacks greater than required by the MU-F Mixed Use Flex Zoning District
- Visual and future physical connections with the adjacent commercial/mixed-use portion of the block
- Primary (front) building entrances oriented toward the street or pedestrian paseos with parking accessed off the rear via alleys
- No separate/new driveway access off Monterey Road
- Accessible and visible public gathering places, including at the new Tilton Avenue intersection and adjacent to commercial/mixed-use portion of block

The applicant has provided plans (Attachment 4) that demonstrates how their proposal meets each of the standards of the adopted BLMP Ordinance.

2. **Planned Development (PD) Master Plan Findings**

In addition to providing feedback to the applicant regarding their Preliminary Plan's consistency with the adopted BLMP, the Planning Commission should also provide preliminary input on the proposal's consistency with the Planned Development (PD) Master Plan findings in Section 18.30.050.H.7 of the Zoning Code.

18.30.050.H.7 PD Master Plans / Findings

- a. The proposed development is consistent with the General Plan, Zoning Code and any applicable specific plan or area plan adopted by the City Council.
- b. The proposed development is superior to the development that could occur under the standards applicable in the existing zoning districts.
- c. The proposed project will provide a substantial public benefit(s) as defined in Paragraph 8 Substantial Public Benefit Defined (Attachment 6). The public benefit provided shall be of sufficient value as determined by the Planning Commission to justify deviation from the standards of the zoning district that currently applies to the property.
- d. The site for the proposed development is adequate in size and shape to accommodate proposed land uses.
- e. Adequate transportation facilities, infrastructure, and public services exist or will be provided to serve the proposed development.

- f. The proposed development will not have a substantial adverse effect on surrounding property and will be compatible with the existing and planned land use character of the surrounding area.
- g. Findings required for the concurrent approval of a Zoning Map Amendment can be made.

Conclusion

Staff recommends that the Planning Commission provide feedback regarding the proposed Preliminary Plan and determine whether it is consistent with the adopted Block One BLMP (Ordinance No. 2297n.s.) and with the PD Master Plan findings.

3. California Environmental Quality Act (CEQA):

The Preliminary Review application is not subject to CEQA, as there will be no action taken as this is an information item only.

Community Engagement

The proposed project was publicly noticed (mailing to property owners within 300 feet of the project and newspaper legal noticing) for the minimum 10-day period.

LINKS/ATTACHMENTS:

- 1. Ordinance No. 2297n.s.
- 2. BLMP/PD Master Plan and RDCS Tentative Schedules
- 3. Manzanita Park Prelim PD Letter
- 4. Manzanita Park Preliminary Plans
- 5. Surrounding Land Use Plan
- 6. Substantial Public Benefit Defined (18.30.050.H.8)
- 7. Manzanita Park Prelim PD Letter Supplement

ORDINANCE NO. 2297, NEW SERIES

AN ORDINANCE OF THE CITY OF MORGAN HILL APPROVING A ZONING AMENDMENT FROM THE PLANNED UNIT DEVELOPMENT (PUD) AND SERVICE COMMERCIAL (CS) ZONING DISTRICTS TO THE MIXED USE FLEX (MU-F)/ PLANNED DEVELOPMENT (PD) COMBINING DISTRICT ESTABLISHING A BLOCK-LEVEL MASTER PLAN FOR MONTEREY ROAD CORRIDOR BLOCK ONE, AN APPROXIMATELY 8.55-ACRE SITE LOCATED ON THE NORTH EAST CORNER OF MONTEREY ROAD AND BURNETT AVENUE (APN 725-01-018, 725-01-032, AND 725-01-033)

WHEREAS, on July 27, 2016 the City Council adopted the Morgan Hill 2035 General Plan, a comprehensive update of the City's 2001 General Plan; and

WHEREAS, the Morgan Hill 2035 General Plan Land Use Map designates certain properties, including the subject property, Mixed Use Flex; and

WHEREAS, the Mixed Use Flex designation, which is primarily applied to properties along the Monterey Road corridor north and south of Downtown, allows for a mix of residential, commercial, and office uses applied either vertically (i.e., one structure with multiple uses) or horizontally (i.e., structures with different land uses located adjacent to one another). The Mixed Use Flex designation allows 7 to 24 units per acre (residential) and a maximum FAR of 0.5 (commercial) and density should transition from higher near Downtown to lower at the ends of the Monterey Road corridor; and

WHEREAS, the Morgan Hill 2035 General Plan requires that, prior to development of residential or mixed-use projects within the Mixed Use Flex designation a Block-Level Master Plan is required to: A) identify how commercial uses will be incorporated within the development of the block, and B) how individual development projects will connect with each other; and

WHEREAS, the Block-Level Master Plan requirement applies to those segments of the Monterey Road Corridor north and south of Downtown that include properties that have a Mixed Use Flex General Plan Land Use designation. Blocks may include properties with a variety of General Plan designations (e.g., Commercial, Residential Attached Low, Public Facilities, Mixed Use Flex, etc.) and Zoning Districts (e.g., CG General Commercial, RAL 3,500, PF Public Facilities, MU-F Mixed Use Flex, etc.);

WHEREAS, Section 18.22.010 B3 of the Zoning Code states that the purpose of the Mixed Use Flex (MU-F) zoning district is to accommodate a mixture of residential and commercial uses typically along the Monterey Road corridor north and south of Downtown. New mixed use development may be vertical (residences above ground floor commercial) or horizontal (separate buildings with different uses on a single site). Development in the MU-F zoning district creates attractive gateways into Morgan Hill, provides a range of housing options, and creates new centers

of activity to serve surrounding neighborhoods;

WHEREAS, Section 18.30.050 of the Zoning Code states that the purpose of the Planned Development (PD) combining district is to allow for high quality development that deviates from standards and regulations applicable to base zoning districts in Morgan Hill. The PD combining district is intended to promote creativity in building design, flexibility in permitted land uses, and innovation in development concepts. The PD combining district provides land owners with enhanced flexibility to take advantage of unique site characteristics and develop projects that will provide public benefits for residents, employees, and visitors; and

WHEREAS, Section 18.114.020 of the Zoning Code states that the City Council, Planning Commission, or Community Development Director may initiate Zoning Map and Text amendments; and

WHEREAS, on December 19, 2018 the City Council directed staff to draft Zoning amendments to establish a Block-Level Master Plan (BLMP) Planned Development (PD) for Monterey Road Corridor Block One and Block Four; and

WHEREAS, in addition to the underlying base zoning district requirements, specific requirements are shown/listed in **Exhibit A: Block-Level Master Plan Map – Block One** and **Exhibit B: Block-Level Master Plan Land Use Regulations - Block One**; and

WHEREAS, an Addendum to the Environmental Impact Report (EIR) for the City of Morgan Hill's Morgan Hill 2035 Project certified on July 27, 2016 (State Clearinghouse No. 2015022074) was prepared April 4, 2018 for the City of Morgan Hill Zoning Code Update project pursuant to the provisions of the State of California Environmental Quality Act (CEQA) Guidelines Section 15164, and the City of Morgan Hill determined, pursuant to CEQA Guidelines Section 15183, that the proposed zoning amendment shall not require additional environmental review in that the project will not result in any new impacts that were not already identified in the Morgan Hill 2035 EIR and subsequent Addendum or any impacts of greater severity than were already addressed; and

WHEREAS, a visioning and goal setting workshop was held on September 25, 2018 where members of the public and various stakeholders provided feedback that facilitated the crafting of preliminary guiding principles for the development of the Monterey Corridor; 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 Block-Level Master Plan Planned Development (BLMP PD) ordinance for Monterey Corridor Block One, was considered by the Planning Commission at their study session and regular meeting of January 22, 2019, at which time the Planning Commission recommended City Council consider the Addendum to the Morgan Hill 2035 EIR in accordance with the California Environmental Quality Act (CEQA) and approval of the Zoning Amendment to establish a BLMP PD for Monterey Corridor Block One; and

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

- SECTION 1.** As provided in Section 18.114.060 of the Municipal Code the proposed Monterey Road Corridor Block-Level Master Plan Planned Development (BLMP PD) with an underlying base zoning district of Mixed Use Flex:
- A.** Is consistent with the Morgan Hill 2035 General Plan; and
 - B.** Is required in order to serve the public convenience, necessity, and general welfare; and
 - 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.
- SECTION 2.** The City Council has considered the Addendum to the Morgan Hill 2035 Environmental Impact Report (EIR) in accordance with the California Environmental Quality Act (CEQA).
- SECTION 3.** There hereby is attached hereto as **Exhibit A: Block-Level Master Plan Map – Block One** and made a part of this ordinance.
- SECTION 4.** There hereby is attached hereto as **Exhibit B: Block-Level Master Plan Land Use Regulations - Block One** and made a part of this ordinance.
- SECTION 5.** The underlying base zoning district is designated Mixed Use Flex (MU-F).
- 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.** Effective Date; Publication. This Ordinance shall take effect thirty (30) days after the date of its adoption. The City Clerk is hereby directed to publish this ordinance pursuant to §36933 of the Government Code.

THE FOREGOING ORDINANCE WAS INTRODUCED AT A MEETING OF THE CITY COUNCIL HELD ON THE 6th DAY OF FEBRUARY 2019, AND WAS FINALLY ADOPTED AT A MEETING OF THE CITY COUNCIL HELD ON THE 20th DAY OF FEBRUARY 2019, AND SAID ORDINANCE WAS DULY PASSED AND ADOPTED IN ACCORDANCE WITH THE LAW BY THE FOLLOWING VOTE:

AYES: **COUNCIL MEMBERS:** Larry Carr, Rene Spring, Yvonne Martinez Beltran,
John McKay, Rich Constantine

NOES: **COUNCIL MEMBERS:** None

ABSTAIN: **COUNCIL MEMBERS:** None

ABSENT: **COUNCIL MEMBERS:** None

APPROVED:


RICH CONSTANTINE, Mayor

ATTEST:


IRMA TORREZ, City Clerk

DATE: 2/25/2019

Effective March 23, 2019

❧ 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. 2297, New Series, adopted by the City Council of the City of Morgan Hill, California at its regular meeting held on the 20th day of February 2019.

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

DATE: 2/25/2019



IRMA TORREZ, City Clerk

Exhibit A: Block-Level Master Plan Map – Block One

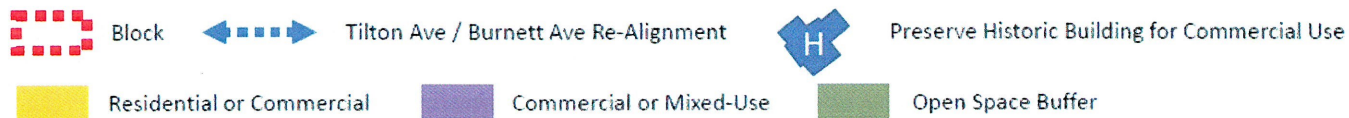


Exhibit B: Block-Level Master Plan Land Use Regulations - Block One

I. Land Use Regulations

- A. **Permitted Uses.** Zoning Code Table 18.22-1 identifies permitted uses in the MU-F Mixed Use Flex Zoning District. Specific uses allowed for Block One are further described on Exhibit A and below.
- B. **Development Standards.** Zoning Code Tables 18.22-2 and 18.22-3 identify development standards for the MU-F Mixed Use Flex Zoning District.
 1. Residential Density. 7 to 24 du/ac. Consistent with General Plan Policy CNF-9.2 and CNF-13.2, residential uses shall be feathered toward the northern Sphere of Influence (SOI) boundary with San Jose. Feathering can be achieved through a combination of measures including lowering the density and stories/height of the residences and including substantial open space setbacks closest to the SOI boundary.
 2. Floor Area Ratio. For non-residential and vertical mixed-use projects, the maximum floor area ratio (FAR) is 0.5.
 3. Setbacks. The setbacks identified in Zoning Code Table 18.22-3 are required setbacks around the project perimeter.
 4. Residential Development Standards. A medium density residential development project may use the development standards specified in Zoning Code Section 18.40.050 and through the subsequent PD Master Plan process establish deviations from those standards.
- C. **Commercial Requirements**
 1. Corner Lot Commercial/Non-Residential. Commercial uses (retail, services, office) and/or other non-residential (public/quasi-public) uses are required at the northeast corner of Burnett Avenue and Monterey Road. These commercial or non-residential uses may be accommodated within a standalone building(s) or in vertical mixed-use building(s).
 2. Historic Preservation. The existing building located on the northeast corner of Burnett Avenue and Monterey Road (19500 Monterey Road) constructed c. 1929 shall be preserved/retained for commercial or non-residential use.
 3. Connections. Ensure a strong connection between the commercial/non-residential, residential, and public gathering places within the block.
- D. **General Specifications**
 1. Primary entrances for new buildings should be oriented toward the street.
 2. Parking for new uses should be located behind buildings with limited or no visibility from streets.
 3. Primary access to/from rear parking areas shall be provided via driveways (including shared driveways) located at side streets (i.e., not from Monterey Road) to the greatest extent possible.
 4. First floor floor-to-ceiling clear height for non-residential uses: 14-feet minimum.

5. Building depth for non-residential uses: 35-feet minimum.
 6. Urban Form Characteristics:
 - a. Signature design qualities and attractive architectural features, including articulated facades, projections, and recessed entryways
 - b. Adaptive reuse where existing buildings may have desirable characteristics
 - c. Higher intensity development designed with sensitivity to adjacent lower intensity residential development
 - d. Street design balancing pedestrian and bicycle use with vehicular circulation
 - e. Consistent planting of street trees to provide shade and enhance character and identity
 - f. Well-designed, publicly-accessible open space
 7. Reasonable accommodations shall be provided, as appropriate, to provide relief from any physical standards that make meeting accessibility requirements challenging for a particular project.
 8. Future development must accommodate the extension/realignment of Tilton Avenue with Burnett Avenue.
 9. Future development must address potential shifting east of Monterey Road to accommodate future High-Speed Rail.
 10. Future development must provide adequate buffer to Coyote Greenbelt and Monterey Road.
 11. Incorporate design feature(s) that reflect project's location at a northern entrance to the City.
- E. **Public Gathering Places.** Residential or mixed-use project sites over 1.5 acres must provide one or more public gathering places such as plazas, courtyards, and parks.
1. Location. The public gathering space must be located close to pedestrian activity, along streets, or where pathways intersect.
 2. Activity. For public gathering places incorporated into mixed use development with ground floor commercial uses, active ground-floor uses (e.g., retail or restaurants) must be located along the edge of a courtyard and plazas.
 3. Visibility and Access. Plazas, courtyards, and other similar spaces must open to public sidewalks and building entrances to provide visibility and access opportunities along project frontages.
 4. Seating. Usable open spaces must include well-designed seating, such as seat walls, free-standing elements, fixed and moveable seating, and other seating options.
 5. Year-round Use. Open space must be usable year-round with features such as

awnings, wind breaks, sun shades, and umbrellas, or other similar features that provide shelter from the elements.

- F. **Temporary Uses.** In addition to the temporary uses allowed and requirements established in Section 18.92.150, the temporary use of private parcels for community events, food vending, and pop-up parks may be allowed with the issuance of a Temporary Use Permit.

II. Subsequent Approvals

- A. **Zoning Amendment/PD Master Plan.** Pursuant to the requirements of Zoning Code Section 18.30.050 – Planned Development Combining District, a Zoning Amendment to establish a PD Master Plan is required. The PD Master Plan shall be consistent with the approved BLMP PD and must plan for the future development and integration of all parts of the block.
- B. **Design Review.** A proposed development must receive a Design Permit as required by Zoning Code Section 18.108.040. All development and land uses within the BLMP PD shall be consistent with the approved PD Master Plan.

Tentative Schedule - BLMPs / PD Master Plans for Blocks 1 and 4 / RDCS 2018/2019

	Block-Level Master Plan / Planned Development Master Plan	Residential Development Control System (RDCS) 2018/2019
3	Dec. 19, 2018 – City Council Direction to Initiate Zoning Amendments (BLMPs) for Blocks 1 and 4	
4	Jan. 22, 2019 – Planning Commission Study Session & Hearing (BLMPs)	
5	Feb. 6, 2019 – City Council Hearing (Introduce BLMP Ordinances)	
6	Feb. 8, 2019 – Block 1 and 4 Applicants Submit Preliminary Plan Reviews for PD Master Plans	
7	Feb. 20, 2019 – City Council Hearing (Adopt BLMP Ordinances)	
8		Mar. 8, 2019 – RDCS Application Date
9	Mar. 12, 2019 - Planning Commission Review of Preliminary PD Master Plans for Consistency with BLMPs	
10	Mar. 22, 2019, Planned Development Zonings (BLMP Ordinances Effective)	Mar. 25, 2019 – Staff GP & Zoning Consistency Determination
11	Apr. 3, 2019 - City Council Review of Preliminary PD Master Plans for Consistency with BLMPs	Apr. 4, 2019 - Deadline to File GP & Zoning Consistency Appeal to City Council
12		May 1, 2019 – GP & Zoning Appeal City Council
13		May 3, 2019 - Staff Scoring of Applications / Recommendations to Planning Commission
14		Jun. 11, 2019 - Planning Commission Finalize Scores
15		Jun. 21, 2019 - Deadline to File Scoring Appeal to City Council
16		Jul. 17, 2019 - Scoring Appeal Heard by City Council
17		Jul. 19, 2019 - Staff Recommendations Award of Allotments
18		Jul. 23, 2019 - Planning Commission Award of Allotments
19		Aug. 2, 2019 - Deadline to File Allotment Appeal to City Council
20		Aug. 21, 2019 - Allotment Appeal Heard by City Council
21	Late 2019/2020 Applicants Submit Zoning Amendment Applications for Block 1 and Block 4 PD Master Plans	

Attachment: BLMP/PD Master Plan and RDCS Tentative Schedules (2226 : SR2019-0009 PPR: Monterey - Block One)

NORTH CORRIDOR INVESTORS LLC
385 Woodview Ave., #100
Morgan Hill, CA 95037

February 26, 2019

Mr. John Baty
City of Morgan Hill, Planning Department
17575 Peak Ave
Morgan Hill, CA 95037

Re: Block One Preliminary PD Master Plan Consistency. APN 725-01-018 and 725-01-32

Dear Mr. Baty:

We have worked with all our consultants to accomplish the more difficult, but very critical (at least as expressed by both city council and planning commission members) provisions for the PD Master Plan for Block One:

1. Connectivity between the residential portion and commercial portion (existing and more important, future) and to the public gathering places and plaza.
2. Public gathering places that function for both the residential and commercial (existing and more important, future) with an integrated pathway (which creates some difficulty to separate what is public and what is private for the residential project) which are preserving by committed by recording easements and CC&R's on the residential portion for the future connectivity and the intended public walkways.
3. The concept of buffering and feathering, in relation to the adjoining and nearby projects and future development of the adjoining properties.
4. Attempting to satisfy all the other guidelines/requirements (set forth in Exhibit B), including historic and tree preservation and future Tilton-Burnett connection (a significant public benefit), while at the same time meeting BMR requirements and complying with State goals to meet housing densities.
5. It should be noted that the High-Speed RR is now likely off the radar and in any event if pursued in the future, could be accommodated in the existing ROW on the west side of Monterey Road
6. Although the northern property is identified as the Coyote Valley Greenbelt that property is owned by San Jose(given to the city by the Sobrato family); and, it has indicted to some that the city might be considering other uses for the property. The land has not been farmed for many years. Sobrato High ball fields exist in similarly situated land. We have buffered with community gardens maintained by the HOA.
7. Feathering should take into account the R1-4500 GP designation for the property to the east of the project. Methods other than density should be considered, to avoid being contrary to the State's emphasis on meeting higher general plan densities.

It was our goal to incorporate a large central park area fronting on Tilton Ave. We also wanted to create wide paseos (in excess of 60 feet) which results in an unobstructed open space view corridor from the northern property line to the southern property line, which could then be connected to an unobstructed view through a future public gathering place and plaza and promenade on the adjoining commercial property all the way to Burnett Avenue. This view corridor through both the residential and commercial properties is the key concept of our land plan and overcomes the significant hurdle of having the residential property bifurcated by extending Tilton for future connection to Burnett; and, together these two features create the public benefits to support the PD.

To that end, I believe that we have indicated on the submitted plans both a realistic, and doable residential project that will be very livable for future residents and at the same time will preserve the real possibility for the commercial site. We believe both the residential and commercial sites meet all of the above stated objectives, the Land Use Regulations, the Development Standards, the Commercial Requirements and the General Specifications set forth in the Draft Ordinance, Exhibit "B" to the Block-Level Master Plan Use Regulations for consistency.

Richard B. Oliver
C.P.

Attachment: Manzanita Park Prelim PD Letter (2226 : SR2019-0009 PPR: Monterey - Block One)

DRAFT ORDINANCE – MONTEREY ROAD CORRIDOR BLOCK ONE

Exhibit B: Block-Level Master Plan Land Use Regulations - Block One**I. Land Use Regulations**

- A. **Permitted Uses.** Zoning Code Table 18.22-1 identifies permitted uses in the MU-F Mixed Use Flex Zoning District. Specific uses allowed for Block One are further described on Exhibit A and below.
- B. **Development Standards.** Zoning Code Tables 18.22-2 and 18.22-3 identify development standards for the MU-F Mixed Use Flex Zoning District.
 1. Residential Density. 7 to 24 du/ac. Consistent with General Plan Policy CNF-9.2 and CNF-13.2, residential uses shall be feathered toward the northern Sphere of Influence (SOI) boundary with San Jose. Feathering can be achieved through a combination of measures including lowering the density and stories/height of the residences and including substantial open space setbacks closest to the SOI boundary.
 2. Floor Area Ratio. For non-residential and vertical mixed-use projects, the maximum floor area ratio (FAR) is 0.5.
 3. Setbacks. The setbacks identified in Zoning Code Table 18.22-3 are required setbacks around the project perimeter.
 4. Residential Development Standards. A medium density residential development project may use the development standards specified in Zoning Code Section 18.40.050 and through the subsequent PD Master Plan process establish deviations from those standards.
- C. **Commercial Requirements**
 1. Corner Lot Commercial/Non-Residential. Commercial uses (retail, services, office) and/or other non-residential (public/quasi-public) uses are required at the northeast corner of Burnett Avenue and Monterey Road. These commercial or non-residential uses may be accommodated within a standalone building(s) or in vertical mixed-use building(s).
 2. Historic Preservation. The existing building located on the northeast corner of Burnett Avenue and Monterey Road (19500 Monterey Road) constructed c. 1929 shall be preserved/retained for commercial or non-residential use.
 3. Connections. Ensure a strong connection between the commercial/non-residential, residential, and public gathering places within the block.
- D. **General Specifications**
 1. Primary entrances for new buildings should be oriented toward the street.
 2. Parking for new uses should be located behind buildings with limited or no visibility from streets.
 3. Primary access to/from rear parking areas shall be provided via driveways (including shared driveways) located at side streets (i.e., not from Monterey Road) to the greatest extent possible.
 4. First floor floor-to-ceiling clear height for non-residential uses: 14-feet minimum.

DRAFT ORDINANCE – MONTEREY ROAD CORRIDOR BLOCK ONE

5. Building depth for non-residential uses: 35-feet minimum.
 6. Urban Form Characteristics:
 - a. Signature design qualities and attractive architectural features, including articulated facades, projections, and recessed entryways
 - b. Adaptive reuse where existing buildings may have desirable characteristics
 - c. Higher intensity development designed with sensitivity to adjacent lower intensity residential development
 - d. Street design balancing pedestrian and bicycle use with vehicular circulation
 - e. Consistent planting of street trees to provide shade and enhance character and identity
 - f. Well-designed, publicly-accessible open space
 7. Reasonable accommodations shall be provided, as appropriate, to provide relief from any physical standards that make meeting accessibility requirements challenging for a particular project.
 8. Future development must accommodate the extension/realignment of Tilton Avenue with Burnett Avenue.
 9. Future development must address potential shifting east of Monterey Road to accommodate future High-Speed Rail.
 10. Future development must provide adequate buffer to Coyote Greenbelt and Monterey Road.
 11. Incorporate design feature(s) that reflect project's location at a northern entrance to the City.
- E. **Public Gathering Places.** Residential or mixed-use project sites over 1.5 acres must provide one or more public gathering places such as plazas, courtyards, and parks.
1. Location. The public gathering space must be located close to pedestrian activity, along streets, or where pathways intersect.
 2. Activity. For public gathering places incorporated into mixed use development with ground floor commercial uses, active ground-floor uses (e.g., retail or restaurants) must be located along the edge of a courtyard and plazas.
 3. Visibility and Access. Plazas, courtyards, and other similar spaces must open to public sidewalks and building entrances to provide visibility and access opportunities along project frontages.
 4. Seating. Usable open spaces must include well-designed seating, such as seat walls, free-standing elements, fixed and moveable seating, and other seating options.
 5. Year-round Use. Open space must be usable year-round with features such as awnings, wind breaks, sun shades, and umbrellas, or other similar features that

Attachment: Draft Ordinance Block One BLMP [Revision 1] (2161 : ZA2019-0001: Monterey Corridor Block One)
Attachment: Manzanita Park Prelim PD Letter (2226 : SR2019-0009 PPR: Monterey - Block One)

DRAFT ORDINANCE – MONTEREY ROAD CORRIDOR BLOCK ONE

provide shelter from the elements.

- F. **Temporary Uses.** In addition to the temporary uses allowed and requirements established in Section 18.92.150, the temporary use of private parcels for community events, food vending, and pop-up parks may be allowed with the issuance of a Temporary Use Permit.

II. Subsequent Approvals

- A. **Zoning Amendment/PD Master Plan.** Pursuant to the requirements of Zoning Code Section 18.30.050 – Planned Development Combining District, a Zoning Amendment to establish a PD Master Plan is required. The PD Master Plan shall be consistent with the approved BLMP PD and must plan for the future development and integration of all parts of the block.
- B. **Design Review.** A proposed development must receive a Design Permit as required by Zoning Code Section 18.108.040. All development and land uses within the BLMP PD shall be consistent with the approved PD Master Plan.

EXISTING ON COMMERCIAL
PORTION OF BLOCK ONE

State of California — The Resources Agency
DEPARTMENT OF PARKS AND RECREATION
PRIMARY RECORD

Primary #
HRI #
Trinomial
NRHP Status Code 7R

Other Listings
Review Code

Reviewer

Date

Page 1 of 1

*Resource Name or #: 4

P1. Other Identifier:

***P2. Location:** ☐ Not for Publication ☒ Unrestricted

*a. County: SANTA CLARA COUNTY and (P2b and P2c or P2d. Attach a Location Map as necessary.)

*b. USGS 7.5' Quad:

Date: T ; R ; _ of _ of Sec ; M.D. B.M.
City: MORGAN HILL Zip: 95037

c. Address: 19500 MONTEREY RD

d. UTM: Zone: 10 ; mE/ mN (G.P.S.)

e. Other Locational Data: (e.g., parcel #, directions to resource, elevation, etc., as appropriate) Elevation:
APN: 72501017

P3a. Description: (Describe resource and its major elements. Include design, materials, condition, alterations, size, setting, and boundaries)

19500 Monterey Road is a one-story, wood frame commercial building. The building has an irregular floor plan, is clad with stucco and has a flat roof. The center volume is flanked at each side by a recessed circular entry tower and adjacent rectangular wing. The center volume has a band of five windows separated by slender ionic columns and the rectangular wings exhibit a decorative stucco recess with central window openings flanked by spiral columns. Long rectangular vents with ornamental sills ornament the towers and an arched opening provides access to the main entries. Other distinguishing characteristics include modern plate glass windows, attached stucco planters and circular tile vents. There are several rear additions to the building that appear to be of later construction. The property also includes two mature conifers at the front of the property. The building appears to be in fair condition. This property should be evaluated prior to any changes or alterations.

***P3b. Resource Attributes:** HP6 - 1-3 Story Commercial Building

***P4. Resources Present:** ☒ Building ☐ Structure ☐ Object ☐ Site ☐ District ☐ Element of District ☐ Other (Isolates, etc.)



P5b. Description of Photo: Front View

***P6. Date Constructed/Age and Sources:**

☒ Historic
☐ Prehistoric ☐ Both
Not Available (Assessor Records)

***P7. Owner and Address:**
Not Available

***P8. Recorded by:**
Sheila McElroy
Circa: Historic Property
Development
One Sutter Street, Suite 910
San Francisco, CA 94104

***P9. Date Recorded:** 12/13/2006

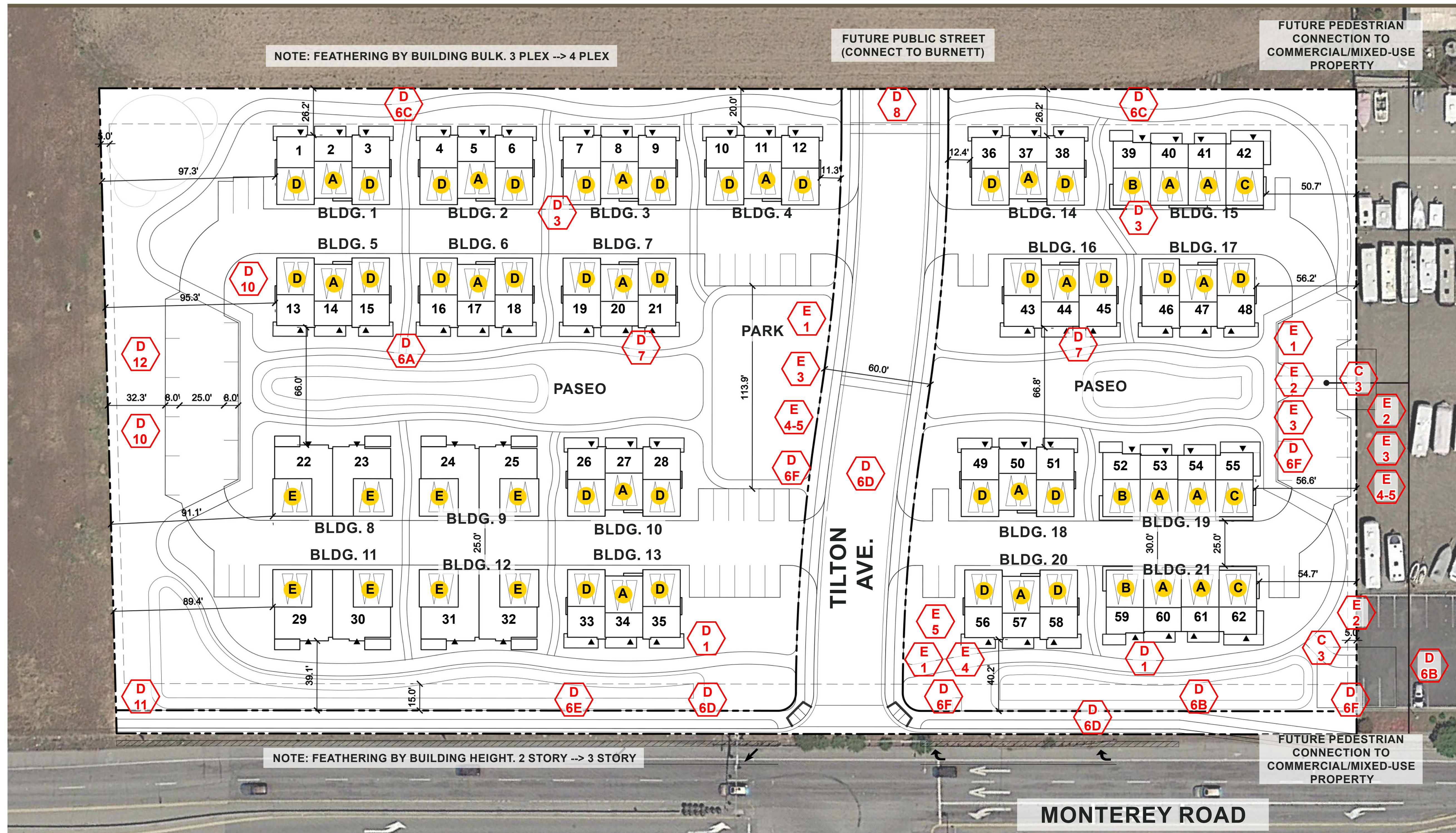
***P10. Survey Type:**
Reconnaissance Survey

***P11. Report Citation:** Morgan Hill Citywide Survey

***Attachments:** ☒ NONE ☐ Location Map ☐ Sketch Map ☐ Continuation Sheet ☐ Building, Structure, and Object Record
☐ Archaeological Record ☐ District Record ☐ Linear Feature Record ☐ Milling Station Record ☐ Rock Art Record
☐ Artifact Record ☐ Photograph Record ☐ Other (List):
DPR 523A (1/95)

*Required information

Attachment: Manzanita Park Prelim PD Letter (2226 : SR2019-0009 PPR: Monterey - Block One)



DEVELOPMENT

SUMMARY & STANDARDS:

ZONING: MIXED USE FLEX/PLANNED

DEVELOPMENT (MU/F-PD)

TOTAL PROJECT AREA: 5.83 AC

NET PROJECT AREA: 5.14 AC

UNIT COUNT: 62 DU

ALLOWABLE DENSITY: 7 - 24 DU/AC

PROPOSED DENSITY: 12.06 DU/AC (NET)

ALLOWABLE BLDG. COVERAGE: 50%

PROPOSED BLDG. COVERAGE: 26.5%

ALLOWABLE HEIGHT: 45' (MIN 10' ROOF)

PROPOSED HEIGHT:

3-STORIES (37' MAX.)

2-STORIES (27' MAX.)

PARKING SUMMARY

PARKING REQUIRED: 172 SPACES

(PER RES. ATTACHED MEDIUM GUIDELINES)

MULTI-FAMILY (54 UNITS):

2.5 SPACES / UNIT (1 COVERED)

+ 1 GUEST SPACE / 3 UNITS

153 (135 + 18 GUEST)

DUPLEXES/DUETS (8 UNITS)

2.0 COVERED SPACES / UNIT

+ 1 GUEST SPACE / 3 UNITS

19 (16 COVERED + 3 GUEST)

PARKING PROVIDED: 170 SPACES

124 GARAGE SPACES

46 GUEST SPACES

BUILDING SETBACKS

(REFER ALSO TO PD PLAN)

FRONT: 15' MINIMUM

SIDE: 5' MINIMUM

REAR: 20' MINIMUM

ARCHITECTURAL SUMMARY

PLAN A, 2-BEDROOM: 20 DU (3-STORY)

PLAN B, 3-BEDROOM: 3 DU (3-STORY)

PLAN C, 4-BEDROOM: 3 DU (3-STORY)

PLAN D, 4-BEDROOM: 28 DU (3-STORY)

PLAN E, 4-BEDROOM: 8 DU (2-STORY)

Block One PD Plan ("BLMP")— list of Specifications:

D. General Specifications (refer to circled number on PD Plan)

D-1: Entrances to street

D-2: Parking for new uses: N/A

D-3: Access via driveways (Not on Monterey Road)

D-4 and D-5: Commercial, N/A

D-6 a. Architectural design to be met

D-6b: Building re-use being met In Jeffries' existing building

D-6c: Setbacks provided on east for future lower density, (Min. of 25')

D-6d: Added bike lane on Mry. Rd, Tilton extension complies

D-6e: Consistent Street Trees to be included

D-6f: Publicly accessible open space provided

(easements will be provided for future)

D-7: Internal project will have accessible units. No major issues

D-8: Tilton Ave. extended for future connect to Burnett

D-9: Existing ROW and setbacks west of Monterey Rd. are sufficient for High Speed alternates

D-10: Buffer on North is in minimum of 90' to buildings with a minimum 30' of landscaping area

D-11: Location of architectural feature denoting Northern Entrance to the City

D-12: Community Gardens

E. Public Gathering Places - plaza, courtyards, paseos, open space, parks (Details shown on L/S drawings)

E-1: Locations close to park on Tilton, and internal paseos and paths

E-2: Future commercial plaza/courtyard access to internal pathways by easement and existing Bakery by easement for future gathering spot.

E-3: Visibility and access: future commercial visible from paseos which have clear view for entire length of the project, with pathway connections assured by easements and at corner of Mry. & Tilton. Include easement for access to existing Josephine's Bakery from internal path and gathering place.

E-4: Seating in open space will meet the requirement, set forth on L/S drawings

E-5: Year-round use assured by appropriate shelters set forth in L/S drawings

Note: Two types of feathering required: On eastern series of units, by building bulk, with larger 4-plex buildings to the south and smaller 3-plex buildings to the north; on the western series of buildings by building height: three story 4-plex and 3-plex buildings toward the south, reducing to 4 sets of two-story duplex buildings on the north.

C. Commercial Provision - Apply to the adjacent corner Parcel (separate sheet)

C-1: Corner Lot/Non-Residential. Commercial Uses (retail, services, office) and/or public/quasi-public uses are required. May be within a standalone building(s) or vertical mixed use building(s)

C-2: Preserve the existing historic building

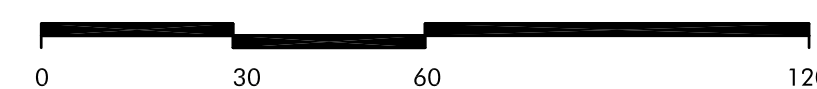
C.3. Connection between the commercial, residential, and public gathering places

F. Temporary use shall be a condition applied to the re-development of the commercial site

II. Subsequent Approvals are required for Zoning/PD Master Plan and Design Review, including E4-5.

1. The BLMP PD must plan for the future development and integration of all parts of the block.

(refer to indicated items above: E-2, E-3, E-4 and E-5.)



MANZANITA PARK IN MORGAN HILL, CA

NORTH CORRIDOR INVESTORS, LLC

BLOCK ONE P.D. PLAN ("BLMP")

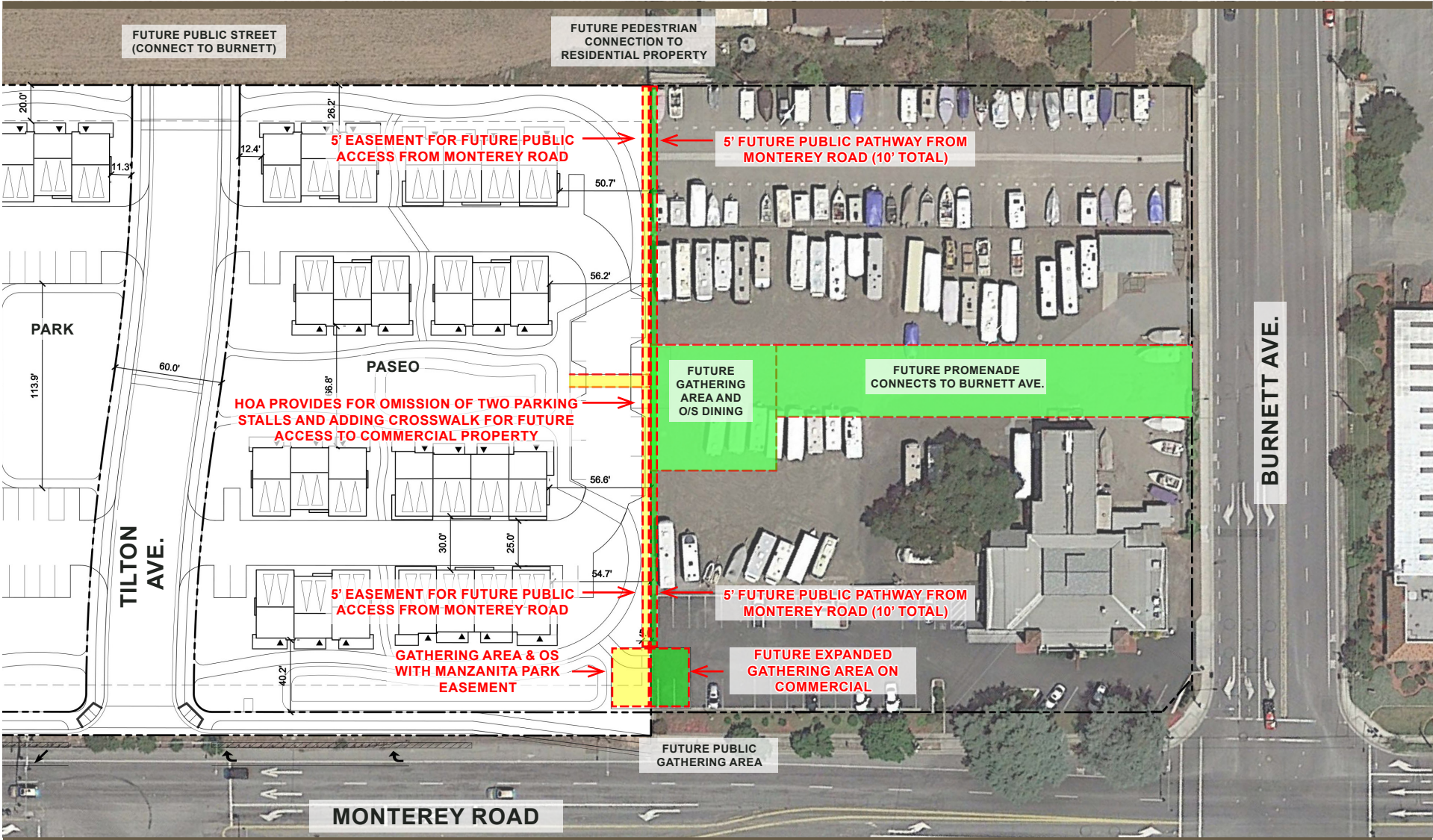
DAHLIN

DATE 02-22-2019
JOB NO. 297-081

5865 Owens Drive
Pleasanton, CA 94588
925-251-7200

SHEET
1 OF 2

Packet Pg. 62



Note: HOA CC&R's will provide for future omission of two parking stalls and adding a cross walk to provide access for owners from the project to the future public gathering area and outside dining on the commercial property. This area will include a "transition zone" from private to public at the proposed easement area.

MANZANITA PARK IN MORGAN HILL, CA
NORTH CORRIDOR INVESTORS, LLC

BLOCK ONE COMMERCIAL LOT



DATE	02-22-2019
JOB NO.	297-081

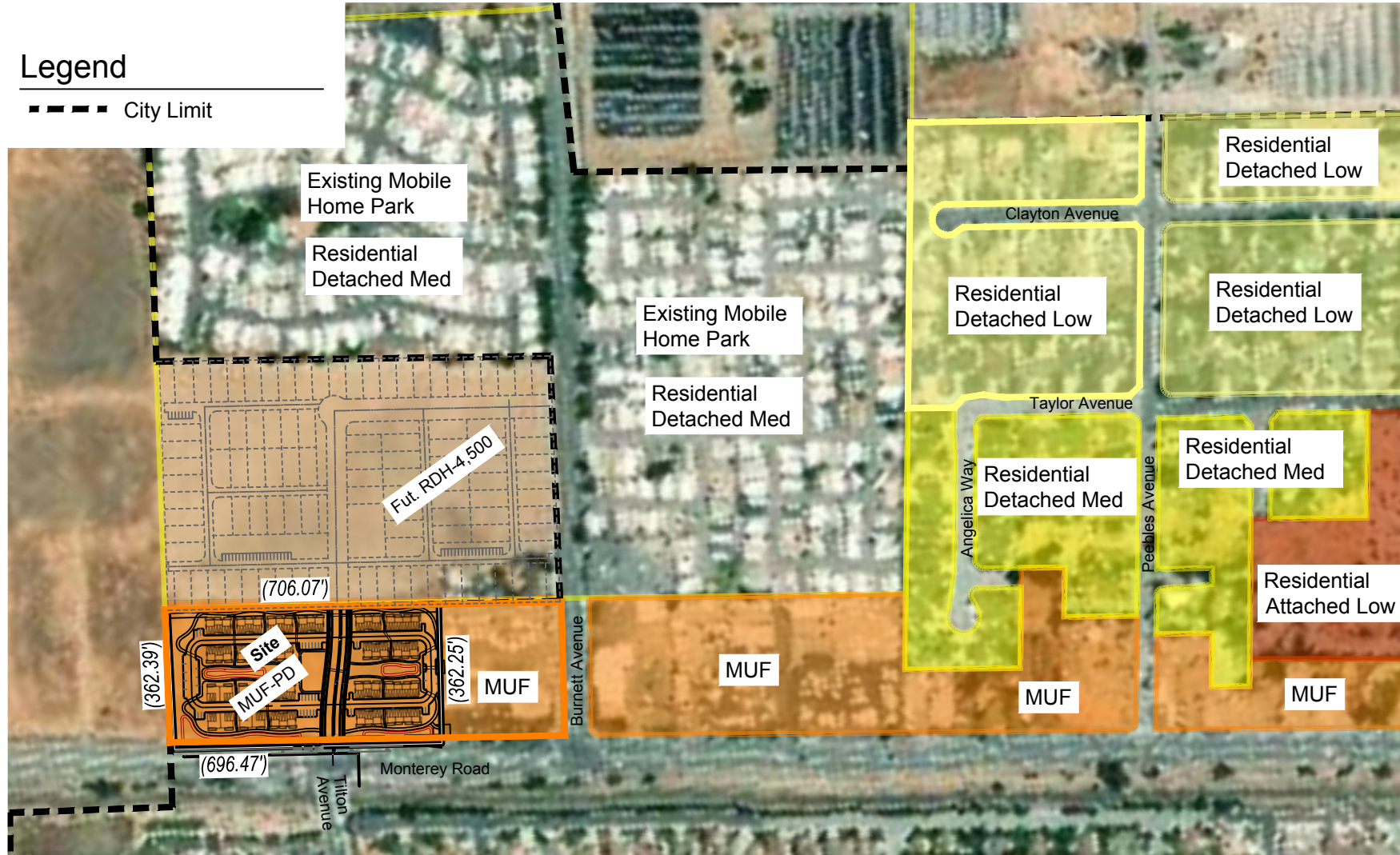
5865 Owens Drive
Pleasanton, CA 94588
925-251-7200



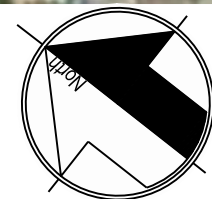
Attachment: Manzanita Park Preliminary Plans (2226 : SR2019-0009 PPR: Monterey - Block One)

Legend

--- City Limit



Total Project Boundary Length = $706.07' + 362.25' + 696.47' + 362.39' = 2,127.18'$
 Project Boundary Length Adjacent to Existing Development = $696.47'$
 % Project Boundary Adjacent to Existing Development = $696.47' / 2,127.18' \times 100 = 32.74\%$



Substantial Public Benefit Defined

18.30.050.H. PD Master Plans

8. **Substantial Public Benefit Defined.** When used in this section, “substantial public benefit” means a project feature not otherwise required by the Zoning Code or any other provision of local, state, or federal law that substantially exceeds the City’s minimum development standards and significantly advances goals of the General Plan. A project must include one or more substantial public benefits to be rezoned as a planned development. The public benefit provided shall be of sufficient value as determined by City Council to justify deviation from the standards of the zoning district that currently apply to the property. Examples of substantial public benefits include but are not limited to:
- a. Housing that is affordable to lower-income households.
 - b. Public plazas, courtyards, open space, and other public gathering places that provide opportunities for people to informally meet and gather.
 - c. New or improved pedestrian and bicycle pathways that enhance circulation within the property and connectivity to the surrounding neighborhood.
 - d. Green building and sustainable development features that substantially exceed the city’s minimum requirements.
 - e. Preservation, restoration, or rehabilitation of a historic resource.
 - f. Increased transportation options for residents and visitors to walk, bike, and take public transit to destinations and reduce greenhouse gas emissions.
 - g. Publicly accessible parks and open space beyond the minimum required by the city or other public agency.
 - h. Habitat restoration and or protection of natural resources beyond the minimum required by the city or other public agency.

NORTH CORRIDOR INVESTORS LLC
385 Woodview Ave., #100
Morgan Hill, CA 95037

March 7, 2019

Mr. John Baty
City of Morgan Hill, Planning Department
17575 Peak Ave
Morgan Hill, CA 95037

Re: Block One Preliminary PD Master Plan Consistency. APN 725-01-018 and 725-01-32
Letter of Justification

Dear Mr. Baty:

We have worked with all our consultants to accomplish the more difficult, but very critical (at least as expressed by both city council and planning commission members) provisions for the PD Master Plan for Block One, as set forth in Exhibit B to the existing approvals. The plans (comprising four sheets: Sheet 1 showing the residential portion of Block One, Sheet 2 showing a portion of the residential and all of the commercial portion, Sheet 3 (not numbered) showing expanded easements and walkways to provide the connectivity between the residential and commercial portions of Block One and Sheet 4 (not numbered) showing in highlights the interconnected public and private (proposed and future) and a highlighted open space view corridor for the entire Block One. These plans indicate with letter and number locations relating to the requirements set forth in Exhibit B Block-Level Master Plan Land Use Regulations-Block One. There are a few minor deviations from the zoning (e.g. we are a few parking spaces short), which are indicated in the PD Plans, which were necessitated by having a new public street bifurcate the project and to otherwise comply with all the requirements of Exhibit B. The resulting public benefits more than compensate for any deviations reflected in the submitted plans.

- a. The proposed residential portion of the PD plan is otherwise consistent with the General Plan, the Zoning Ordinance and with the requirements set forth in Exhibit B. The future commercial development will be consistent.
- b. The proposed residential incorporates the critical "connectivity" to the existing and future commercial portion of Block One and is superior to that which could be occur without a PD. There is no other existing zoning district that could allow for the provisions of Exhibit B to be met. The PD zoning amendment is consistent with the existing GP and Zoning and provides for the orderly and reasonable development as envisioned by the city in adopting the Mixed-Use Flex designation for the Monterey Corridor and allows us to meet the goals and objectives of the Block Level Plan and thereby serve the public health, general welfare and convenience as provided for in the General Plan and Municipal Code of the City

The proposed residential project, including the future commercial portion meets the provision of Mixed-Use Flex General Plan and zoning designations for Block One

- c. The proposed project will provide the following substantial public benefits:

- (i) Tilton Ave. will be extended right through the project to provide for a future connection to Barrett Avenue, which has long been a City goal.
 - (ii) A buffered bike lane will be provided along the Monterey Road frontage of the residential project (funding for such bike lanes were omitted from the recent impact fee provisions because of the lack of matching-funds)
 - (iii) Interconnected public and private pathways are provided for to assure the connectivity between the residential and commercial portions of Block One
 - (iv) An open space view corridor, at least 60' wide, has been created from the northern property line to Barrett Avenue, runs through the entire Block One. (reference is made to Sheet 4 (not numbered) showing this view corridor.
 - (v) There will be two public gathering plazas on the residential property. One of which will be expanded with future commercial development and a third major plaza with outdoor dining will be part of the future commercial development. These public gathering places/plazas will serve both the general public and the new residents of the residential project.
 - (vi) The preservation of the historic building housing Josephine's restaurant and bakery will be encouraged by the approvals and development of the residential portion of the Block One.
 - (vii) The new project and new public/private pathways will improve the accessibility and connectivity within Block One. The residential project will also provide an increase in current patrons to the existing commercial (Josephine's bakery and restaurant) thereby enhancing its economic viability.
 - (viii) The project will encourage and enhance the long-awaited future development of the Monterey Corridor in the northern part of Morgan Hill.
- d. The residential project site, even with the loss of land for including a new public street thru the site, is of adequate size and shape to accommodate the proposed project, which is consistent with the General Plan and existing Mixed-Use Flex zoning.
- e. The proposed residential project will be installing additional water, sanitary and storm facilities to facilitate the residential portion, and provide additional storm facilities for the area. The existing commercial project has sufficient infrastructure, with any additional improvements being provided when the commercial site proposed additional improvements.
- f. The proposed development will not have any substantial adverse effect on adjacent property. In fact, the vacant land to the east (which has not been annexed into the City) will be benefited by having a second access to the Tilton Ave. extension that the residential project will provide.
- g. There is no reason why the appropriate findings cannot be made for the approval of the PD Zoning Amendment.

Very truly yours,

North Corridor Investors, LLC



By: Richard B. Oliver, VP



CITY OF MORGAN HILL

PLANNING COMMISSION STAFF REPORT

MEETING DATE: March 12, 2019

PREPARED BY: John Baty, Principal Planner/Development Services
 APPROVED BY: Jennifer Carman, Community Development Director

SR2019-0008 PRELIMINARY PLAN REVIEW: MONTEREY - BLOCK FOUR

RECOMMENDATION(S)

Provide feedback on SR2019-0008 Preliminary Plan Review's consistency with the adopted Block-Level Master Plan for Monterey Corridor Block Four.

LOCATION MAP



PROJECT SUMMARY:

1. Location: East side of Monterey Road opposite Old Monterey Road (APN: 726-25-006 and -005)
2. Site Area: 7.58 acres
3. General Plan: Mixed Use Flex
4. Zoning: Mixed Use Flex/Planned Development (PD), Ord. No. 2298ns

BACKGROUND:

1. Mixed Use Flex General Plan Land Use Designation

On July 27, 2016 the City Council adopted the Morgan Hill 2035 General Plan, a comprehensive update of the City's 2001 General Plan and Morgan Hill 2035 General Plan Land Use Map that designates certain properties Mixed Use Flex.

The Mixed Use Flex designation, which is primarily applied to properties along the Monterey Road corridor north and south of Downtown, allows for a mix of residential, commercial, and office uses applied either vertically (i.e., one structure with multiple uses) or horizontally (i.e., structures with different land uses located adjacent to one another). The Mixed Use Flex designation allows 7 to 24 units per acre (residential) and a maximum Floor Area Ratio (FAR) of 0.5 (commercial). The density of residential and intensity of non-residential uses should transition from higher near Downtown to lower at the ends of the Monterey Road corridor.

The General Plan requires that, prior to development of residential or mixed-use projects within the Mixed Use Flex designation, a Block-Level Master Plan is required to: A) identify how commercial uses will be incorporated within the development of the block, and B) how individual development projects will connect with each other.

2. Monterey Road Corridor Block One Block-Level Master Plan (BLMP)

Following City Council meetings on November 28, December 5, and December 19, 2018, the City Council directed the Development Services Director to initiate a Zoning Amendment to establish a Block-Level Master Plan (BLMP) for Monterey Road Corridor Block Four, which includes the approximately 7.58 acres of property located at the east side of Monterey Road opposite Old Monterey Road.

The Planning Commission held a study session and public hearing on January 22, 2019 to evaluate the draft guidelines and standards for the proposed BLMP Ordinance (File No. ZA2019-0002: Monterey Corridor Block Four) and recommended the City Council approve, with two modifications, the proposed Zoning Amendment.

On February 6, 2019 the City Council introduced Ordinance No. 2298n.s. (Attachment 1), which was adopted on February 20, 2019, establishing a BLMP for Monterey Corridor Block Four.

3. **Next Steps and Purpose of Preliminary Plan Review**

The approved Monterey Corridor Block Four BLMP allows an applicant to compete in the Residential Development Control System (RDCS) for residential allotments, with Planning Commission and City Council determining that the Preliminary Plan Review is consistent with the Block Four BLMP. As of the drafting of this report, staff anticipates that the applicant (City Ventures) will submit an RDCS application on March 8, 2019.

The Preliminary Plan Review (File No. SR2019-0008: Monterey Block Four) provides the Planning Commission and City Council with an opportunity to provide the applicant with feedback regarding how their specific proposal is or is not consistent with the adopted BLMP. If the Commission and Council find the Preliminary Plan Review consistent with the BLMP the applicant would be allowed to continue to compete in the RDCS.

After the RDCS competition, if the applicant is awarded allotments, the applicant would submit for a Zoning Amendment to establish a Planned Development (PD) Master Plan for the entire block, which would provide specific details for the applicant's proposed project and demonstrate how the project will integrate with future development on any remaining portions of the block.

Attached is an updated tentative schedule illustrating how the Preliminary Plan Review/PD Master Plan process could progress in parallel with the current RDCS schedule (Attachment 2).

Project Description

City Ventures has submitted a Preliminary Plan Review request pursuant to Morgan Hill Municipal Code Section 18.30.050.F (Planned Development Combining District) to obtain guidance from the Planning Commission and City Council for the proposed Block Four BLMP development. The applicant has proposed a mixed-use project that includes a commercial component at the southeast corner of a new/eastern leg of the Old Monterey Road / Monterey Road intersection. The plan provides an accessible and visible public gathering place adjacent to the proposed commercial area that incorporates an existing specimen tree as a key feature.

ANALYSIS:

The proposed Preliminary Plan Review was analyzed with respect to consistency with the: 1) Block-Level Master Plan; 2) Planned Development (PD) Master Plan Findings; and 3) California Environmental Quality Act (CEQA).

1. Block-Level Master Plan (BLMP) Consistency

The adopted BLMP for Block Four established the basic expectations and specific requirements for future development within the block in the form of a diagram

(Attachment 1 - Exhibit A) and land use regulations (Attachment 1 - Exhibit B).

Consistent with the BLMP diagram (Attachment 1 - Exhibit A), the proposal shows:

- The east leg of the Old Monterey Road / Monterey Road intersection
- Commercial/mixed-use at the southeast corner of the new intersection
- Preservation of the existing specimen tree
- Connection options through the adjacent existing single-family site to Granada Street

In terms of consistency with land use regulations (Attachment 1 - Exhibit B), the project is proposing:

- A density of between 18 and 24 dwelling units per acre; allowed density is 7 to 24 dwelling units per acre
- A non-residential Floor Area Ratio (FAR) less than the maximum 0.5 FAR
- Perimeter setbacks that comply with the MU-F Mixed Use Flex Zoning District standards or are within allowable deviations
- An accessible and visible public gathering place adjacent to commercial that incorporates existing specimen tree as a key feature
- Buildings with primary entrances to streets and pedestrian paseos with parking accessed from alleys

The applicant has provided a letter of justification, land use regulation compliance table, and exhibits/plans (Attachments 3, 4, and 5) that demonstrate how their proposal meets each of the standards of the adopted BLMP Ordinance.

2. Planned Development (PD) Master Plan Findings

In addition to providing feedback to the applicant regarding their Preliminary Plan's consistency with the adopted BLMP, the Planning Commission should also provide preliminary input on the proposal's consistency with the Planned Development (PD) Master Plan findings in Section 18.30.050.H.7 of the Zoning Code.

18.30.050.H.7 PD Master Plans / Findings

- a. The proposed development is consistent with the General Plan, Zoning Code and any applicable specific plan or area plan adopted by the City Council.
- b. The proposed development is superior to the development that could occur under the standards applicable in the existing zoning districts.
- c. The proposed project will provide a substantial public benefit(s) as defined in Paragraph 8 Substantial Public Benefit Defined (Attachment 6). The public benefit provided shall be of sufficient value as determined by the Planning Commission to justify deviation from the standards of the zoning district that currently applies to the property.
- d. The site for the proposed development is adequate in size and shape to accommodate proposed land uses.

- e. Adequate transportation facilities, infrastructure, and public services exist or will be provided to serve the proposed development.
- f. The proposed development will not have a substantial adverse effect on surrounding property and will be compatible with the existing and planned land use character of the surrounding area.
- g. Findings required for the concurrent approval of a Zoning Map Amendment can be made.

Conclusion

Staff recommends that the Planning Commission provide feedback regarding the proposed Preliminary Plan and determine whether it is consistent with the adopted Block Four BLMP (Ordinance No. 2298n.s.) and with the PD Master Plan findings.

3. California Environmental Quality Act (CEQA)

The Preliminary Review application is not subject to CEQA, as there will be no action taken as this is an informational item only.

Community Engagement

The proposed project was publicly noticed (mailing to property owners within 300 feet of the project and newspaper legal noticing) for the minimum 10-day period.

LINKS/ATTACHMENTS:

- 1. Ordinance No. 2298n.s.
- 2. BLMP/PD Master Plan and RDCS Tentative Schedules
- 3. Applicant's Justification Letter
- 4. Prelim Exhibits
- 5. BLMP Compliance Table
- 6. Substantial Public Benefit Defined (18.30.050.H.8)

ORDINANCE NO. 2298, NEW SERIES

AN ORDINANCE OF THE CITY OF MORGAN HILL APPROVING A ZONING AMENDMENT TO ADD A PLANNED DEVELOPMENT (PD) COMBINING DISTRICT ESTABLISHING A BLOCK-LEVEL MASTER PLAN FOR MONTEREY ROAD CORRIDOR BLOCK FOUR, AN APPROXIMATELY 7.58-ACRE SITE LOCATED ON THE EAST SIDE OF MONTEREY ROAD OPPOSITE OLD MONTEREY ROAD (APN 726-25-006 AND 726-25-005)

WHEREAS, on July 27, 2016 the City Council adopted the Morgan Hill 2035 General Plan, a comprehensive update of the City's 2001 General Plan; and

WHEREAS, the Morgan Hill 2035 General Plan Land Use Map designates certain properties Mixed Use Flex; and

WHEREAS, the Mixed Use Flex designation, which is primarily applied to properties along the Monterey Road corridor north and south of Downtown, allows for a mix of residential, commercial, and office uses applied either vertically (i.e., one structure with multiple uses) or horizontally (i.e., structures with different land uses located adjacent to one another). The Mixed Use Flex designation allows 7 to 24 units per acre (residential) and a maximum FAR of 0.5 (commercial) and density should transition from higher near Downtown to lower at the ends of the Monterey Road corridor; and

WHEREAS, the Morgan Hill 2035 General Plan requires that, prior to development of residential or mixed-use projects within the Mixed Use Flex designation a Block-Level Master Plan is required to: A) identify how commercial uses will be incorporated within the development of the block, and B) how individual development projects will connect with each other; and

WHEREAS, the Block-Level Master Plan requirement applies to those segments of the Monterey Road Corridor north and south of Downtown that include properties that have a Mixed Use Flex General Plan Land Use designation. Blocks may include properties with a variety of General Plan designations (e.g., Commercial, Residential Attached Low, Public Facilities, Mixed Use Flex, etc.) and Zoning Districts (e.g., CG General Commercial, RAL 3,500, PF Public Facilities, MU-F Mixed Use Flex, etc.);

WHEREAS, Section 18.30.050 of the Zoning Code states that the purpose of the Planned Development (PD) combining district is to allow for high quality development that deviates from standards and regulations applicable to base zoning districts in Morgan Hill. The PD combining district is intended to promote creativity in building design, flexibility in permitted land uses, and innovation in development concepts. The PD combining district provides land owners with enhanced flexibility to take advantage of unique site characteristics and develop projects that will provide public benefits for residents, employees, and visitors; and

WHEREAS, Section 18.114.020 of the Zoning Code states that the City Council, Planning Commission, or Community Development Director may initiate Zoning Map and Text amendments; and

WHEREAS, on December 19, 2018 the City Council directed staff to draft a Zoning amendment to establish a Block-Level Master Plan (BLMP) Planned Development (PD) for Monterey Road Corridor Block One and Block Four; and

WHEREAS, in addition to the underlying base zoning district requirements, specific requirements are shown/listed in **Exhibit A: Block-Level Master Plan Map – Block Four** and **Exhibit B: Block-Level Master Plan Land Use Regulations - Block Four**; and

WHEREAS, Exhibit A includes, by reference, the existing 58-unit residential development on an approximately 4.37-acre site zoned R3(PD) Planned Development (Ordinance No. 2169, New Series adopted October 7, 2015) and that existing development will remain subject to that Ordinance unless subsequently amended; and

WHEREAS, an Addendum to the Environmental Impact Report (EIR) for the City of Morgan Hill's Morgan Hill 2035 Project certified on July 27, 2016 (State Clearinghouse No. 2015022074) was prepared for the Zoning Code Update project pursuant to the provisions of the State of California Environmental Quality Act (CEQA) Guidelines Section 15164, and the Addendum concludes that the proposed project will not result in any new impacts that were not already identified in the Morgan Hill 2035 EIR or any impacts of greater severity than were already addressed; and

WHEREAS, a visioning and goal setting workshop was held on September 25, 2018 where members of the public and various stakeholders provided feedback that facilitated the crafting of preliminary guiding principles for the development of the Monterey Corridor; 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 Block-Level Master Plan Planned Development (BLMP PD) ordinance for Monterey Corridor Block Four, was considered by the Planning Commission at their study session and regular meeting of January 22, 2019, at which time the Planning Commission recommended City Council consider the Addendum to the Morgan Hill 2035 EIR in accordance with the California Environmental Quality Act (CEQA) and approval of the Zoning Amendment to establish a BLMP PD for Monterey Corridor Block Four; and

NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF MORGAN HILL DOES ORDAIN AS FOLLOWS:

SECTION 1. The proposed Monterey Road Corridor Block-Level Master Plan Planned Development (BLMP PD) is consistent with the Morgan Hill 2035 General Plan.

SECTION 2. The Amendment to establish this BLMP PD is required in order to serve the public convenience, necessity, and general welfare as provided in Section 18.114.060 of the Municipal Code.

SECTION 3. The City Council has considered the Addendum to the Morgan Hill 2035 Environmental Impact Report (EIR) in accordance with the California Environmental Quality Act (CEQA).

SECTION 4. There hereby is attached hereto as **Exhibit A: Block-Level Master Plan Map – Block Four** and made a part of this ordinance.

SECTION 5. There hereby is attached hereto as **Exhibit B: Block-Level Master Plan Land Use Regulations - Block Four** and made a part of this ordinance.

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

THE FOREGOING ORDINANCE WAS INTRODUCED AT A MEETING OF THE CITY COUNCIL HELD ON THE 6th DAY OF FEBRUARY 2019, AND WAS FINALLY ADOPTED AT A MEETING OF THE CITY COUNCIL HELD ON THE 20th DAY OF FEBRUARY 2019, AND SAID ORDINANCE WAS DULY PASSED AND ADOPTED IN ACCORDANCE WITH THE LAW BY THE FOLLOWING VOTE:

AYES: **COUNCIL MEMBERS:** Larry Carr, Rene Spring, Yvonne Martinez Beltran, John McKay, Rich Constantine

NOES: **COUNCIL MEMBERS:** None

ABSTAIN: **COUNCIL MEMBERS:** None

ABSENT: **COUNCIL MEMBERS:** None

APPROVED:


RICH CONSTANTINE, Mayor

ATTEST:


IRMA TORREZ, City Clerk

DATE: 2/25/2019

Effective March 23, 2019

Attachment: Ordinance No. 2298n.s. (2227 : SR2019-0008 PPR: Monterey - Block Four)

❧ 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. 2298, New Series, adopted by the City Council of the City of Morgan Hill, California at its regular meeting held on the 20th day of February 2019.

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

DATE: 2/25/2019

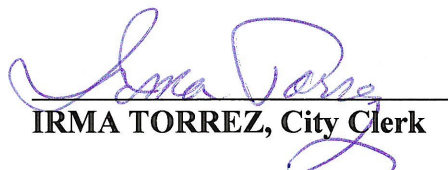
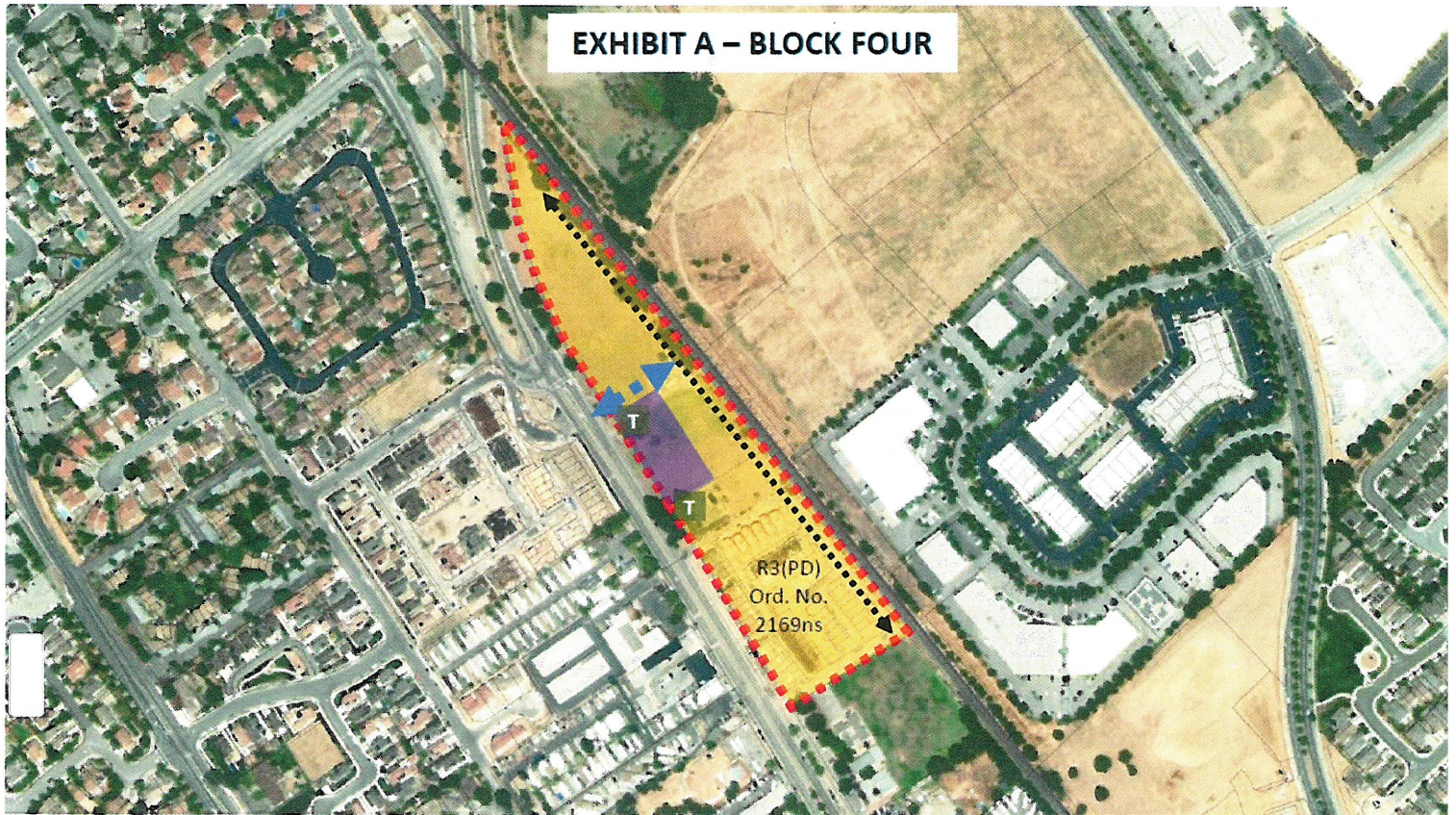

IRMA TORREZ, City Clerk

Exhibit A: Block-Level Master Plan Map – Block Four



Block



East Leg of Old Monterey Rd / Monterey Rd



Landscape/Private Street Buffer



Residential or Commercial



Commercial or Mixed-Use



Preserve Specimen Tree

Exhibit B: Block-Level Master Plan Land Use Regulations - Block Four

I. Land Use Regulations

A. **Permitted Uses.** Zoning Code Table 18.22-1 identifies permitted uses in the MU-F Mixed Use Flex Zoning District. Specific uses allowed for Block Four are further described on Exhibit A and below.

B. **Development Standards.** Zoning Code Tables 18.22-2 and 18.22-3 identify development standards for the MU-F Mixed Use Flex Zoning District.

1. Residential Density. 7 to 24 du/ac.
2. Floor Area Ratio. For non-residential and vertical mixed-use projects, the maximum floor area ratio (FAR) is 0.5.
3. Setbacks. The setbacks identified in Zoning Code Table 18.22-3 are required setbacks around the project perimeter.
4. Residential Development Standards. A medium density residential development project may use the development standards specified in Zoning Code Section 18.40.050 and through the subsequent PD Master Plan process establish deviations from those standards.

C. Commercial Requirements

1. Corner Lot Commercial/Non-Residential. Commercial use(s) (retail, services, office) and/or other non-residential (public/quasi-public) use(s) are required at the southeast corner of Monterey Road and the new intersection opposite Old Monterey Road. Commercial or non-residential use(s) may be accommodated within a standalone building(s) or in vertical mixed-use building(s).
2. Tree Preservation. The existing specimen trees located in/adjacent to the commercial/mixed-use area shall be preserved in place as a key/public feature of any future project. Preserve all other significant trees to the greatest extent practicable, as defined in Municipal Code Chapter 12.32 – Restrictions on Removal of Significant Trees.
3. Connections. Ensure a strong connection between the commercial/non-residential, residential, and public gathering places within the block.

D. General Specifications

1. Primary entrances for new buildings should be oriented toward the street.
2. Parking for new uses should be located behind buildings with limited or no visibility from streets.
3. Primary access to/from rear parking areas shall be provided via driveways (including shared driveways) located at side streets (i.e., not from Monterey Road) to the greatest extent possible.
4. First floor floor-to-ceiling clear height for non-residential uses: 14-feet minimum.

5. Building depth for non-residential uses: 35-feet minimum.
6. Urban Form Characteristics:
 - a. Signature design qualities and attractive architectural features, including articulated facades, projections, and recessed entryways
 - b. Adaptive reuse where existing buildings may have desirable characteristics
 - c. Higher intensity development designed with sensitivity to adjacent lower intensity residential development
 - d. Street design balancing pedestrian and bicycle use with vehicular circulation
 - e. Consistent planting of street trees to provide shade and enhance character and identity
 - f. Well-designed, publicly-accessible open space
7. Reasonable accommodations shall be provided, as appropriate, to provide relief from any physical standards that make meeting accessibility requirements challenging for a particular project.
8. Future development must accommodate and complete the fourth leg of the intersection with Monterey Road / Old Monterey Road.
9. Future development must provide a buffer to the adjacent railroad right-of-way and internal connection between developments within the block.
10. Future development must provide commercial/non-residential component at new intersection to support new and existing residential.
- E. **Public Gathering Places.** Residential or mixed-use project sites over 1.5 acres must provide one or more public gathering places such as plazas, courtyards, and parks.
 1. Location. The public gathering space must be located close to pedestrian activity, along streets, or where pathways intersect.
 2. Activity. For public gathering places incorporated into mixed use development with ground floor commercial uses, active ground-floor uses (e.g., retail or restaurants) must be located along the edge of a courtyard and plazas.
 3. Visibility and Access. Plazas, courtyards, and other similar spaces must open to public sidewalks and building entrances to provide visibility and access opportunities along project frontages.
 4. Seating. Usable open spaces must include well-designed seating, such as seat walls, free-standing elements, fixed and moveable seating, and other seating options.
 5. Year-round Use. Open space must be usable year-round with features such as awnings, wind breaks, sun shades, and umbrellas, or other similar features that provide shelter from the elements.
 6. Specimen Trees. Incorporate existing specimen trees into design of public gathering space(s).

- F. **Temporary Uses.** In addition to the temporary uses allowed and requirements established in Section 18.92.150, the temporary use of private parcels for community events, food vending, and pop-up parks may be allowed with the issuance of a Temporary Use Permit.

II. Subsequent Approvals

- A. **Zoning Amendment/PD Master Plan.** Pursuant to the requirements of Zoning Code Section 18.30.050 – Planned Development Combining District, a Zoning Amendment to establish a PD Master Plan is required. The PD Master Plan shall be consistent with the approved BLMP PD and must plan for the future development and integration of all parts of the block.
- B. **Design Review.** A proposed development must receive a Design Permit as required by Zoning Code Section 18.108.040. All development and land uses within the BLMP PD shall be consistent with the approved PD Master Plan.

Tentative Schedule - BLMPs / PD Master Plans for Blocks 1 and 4 / RDCS 2018/2019

	Block-Level Master Plan / Planned Development Master Plan	Residential Development Control System (RDCS) 2018/2019
3	Dec. 19, 2018 – City Council Direction to Initiate Zoning Amendments (BLMPs) for Blocks 1 and 4	
4	Jan. 22, 2019 – Planning Commission Study Session & Hearing (BLMPs)	
5	Feb. 6, 2019 – City Council Hearing (Introduce BLMP Ordinances)	
6	Feb. 8, 2019 – Block 1 and 4 Applicants Submit Preliminary Plan Reviews for PD Master Plans	
7	Feb. 20, 2019 – City Council Hearing (Adopt BLMP Ordinances)	
8		Mar. 8, 2019 – RDCS Application Date
9	Mar. 12, 2019 - Planning Commission Review of Preliminary PD Master Plans for Consistency with BLMPs	
10	Mar. 22, 2019, Planned Development Zonings (BLMP Ordinances Effective)	Mar. 25, 2019 – Staff GP & Zoning Consistency Determination
11	Apr. 3, 2019 - City Council Review of Preliminary PD Master Plans for Consistency with BLMPs	Apr. 4, 2019 - Deadline to File GP & Zoning Consistency Appeal to City Council
12		May 1, 2019 – GP & Zoning Appeal City Council
13		May 3, 2019 - Staff Scoring of Applications / Recommendations to Planning Commission
14		Jun. 11, 2019 - Planning Commission Finalize Scores
15		Jun. 21, 2019 - Deadline to File Scoring Appeal to City Council
16		Jul. 17, 2019 - Scoring Appeal Heard by City Council
17		Jul. 19, 2019 - Staff Recommendations Award of Allotments
18		Jul. 23, 2019 - Planning Commission Award of Allotments
19		Aug. 2, 2019 - Deadline to File Allotment Appeal to City Council
20		Aug. 21, 2019 - Allotment Appeal Heard by City Council
21	Late 2019/2020 Applicants Submit Zoning Amendment Applications for Block 1 and Block 4 PD Master Plans	

Attachment: BLMP/DP Master Plan and RDCS Tentative Schedules (2227 : SR2019-0008 PPR: Monterey - Block Four)



2/1/19

John Baty
Principal Planner
City of Morgan Hill
17575 Peak Avenue
Morgan Hill, CA 95037

Dear John,

Please find below City Ventures' Letter of Justification for the proposed PD Permit for 18110 Monterey Road in Morgan Hill. We appreciate your consideration of our proposal. Please let me know if there is any additional information you need to complete your staff report.

Best wishes,

Jason Bernstein
City Ventures

- a. The proposed development is consistent with the general plan, zoning code and any applicable specific plan or area plan adopted by the city council.

The proposed development is located within a Mixed Use Flex General Plan designation and Mixed Use Flex zoning district. The City of Morgan Hill has also adopted a Block Level Master Plan land use regulation to comply with the General Plan requirements for mixed use projects within the Mixed Use Flex designation. The Mixed Use Flex designation allows for all commercial, all residential, or a combination of the two only if a Block Level Master Plan has been approved. The Block Level Master Plan that was approved for this block requires a mixed use development or all commercial development.

The proposed project meets all requirements of the General Plan, Zoning and Block Level Master Plan land use regulations. As such, the development plan established by this zoning amendment will define an orderly and logical development plan and establish uses that are supportive of the surrounding development and future development permitted in the Morgan Hill Mixed Use Flex zone. The proposed amendments are required in order to achieve the goals of the Block Level Master Plan and to serve the public health, convenience and general welfare as provided by the Morgan Hill Municipal Code.

- b. The proposed development is superior to the development that could occur under the standards applicable in the existing zoning districts.

Development of the project site is subject to compliance with the adopted Block Level Master Plan land use regulation for development of mixed use or all residential projects in the Monterey Corridor. The Block Level Master Plan requires a PD Permit to develop mixed use projects; therefore, to ensure compliance with the Block Level Master Plan the project is



City Ventures

requesting approval of a PD Permit.

- c. The proposed project will provide a substantial public benefit as defined in Paragraph 8 (Substantial Public Benefit Defined) below. The public benefit provided shall be of sufficient value as determined by the planning commission to justify deviation from the standards of the zoning district that currently applies to the property.

The Block Level Master Plan includes several public benefits that make a PD Permit appropriate for this site. The project will incorporate a public plaza which will interface with new commercial to create a community-oriented space that will benefit the existing neighborhood along with the future development. The project also commits to improving pedestrian and bike connectivity and ensuring that the new public plaza is designed to promote walking and biking as an alternative to driving. Finally, the project commits to exceeding the City's minimum Build It Green checklist minimums to ensure that it serves as an example of sustainable building and design.

- d. The site for the proposed development is adequate in size and shape to accommodate proposed land uses.

The proposed project will incorporate the underlying development standards from the Mixed Use Flex zoning, and can adequately accommodate the proposed Mixed Use development.

- e. Adequate transportation facilities, infrastructure, and public services exist or will be provided to serve the proposed development.

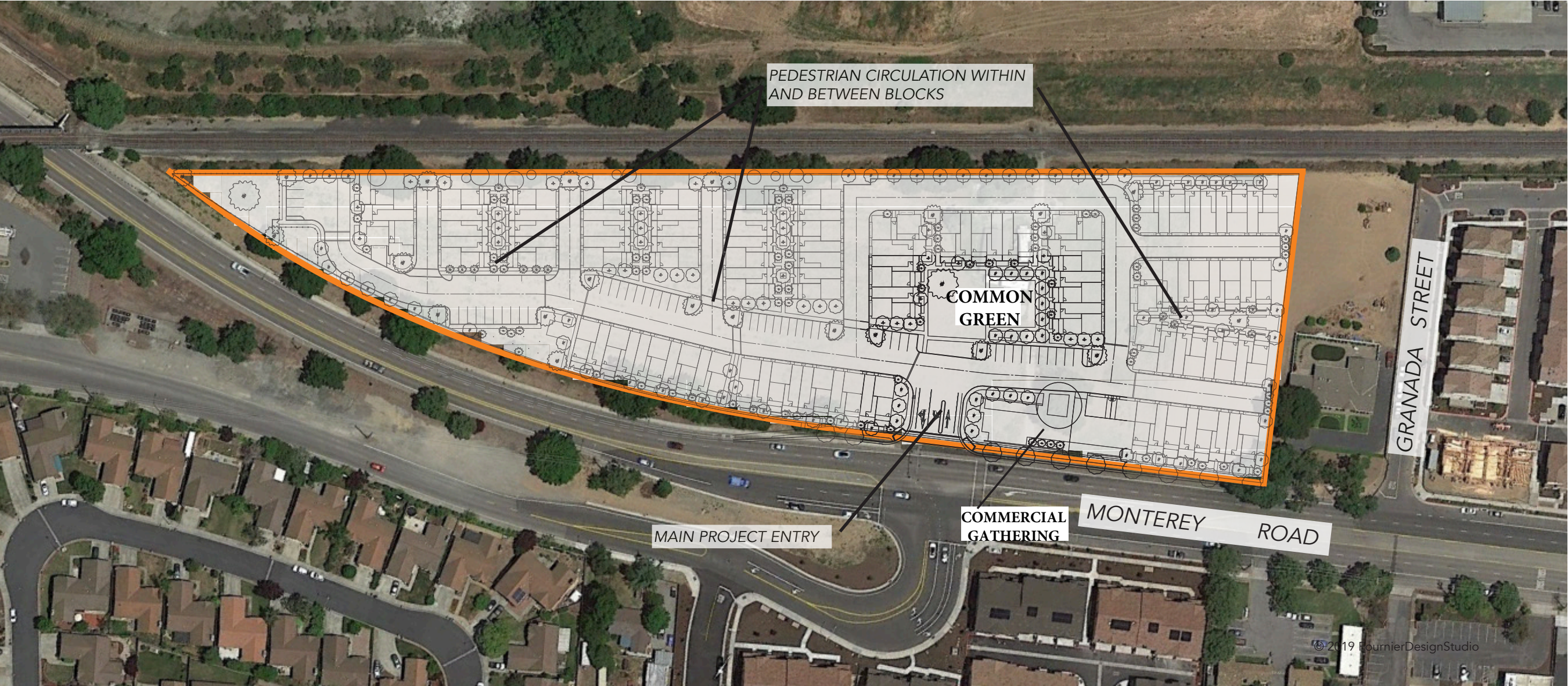
The project proponent has verified that existing infrastructure is sufficient to serve the proposed development. Currently, the project proponent plans to extend a new sewer line into the project as part of the proposed development, but all other public infrastructure is sufficient in its current configuration to serve the site.

- f. The proposed development will not have a substantial adverse effect on surrounding property and will be compatible with the existing and planned land use character of the surrounding area.

The proposed development conforms with the General Plan designation and is compatible with the existing and planned land use character of the surrounding area.

- g. Findings required for the concurrent approval of a zoning map amendment can be made.

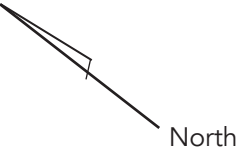
The requested PD Permit is consistent with all applicable land use policy and regulatory documents, including the General Plan and Block Level Master Plan. All findings for zoning amendment and associated map amendment can be made.



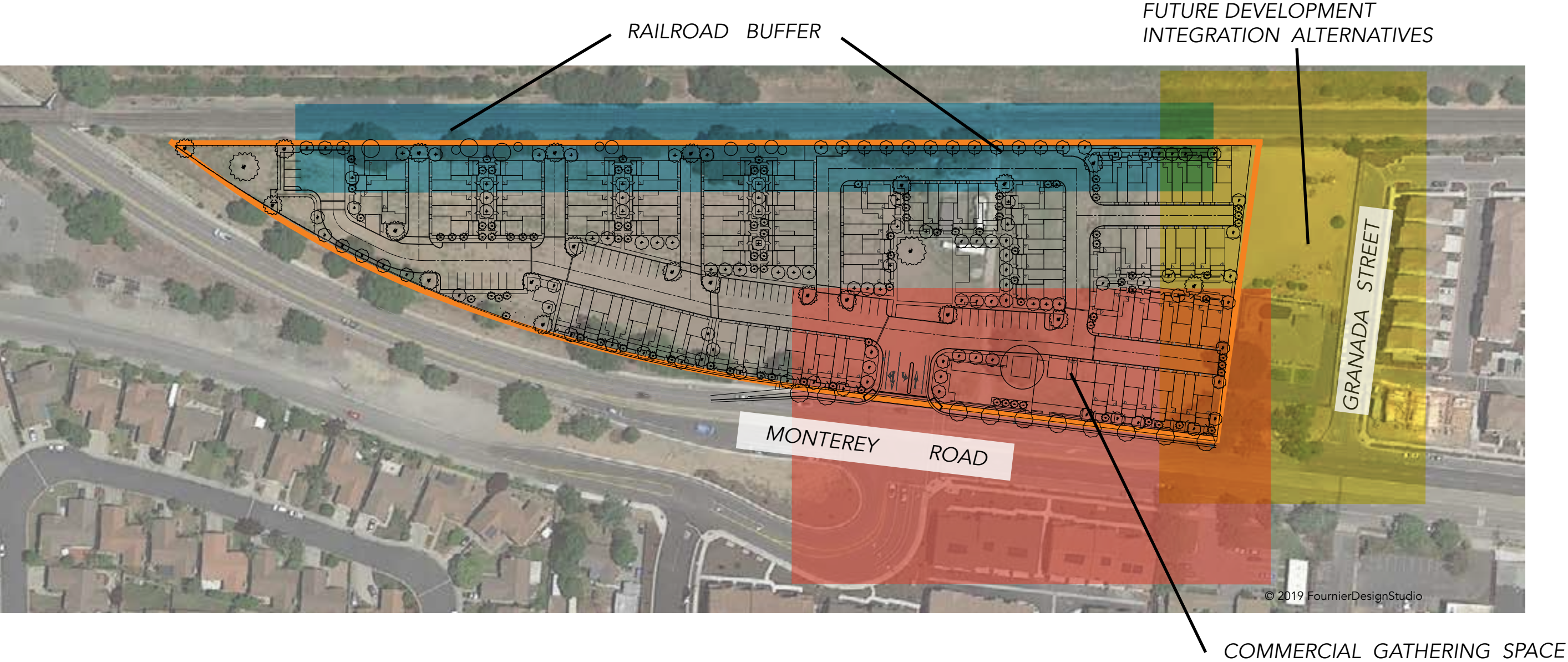
Monterey Gateway

Monterey Road
Morgan Hill, CA

CONCEPTUAL SITE PLAN



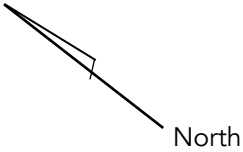
February 27, 2019
#19005



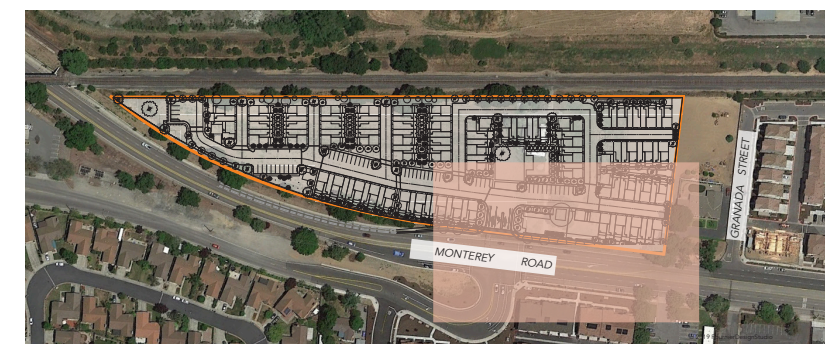
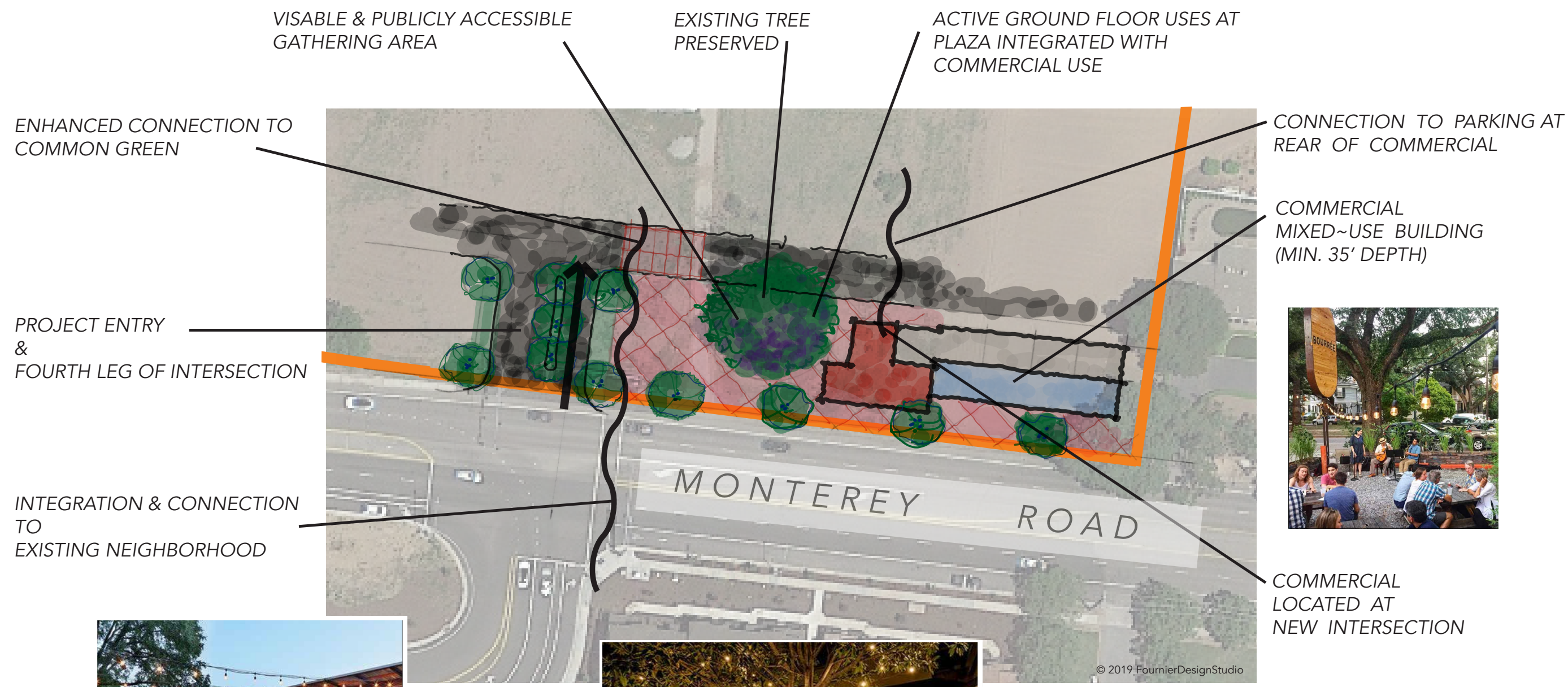
Monterey Gateway

Monterey Road
Morgan Hill, CA

SITE DIAGRAMS



February 27, 2019
#19005

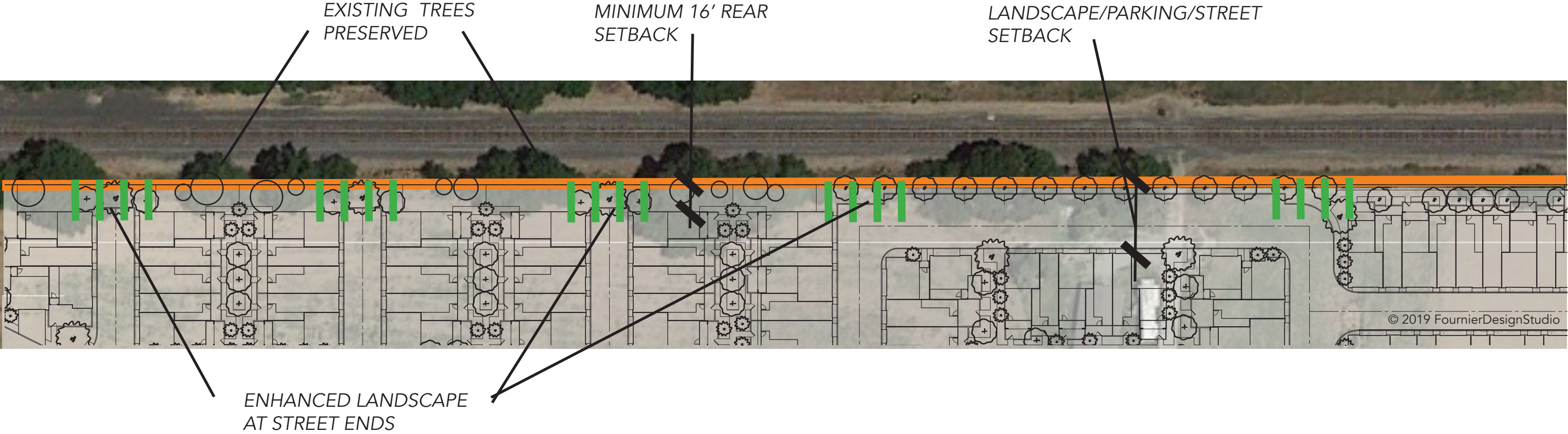


Monterey Gateway

Monterey Road
Morgan Hill, CA

COMMERCIAL GATHERING SPACE

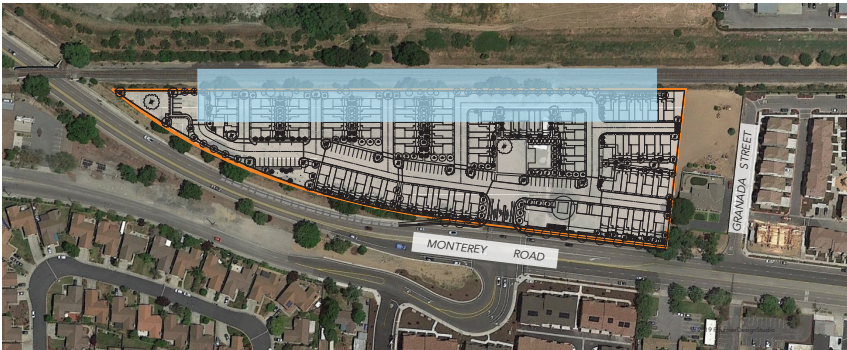
February 27, 2019
#19005



Monterey Gateway

Monterey Road
Morgan Hill, CA

RAILROAD BUFFER



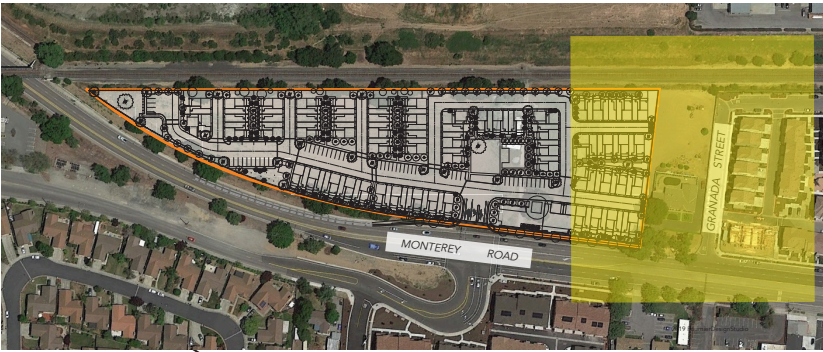
February 27, 2019
#19005



Monterey Gateway

Monterey Road
Morgan Hill, CA

FUTURE DEVELOPMENT INTEGRATION ALTERNATIVES



February 27, 2019
#19005

Land Use Regulation Compliance Table
Block 4, 18110 Monterey Road, Morgan Hill

I. Land Use Regulations	Land Use Regulation	Proposed Project
A. PERMITTED USE	Use restrictions – comply with Table 18.22-1	Commercial uses will be restricted to comply with table 18.22-1 using CC&Rs. Residential uses will be entitled via the PD Permit.
B. DEVELOPMENT STANDARDS	1. Residential Density – 7 to 24 du/ac.	Density will be between 18 and 24 dwelling units per acre.
	2. Floor Area Ratio (FAR) – maximum of .5 for non-residential or mixed-use areas.	All non-residential uses will have a maximum FAR of .5.
	3. Setback – comply with Table 18.22-3.	Table 18.22-3 setbacks will be implemented. All setbacks will comply with the municipal codes within allowed deviances.
	4. Residential Development Standards – comply with Section 18.40.050	Multi-family standards will be applied under a PD permit to comply with Section 18.40.050.
C. COMMERCIAL REQUIREMENTS	1. Commercial or non-residential use is required at the southeast corner of the new intersection.	A mixed-use building featuring a commercial use at the southeast corner of the new intersection is proposed.
	2A. Tree Preservation – existing tree adjacent to the mixed-use area shall be preserved in place.	The existing Oak tree adjacent to the mixed-use area will be preserved in place.
	2B. Preserve trees as described in Municipal Code Chapter 12.32.	Trees preservation will comply with Chapter 12.32 of the municipal code.
	3. Ensure strong connection between commercial/non-residential and public gathering place.	A publicly accessible plaza will be designed to interface and integrate with the commercial space.
D. General Specifications	1. Primary entrances for new buildings should be oriented toward street.	Building adjacent to Monterey Road will have front doors facing the street.
	2. Parking for new uses should be located behind buildings with limited or no visibility from streets.	Parking for the new uses will be located within the project and will be screened from Monterey Road.
	3. Primary access to/from rear parking shall be provided via driveways located at side streets to the greatest extent possible.	Parking will be located throughout the project, and it will be focused on side streets to the greatest extent possible.
	4. First floor floor-to-ceiling clear heights for non-residential uses will be 14 feet minimum.	First floor floor-to-ceiling clear heights for non-residential uses will be 14 feet minimum.
	5. Building depth for non-residential uses will be 35 feet.	Building depth for mixed use building at the southeast corner of the new intersection will be 35 feet.
D6. Urban Form Characteristics	6A. Signature design qualities and attractive architectural features, including articulated facades,	High quality design and architecture including facades, articulations and projections that create

Land Use Regulation Compliance Table
Block 4, 18110 Monterey Road, Morgan Hill

	projections and recessed entryways.	an attractive built environment will be implemented.
	6B. Adaptive reuse where existing buildings may have desirable characteristics.	Not applicable.
	6C. Higher intensity developments designed with sensitivity to adjacent lower intensity residential development.	Existing built environment, including the single-family home to the south, will be considered when designing new buildings along Monterey Road.
	6D. Street design balancing pedestrian and bicycle use with vehicular circulation.	A balance of pedestrian and bicyclist experience will be considered in the design of the road layout, particularly to create connections to the Public Gathering Place.
	6E. Consistent planting of street trees to provide shade and enhance character and identity.	Street tree plan will be provided.
	6F. Well designed, publicly-accessible open space.	A publicly accessible open space / plaza will be prominently featured at the entry of the project.
	7. Future development must accommodate and complete the fourth leg of the intersection with Monterey Road / Old Monterey Road.	The development will complete the 4 th leg of the intersection.
	8. Future development must provide a buffer to the adjacent railroad right of way.	An appropriate buffer to the railroad right of way is part of the design. Proposed examples can be found on sheet 3.
	9. Future development must provide internal connection between development with the block.	This development has been designed to allow for future connections throughout the block. Proposed examples can be found on sheet 4.
	10. Future development must provide commercial/non-residential component at new intersection to support new and existing residential.	A commercial component will interface with a proposed public gathering space to support new and existing residential.
E. Public Gathering Places	Project sites over 1.5 acres must provide one or more public gathering places such as plazas, courtyards and parks.	A public gathering space, in the form of a public plaza, is proposed adjacent to the mixed-use building and the new intersection. See proposed design on Sheet 2.
	1. <u>Location</u> : The public gathering space must be located close to pedestrian activity, along streets, or where pathways intersect.	The public plaza will feature prominently at the southeast corner of the new intersection which is where paths and roads connect to create a highly visible and accessible gathering place
	2. <u>Activity</u> : For public gathering places incorporated into mixed use development with ground floor commercial uses, active ground	The plaza will be designed to interface with the ground floor commercial space and will help to activate the plaza as a gathering place for the block.

Land Use Regulation Compliance Table
Block 4, 18110 Monterey Road, Morgan Hill

	floor uses must be located along the edge of a courtyard and plazas.	
	3. <u>Visibility and Access:</u> Plazas, courtyards, and other similar spaces must open to public sidewalks and building entrances to provide visibility and access opportunities along project frontages.	The plaza will open to a public sidewalk and the commercial space along the project frontage.
	4. <u>Seating:</u> Usable open spaces must include well designed seating, such as seat walls, free standing elements, fixed and moveable seating, and other seating options.	The plaza will be designed as a gathering place with well-designed seating.
	5. <u>Year Round Use:</u> Open spaces must be usable year-round with features such as awning, wind breaks, sun shades and umbrellas or other similar features that provide shelter from the elements.	The plaza will be designed for year-round use with design features meant to encourage the use of the plaza throughout the year.
	6. <u>Specimen Tree:</u> Incorporate existing specimen trees into design of public gathering space.	The plaza will incorporate the existing Live Oak tree specimen.
II. Subsequent Approvals	A1. Zoning Code Section 18.30.050 requires a Zoning Amendment to establish a PD Master Plan to be required.	The project will establish a PD Master Plan as required.
	A2. The PD Master Plan shall be consistent with the approval of BLMP PD and must plan for the future development and integration of all parts of the block.	The project will plan for future developments and be consistent with the BLMP PD.
	B. A proposed development must receive a Design Permit as required by Section 18.108.040. All development and land uses within the BLMP PD shall be consistent with the approved PD Master Plan.	The project will obtain a Design Permit.

Substantial Public Benefit Defined

18.30.050.H. PD Master Plans

8. **Substantial Public Benefit Defined.** When used in this section, “substantial public benefit” means a project feature not otherwise required by the Zoning Code or any other provision of local, state, or federal law that substantially exceeds the City’s minimum development standards and significantly advances goals of the General Plan. A project must include one or more substantial public benefits to be rezoned as a planned development. The public benefit provided shall be of sufficient value as determined by City Council to justify deviation from the standards of the zoning district that currently apply to the property. Examples of substantial public benefits include but are not limited to:
- a. Housing that is affordable to lower-income households.
 - b. Public plazas, courtyards, open space, and other public gathering places that provide opportunities for people to informally meet and gather.
 - c. New or improved pedestrian and bicycle pathways that enhance circulation within the property and connectivity to the surrounding neighborhood.
 - d. Green building and sustainable development features that substantially exceed the city’s minimum requirements.
 - e. Preservation, restoration, or rehabilitation of a historic resource.
 - f. Increased transportation options for residents and visitors to walk, bike, and take public transit to destinations and reduce greenhouse gas emissions.
 - g. Publicly accessible parks and open space beyond the minimum required by the city or other public agency.
 - h. Habitat restoration and or protection of natural resources beyond the minimum required by the city or other public agency.



PLANNING COMMISSION STAFF REPORT

MEETING DATE: March 12, 2019

PREPARED BY: John Baty, Principal Planner/Development Services
 APPROVED BY: Jennifer Carman, Community Development Director

GENERAL PLAN AND HOUSING ELEMENT ANNUAL PROGRESS REPORT (APR) 2018

RECOMMENDATION(S)

Accept the 2018 General Plan and Housing Element Annual Progress Report (APR).

DISCUSSION:

California Government Code Section 65400 mandates that all 58 counties and non-charter cities, including the City of Morgan Hill, submit an annual report on the status of the General Plan and progress made regarding its implementation to the Governor's Office of Planning and Research (OPR) and the Department of Housing and Community Development (HCD) by April 1 of each year.

Annual Progress Reports (APRs) must be presented to the local legislative body for review and acceptance, as a consent or discussion item on a regular agenda.

The APR for 2018 (Attachment 1) includes implementation highlights for each of the Morgan Hill 2035 General Plan Elements and lists applications submitted in 2018 for General Plan Land Use Map amendments.

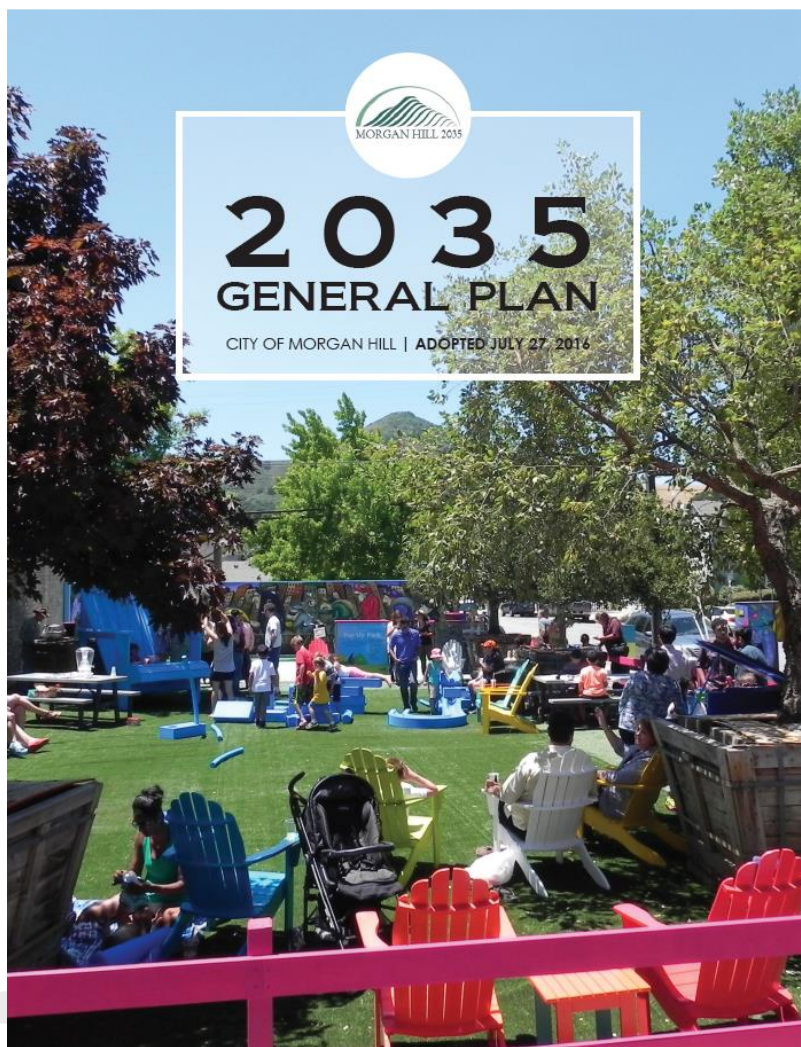
The Housing Element implementation portion of the APR is reported on separate forms adopted by HCD. These completed forms are attached to the APR and provide information regarding the City's progress towards meeting its "fair share" of regional housing needs and compliance with State Housing Law.

California Environmental Quality Act (CEQA):

Pursuant to CEQA Guidelines Section 15378(b)(5) the Morgan Hill 2035 Annual Progress Report is not considered a "project" in that it is considered an administrative activity of government that will not result in direct or indirect physical changes in the environment.

LINKS/ATTACHMENTS:

1. Annual Progress Report 2018



Annual Progress Report

2018

March 20, 2019
City Council Resolution No. 19-0xx

1. Introduction

On July 27, 2016 the Morgan Hill 2035 General Plan was adopted by City Council [Resolution No. 16-128](#). The Morgan Hill 2035 General Plan is a comprehensive update of the City's 2001 General Plan.

The General Plan incorporates the City's Housing Element, which was adopted by City Council on February 18, 2015 and certified by the State Housing and Community Development Department (HCD) in April 2015.

With voter approval of Measure S, the City's Residential Development Control System (RDCS) on November 8, 2016, the RDCS Ordinance (Ordinance No. 2229 New Series) became effective. The RDCS Ordinance amended the General Plan text to be consistent with the provisions of Measure S.

On December 6, 2017 the City Council adopted [Resolution No. 17-098](#) approving General Plan Land Use and Text Amendments (File Nos. GPA2017-0001 and GPA2017-0002) to correct miscellaneous Land Use Map, figure, and text errors.

Government Code Section 65400 mandates that certain cities and all 58 counties submit an annual progress report (APR) on the status of the General Plan and progress on its implementation to their legislative bodies, the Governor's Office of Planning and Research (OPR) and the Department of Housing and Community Development (HCD) by April 1 of each year.

APRs must be presented to the local legislative body for its review and acceptance, usually as a consent or discussion item on a regular agenda.

2. Implementation Highlights by General Plan Element

CITY AND NEIGHBORHOOD FORM ELEMENT

Development Services - Planning

- Adopted comprehensive Zoning ([Title 18](#)) Update June 6, 2018.
Goal CNF-1 An improved, effective, efficient, fair, equitable, flexible, and user-friendly planning and decision-making process.
- Initiated preparation of “Annexation EIR” May 2018.
Goal CNF-4 Orderly and limited expansion of City boundaries.
- Completed Monterey Corridor Market Study and Implementation Options April 2018 and near-term Block-Level Master Plan initiated for Mixed-Use Flex designated portions of Corridor August 2018.
Goal CNF-13 Mixed use flex developments that include a variety of uses and forms to foster a dynamic urban environment.

Geographic Information Services

- Completed update of new City [zoning map](#) and updated zoning-related ordinance information.
Goal CNF-1 An improved, effective, efficient, fair, equitable, flexible, and user-friendly planning and decision-making process.

HOUSING ELEMENT

- See Attached Housing Element Annual Progress Report

Development Services - Housing

- Evaluated the Housing Accountability Act and the relationship to the Residential Development Control System (RDCS) and placed an increased priority on the production of affordable housing units at assigned income levels by increasing affordability goals within the existing RDCS process.
- Evaluated Regional Housing Needs Allocation (RHNA) goals and RDCS projects in pipeline and determined the remaining housing goal for the current Housing Element Cycle is 115 Very Low Income.
- Modified RDCS Manual to support RHNA Goals unit deficit.
- Adopted a 15% Inclusionary Housing Ordinance, 10% required within the Downtown.

- Increased Housing In-Lieu Fees.
- Monitored and refined of the Below Market Rate (BMR) Homeownership Program, adopted new guidelines, created BMR Program Application and Participation Guide – addressed transfers, owner’s minimum return on down payment, ownership, and estate planning.

Goal HE-1 Adequate new housing to meet the full range of future community housing needs, including affordability and accessibility.

- Monitored Park Place rehabilitation near completion – a 112-unit multifamily development home to 420 people. As turn-over occurs, some units are set aside for families transitioning out of temporary housing freeing-up nearby temporary units that are available for homeless families.
- Approved Eden Housing, Inc. recast and re-subordination of existing City loan for rehabilitation of Sycamore Glen Senior Affordable Housing apartment community which houses senior residents and consists of 20 one-bedroom units; estimate of repairs and upgrades approximately \$2.3 million.
- Approved Eden Housing, Inc. recast and re-subordination of existing City loans and ground leases for the future major rehabilitation of four affordable apartment communities: Skeels, Villa Ciolino, Willows, and Depot Commons.
- BMR Homeownership activities:
 - Preserved two BMR units from foreclosure and bank sale
 - Rehabilitated five re-sale BMR units prior to sale to new, qualified owners
 - Held 20 BMR homebuyer orientation workshops for 563 attendees, which led to 225 lottery submissions (395 pre-application files opened)
 - Held seven BMR homeowner workshops for 24 attendees
 - Prepared BMR ownership restricted valuation calculations as requested for County Assessor
 - Qualified 27 interested households for BMR ownership
 - Prepared six re-subordination agreements to accommodate re-financing
 - Held 15 lotteries for sale of 22 new BMR units, and eight lotteries for five resales
 - Purchased 17545 Depot Street for use as temporary parking and eventual housing

Goal HE-2 Preservation and rehabilitation of the existing housing supply and Goal HE-3 Adequate housing for groups with special needs.

- Residents moved into EAH affordable housing development scattered site – 41 new units designated for families and Transitional Age Youth (TAY) aging out of foster care and at risk of homelessness.

- Urban Housing Communities (UHC) began construction of 39-unit affordable family housing development The Crossings.
- Evaluated potential opportunities for farmworker agricultural housing in South County with the County Planning Department and the Office of Supportive Housing on a potential City owned site.
- Worked closely with Code Compliance to approve the use of housing funds (maximum \$7,000) to be used for a three-day emergency hotel stay in the event that a household receives a notice of violation or “red tag” from City Code Compliance, resulting in a temporary and immediate homeless situation.
- Coordinated with two part-time County Homeless Outreach Workers to conduct interviews and assessments with homeless individuals within the City.
- Coordinated with County Rapid Rehousing Program, a Homeless Prevention (rental assistance) Program, to target families with children in the school district at risk of homelessness.
- Continued operation of the Safe Park Program (FOCUS), a collaboration and regional partnership with City Housing and Police teammates, Santa Clara County, Gilroy Compassion Center, and faith-based community volunteers. The program provides coordinated assessments and offers overnight accommodations at a local church for up to eight homeless families (25 people max) living in their cars.
- Assisted Catholic Charities with new Countywide House Sharing Program, a free roommate matching program that matches community members with underutilized homes with other residents who need an affordable option, usually in need of renting a room or house sharing.

Goal HE-3 Adequate housing for groups with special needs.

Police

- Continued Safe Parking Program in partnership with the faith-based community and Housing Division.

Goal HE-3 Adequate housing for groups with special needs.

ECONOMIC DEVELOPMENT ELEMENT

Community Services

- Supported [public art installation by Leadership Morgan Hill](#) on eleven utility boxes throughout the City.
- Safely operated the Morgan Hill Aquatics Center for over 57,000 visitors during the summer of 2018.

Goal ED-4 A vibrant, enhanced, visible, and well-promoted tourist industry that draws on Morgan Hill's unique character and variety of amenities.

Economic Development

- Hosted a real estate breakfast to more than 50 brokers highlighting the more than 20 projects under development in Morgan Hill to attract additional businesses and other building/land investment opportunities.
- Business Attraction/Expansion and Retention: Towbin Dodge, My Pizza, Kelly Brewing, Digital View, Tropos Technologies, Yoga Source, SuperTech, Shoe Palace, Carpenter's Training Union, Fairfield Inn, Home2Suites, Music as Language, Roundtable Pizza, Aragen Biosciences, and Siam Thai.
- Established a Tourism Based Improvement District (TBID) that will annually generate over \$400,000 to promote the area for sports/recreation events and tourism.
- Launched new business attraction website, ChooseMorganHill.com
- Kicked-off marketing campaign highlighting Morgan Hill and the Economic Blueprint – implementing digital and print media advertorials with the Silicon Valley Business Journal and Hearst Media.
- Led the planning and implementation of the 2018 Economic Development Symposium
- Hosted Morgan Hill Manufacturing Day, which included a panel presentation by local manufacturing companies, company tours, and participation from 54 students.
- Negotiated and coordinated four Impact Fee Freeze agreements supporting the development of over 731,000 square feet of development.
- Hosted an Americans with Disabilities Training session for businesses in Morgan Hill.
- Developed a parklet pilot program in Downtown Morgan Hill to provide greater street activation for businesses.
- Launched an e-services kiosk in City Hall featuring “[Open Counter](#)” and other City online business services for the community.

Goal ED-3 A high-quality business community with established roots in Morgan Hill.

- Received 2018 Silicon Valley Structures Award for “Public Projects” for the development of three Downtown Parks.

Goal ED-4 A vibrant, enhanced, visible, and well-promoted tourist industry that draws on Morgan Hill's unique character and variety of amenities and Goal ED-5 A downtown

where residents and visitors of all ages can live, work, meet, shop, dine, participate in public celebrations, discover the story and past of our city, and share in the richness of Morgan Hill's community life.

- Supported the Monterey Corridor Study – including completing a retail capacity study.
Goal ED-6 A mix of uses along Monterey Corridor that supports the Downtown and encourages walking and biking.

HEALTHY COMMUNITY ELEMENT

Community Services

- Applied for and received numerous grants for various projects, including the Magical Bridge Morgan Hill Playground and West Little Llagas Creek Trail.
- Supported the redesign concepts for the Magical Bridge Morgan Hill Playground moving the project forward for bidding and construction in 2019.
- Implemented a Volunteer Driver Program that has grown to ten active drivers and provided 448 rides in 2018.
- Hosted a Healthy Aging Week in partnership with the Chamber of Commerce, culminating with a Senior Resource Fair linking hundreds of attendees with dozens of service providers.
- Launched and updated various facility use partnerships with nonprofit organizations to support services for Morgan Hill residents, including new partnerships with Community Christian, National Center for Youth Law, Rebekah Children's Service, and the Center for Employment Training, along with updating partnerships with the Healthier Kids Foundation and the American Red Cross.

Goal HC-2 A built environment and community services that serve the special needs of youth and seniors, allowing residents to age in place and Goal HC-3 Usable, complete, well-maintained, safe, and high-quality activities and amenities, including active and passive parks and recreational facilities, community gardens, and trails that are accessible to all ages, functional abilities, and socio-economic groups.

- Implemented plan for maintenance of new Downtown Parks into overall downtown maintenance.
- Completed project to seal and restripe the Outdoor Sports Center Parking Lot and existing Butterfield Linear Trail.
- Provided significant support to clean public property following the removal of multiple homeless encampments ensuring safety and community cleanliness.

- Completed numerous maintenance projects to support City infrastructure:
 - Replaced Playhouse seating
 - Replaced carpeting at multiple City facilities
 - Completed a sidewalk repair project replacing 840 linear feet of sidewalks
 - Rehabilitated the pool play structure at the Centennial Recreation Center
 - Upgraded and repaired major HVAC components at City facilities
- Successfully increased the assessment for one Landscape Assessment District Sub-area allowing for increased funding for maintenance of the area.
- Maintained CRC membership levels through 2018 completing the year with approximately 4,900 membership units and over 15,000 members.

Goal HC-3 Usable, complete, well-maintained, safe, and high-quality activities and amenities, including active and passive parks and recreational facilities, community gardens, and trails that are accessible to all ages, functional abilities, and socio-economic groups.

- Processed permits for and helped to facilitate 38 community special events.
- Coordinated Hispanic Heritage month activities at various City facilities.

Goal HC-4 Support for culture and the arts as key assets for a unique and authentic community.

Engineering and Utilities

- Completed the Galvan Park Handball Courts Project.
- Successfully replaced the artificial turf at the Outdoor Sports Center with limited impact to users.

Goal HC-3 Usable, complete, well-maintained, safe, and high-quality activities and amenities, including active and passive parks and recreational facilities, community gardens, and trails that are accessible to all ages, functional abilities, and socio-economic groups.

TRANSPORTATION ELEMENT

Engineering and Utilities

- Completed overlay projects on Sutter Road and Hill Road, providing new pavement on both roadways.
- Completed slurry seal on residential neighborhoods off Llagas Road, providing preventative maintenance to the streets.

Goal TR-1 A balanced, safe, and efficient circulation system for all segments of the community, meeting local needs and accommodating projected regional and sub-regional traffic while protecting neighborhoods.

- Made significant progress on the Hale Avenue Extension project property acquisition and concluded 2018 with all necessary properties acquired or in the process of acquisition.

Goal TR-4 Emphasis on transportation improvements in the Butterfield, Hale/Santa Teresa, and Monterey corridors.

Economic Development

- Participated in Caltrain Business Plan technical meetings and coordination for South County.
- Goal TR-6 A safe and efficient transit system that reduces congestion by providing viable non-automotive modes of transportation.*
- Held an all-day Community Awareness and Engagement Day on the High-Speed Rail project which engaged over 100 residents and stakeholders and included two meetings, a tour, and lunch.
 - Responded to the High-Speed Rail Engineering Drawings for the newest at-grade alternative.

Goal TR-7 Well-planned High-Speed Rail service that minimizes negative local impacts.

NATURAL RESOURCES AND ENVIRONMENT ELEMENT

Community Services

- Finalized the purchase of property for the first local agricultural easement procured by the City of Morgan Hill, a ten-acre site off Maple Avenue.

Goal NRE-1 Preservation of open space areas and natural features, Goal NRE-3 A stable, long-term City boundary reinforced by a greenbelt, and Goal NRE-4 A viable agricultural industry.

- Supported an outreach and involvement process for the development of an Urban Forestry Management Plan scheduled for completion in 2019.

Goal NRE-15 An adaptive and resilient community that responds to climate change.

- Coordinated the implementation of new energy management systems to improve energy efficiency at the Council Chambers Building and Police Department.

Goal NRE-16 Conservation of energy resources.

Development Services - Building

- Issued 449 “same day” solar permits, an increase of 39, or 9% over 2017.

Goal NRE-16 Conservation of energy resources.

Development Services - Planning

- Served on the implementation board of the Santa Clara Valley Habitat Agency.

Goal NRE-6 Protection of native plants, animals, and sensitive habitats.

Engineering and Utilities

- Enhanced school site water testing for lead.

Goal NRE-7 Conservation of water resources.

SAFETY, SERVICES, AND INFRASTRUCTURE ELEMENT

Fire

- Participated in Weed Abatement Assessment hearings – largely uncontested.
- Completed all mandated fire inspections for the year and pursued complaints against an unlicensed contractor responsible for a structure fire and against a contractor responsible for illegal dumping of hazardous waste.
- Proposed changes to City Landscape and Street Tree Standards to reduce the use of fire-prone non-native plants and combustible groundcover materials.
- Continued coordination between PG&E and City to reduce wildfire risks and ensure local preparedness for blackout event.

Goal SSI-3 Minimal threat to persons, property, and the environment from fire hazards.

- Developed and received approval on a fire services development strategy for 2018-2023 and executed a five-year cooperative agreement with the CAL FIRE teammates for administration, fire marshalling, and fire operations.

Goal SSI-11 Efficient police, fire, and emergency medical response and services, and access to local medical facilities.

- Developed and received approval from Council to complete a three-department Fire Study and Standards of Coverage for Morgan Hill in cooperation with South Santa Clara Fire and Gilroy Fire.
- Supported development and participated in full scale EOC drills simulating a large wildfire event within the City.
- Continued involvement in Santa Clara County Firesafe Council. Delivered several community wildfire preparation and evacuation presentations in partnership with Firesafe and CERT/OES.

Goal SSI-12 Reduce risk to life and property associated with emergencies and natural and manmade disasters.

Engineering and Utilities

- Storm Drainage Infrastructure Master Plan approved September 2018.

Goal SSI-13 Infrastructure and urban development that adapts and evolves to respond to a changing climate and Goal SSI-16 Minimized adverse effects on property, natural resources, and ground and surface water quality from stormwater runoff.

- Successfully updated the City's Sanitary Sewer Management Plan and produced detailed standard operating procedures for the Wastewater Division.

Goal SSI-15 Efficient, effective, and sustainable wastewater treatment.

Administrative Services

- Promoted the City's WaterSmart feature, allowing customers to monitor their water consumption in real time.

Goal SSI-14 High quality water resources, managed effectively.

- Continued to promote paperless billing and electronic payment enrollment. Over 57% of Citywide accounts are now enrolled online, of which, 63% are enrolled in paperless statements and 50% are now enrolled in autopay.

Goal SSI-17 Reduced generation of solid waste and increased diversion of waste from landfills.

Geographic Information Services

- Tested and improved GIS capabilities at Emergency Operations Center (EOC) and trained EOC teammates on new procedures.

Goal SSI-12 Reduce risk to life and property associated with emergencies and natural and manmade disasters.

City Manager

- Executed a five-year cooperative agreement with the CalFire teammates for administration, fire marshalling, and fire operations.

Goal SSI-3 Minimal threat to persons, property, and the environment from fire hazards.

Community Services

- Introduced a pilot project for the elimination of the use of rodenticides on all City owned property.

Goal SSI-4 Avoidance of exposure to hazardous substances.

- Coordinated efforts to encourage local businesses to meet state law in recycling.

Goal SSI-17 Reduced generation of solid waste and increase diversion of waste from landfills.

Economic Development

- Approved and encroachment permit for the installation of telecommunication fiber to provide access to the Paradise Valley community.

Goal SSI-18 State-of-the-art telecommunications services for all segments of the community to foster fiscal and environmental sustainability, support an innovating economy, and meet the needs of the community.

Development Services – Land Development Engineering

- Provided annual City Council evaluation report for FY 2015-16 (Year 1) and FY 2016-17 (Year 2) on the flood risk reduction outreach activities performed by the City and other partner agencies as part of the countywide Multi-Jurisdictional Program for Public Information (PPI)

Goal SSI-6 Adequate, safe, and environmentally responsible drainage and flood control.

- Completed a Landscape Gap/Opportunity Analysis (with AHBL, Inc.) to identify any modifications and/or additions necessary to fill gaps and remove impediments to City's effective implementation of the Central Coast Regional Water Quality Control Board's post-construction stormwater management requirements for development projects.

Goal SSI-16 Minimized adverse effects on property, natural resources, and ground and surface water quality from stormwater runoff.

Engineering and Utilities

- Completed an Inflow and Infiltration Project, repairing wastewater pipes in various locations throughout the City to reduce inflow and infiltration of stormwater into the wastewater system.

Goal SSI-15 Efficient, effective, and sustainable wastewater treatment.

- Supported the adoption of an updated Stormwater Drainage System Master Plan

Goal SSI-16 Minimized adverse effects on property, natural resources, and ground and surface water quality from stormwater runoff.

Police

- Held one table top exercise for EOC team for a simulated wildland fire.
- Upgraded network to provide fault tolerant communications and consistent connectivity at all locations.
- Upgraded server and storage systems to meet expanded storage and disaster recovery requirements.

Goal SSI-12 Reduce risk to life and property associated with emergencies and natural and manmade disasters.

3. General Plan Amendment Applications

GPA2018-0001: E DUNNE-ROSS

General Plan Land Use Map Amendment – Residential Estate to Residential Detached Low on an 8.34 gross acre parcel located at the northerly terminus of Sorrel Way and Saddleback Drive. <Denied February 6, 2019>

GPA2018-0002: MONTEREY-GLENROCK

General Plan Land Use Map Amendment – Residential Detached Low to Commercial/Industrial on a 7.8 gross acre site located on the east side of Monterey Road, approximately 750 feet northerly of E Middle Avenue. <Incomplete>

GPA2018-0003: COCHRANE-LLAGAS LLC

General Plan Land Use Map Amendment – Commercial and Commercial/Industrial to Residential Attached Medium and Residential Detached High on approximately 60 acres located on the west side of De Paul Drive between Cochrane Road and Half Road. <Withdrawn April 9, 2018>

GPA2018-0004: W DUNNE-BETPOLICE

General Plan Land Use Map Amendment – Residential Estate to Residential Attached Low on a portion of the site located on the north side of W Dunne Avenue, approximately 825-feet easterly of Peak Avenue. <Pending>

GPA2018-0005: DEPOT STREET-MORGAN HILL

General Plan Land Use Map Amendment – Public Facilities to Mixed Use on an approximately 0.29-acre portion of Depot Street north of intersection with E Dunne Avenue and re-alignment of Depot Street. <Approved October 3, 2018>