



**Special Meeting Agenda  
Planning Commission**

*Juan Miguel Munoz-Morris - Chairman*  
*Mohammad Habib - Vice Chairman*  
*Joseph Mueller - Planning Commissioner*  
*Wayne Tanda - Planning Commissioner*  
*Laura Gonzalez-Escoto - Planning Commissioner*  
*Malisha Kumar - Planning Commissioner*  
*Liam Downey - Planning Commissioner*

---

**Monday, November 18, 2019 7:00 pm**

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

---

**SPECIAL MEETING**

A Special Meeting of the Planning Commission is called at 7:00 p.m. for the purpose of conducting City business.

**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**

## **PUBLIC HEARINGS**

1. **ZA2019-0015: ZONING AMENDMENT AMENDING CHAPTER 18.84: ACCESSORY DWELLING UNITS AND UPDATING DEFINITIONS IN CHAPTER 18.124 OF TITLE 18 (ZONING) OF THE MUNICIPAL CODE OF THE CITY OF MORGAN HILL IMPLEMENTING AMENDMENTS MADE TO THE CALIFORNIA PLANNING AND ZONING LAW REGARDING ACCESSORY DWELLING UNITS AND JUNIOR ACCESSORY DWELLING UNITS BY ASSEMBLY BILL 68, ASSEMBLY BILL 881 AND SENATE BILL 13**

Recommendation:

1. Open/close the public hearing; and
2. Adopt Resolution recommending City Council approval of the Zoning Amendment.

2. **PLANNING COMMISSION TO CONSIDER RESIDENTIAL DEVELOPMENT DESIGN STANDARDS (MISC2019-0009) THAT RESPOND TO THE REQUIREMENT OF SB330-GOVERNMENTAL CODE SECTION 65589.5.**

Recommendation:

1. Open/close public hearing; and,
2. Adopt a Resolution recommending City Council approval of the Residential Development Design and Development Standards.

## **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 [cityclerk@morganhill.ca.gov](mailto:cityclerk@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 [cityclerk@morganhill.ca.gov](mailto:cityclerk@morganhill.ca.gov). Requests must be made as early as possible and at least two-full business days before the start of the meeting.*



## **PLANNING COMMISSION STAFF REPORT**

### **MEETING DATE: November 18, 2019**

PREPARED BY: Adam Paszkowski, Principal Planner

APPROVED BY: Jennifer Carman, Community Development Director

#### **ZA2019-0015: ZONING AMENDMENT AMENDING CHAPTER 18.84: ACCESSORY DWELLING UNITS AND UPDATING DEFINITIONS IN CHAPTER 18.124 OF TITLE 18 (ZONING) OF THE MUNICIPAL CODE OF THE CITY OF MORGAN HILL IMPLEMENTING AMENDMENTS MADE TO THE CALIFORNIA PLANNING AND ZONING LAW REGARDING ACCESSORY DWELLING UNITS AND JUNIOR ACCESSORY DWELLING UNITS BY ASSEMBLY BILL 68, ASSEMBLY BILL 881 AND SENATE BILL 13**

#### **RECOMMENDATION(S)**

1. Open/close the public hearing; and
2. Adopt Resolution recommending City Council approval of the Zoning Amendment.

#### **BACKGROUND:**

Building on the state's historic actions and investments this year to tackle the housing affordability crisis, on October 9, 2019, Governor Gavin Newsom signed 18 bills designed to help jumpstart housing production. Per to the Office of Governor, the construction of accessory dwelling units (ADUs) can help cities meet their housing goals and increase the state's affordable housing supply. The Governor signed Assembly Bill 68, Assembly Bill 881 and Senate Bill 13, which amend Government Code Sections 65852.2 and 65852.22 and the Health and Safety Code regarding accessory dwelling units and junior accessory dwelling units. All bills are effective January 1, 2020.

The Bills make major changes to the ADU statute to facilitate the development of more ADUs and addressed perceived barriers to ADUs, including, but not limited to, the following:

1. Requires that permits for ADUs be processed ministerially and imposes time limits to act on a Building Permit for an accessory unit;
2. Allow an ADU and a Junior ADU on a single lot with a single-family dwelling or multi-family dwelling structures;
3. Prohibits a local ADU ordinance from:

- a. Imposing requirements on minimum lot size to allow ADUs;
  - b. Setting a maximum ADU dimensions that do not permit an ADU of 850 square feet for an ADU for one or fewer bedrooms and 1,000 square feet for two or more bedrooms, 16 feet in height, with four-foot side and rear yard setbacks;
  - c. Requiring replacement parking when parking is demolished in the creation of an ADU;
  - d. Requiring a setback for an ADU that is built within an existing structure or in the same footprint as an existing structure, and require more than a four-foot setback for all other ADUs; or
  - e. Include any discretionary process.
- 4. Reduced or no parking standards for accessory units; and
  - 5. Provides for a tiered schedule of impact fees based on the size of the ADU as follows:
    - a. Zero fees for an ADU of less than 750 square feet
    - b. Proportional impact fees for an ADU of 750 square feet or more.

## PROJECT DESCRIPTION

Chapter 18.84 (Accessory Dwelling Units) of the Morgan Hill Municipal Code establishes the standards for the location and construction of accessory dwelling units in conformance with Government Code Section 65852.2. These standards are intended to allow for accessory units as an important form of affordable housing while preserving the character and integrity of residential neighborhoods in Morgan Hill.

Chapter 18.124 (Land Use Definitions) defines the land uses permitted and conditionally permitted within each zoning district. This Chapter defines Accessory Dwelling Units as a self-contained living unit, either attached to or detached from, and in addition to, the primary residential unit on the parcel. Junior Accessory Dwelling Units are currently undefined in the Morgan Hill Ordinance Code.

Staff has proposed text amendments to Chapter 18.84 (Accessory Dwelling Units) and Chapter 18.124 (Land Use Definitions) of the Morgan Hill Municipal Code intended to align with changes made in State law (Government Code Sections 65852.2 and 65852.22).

Chapter 18.84 is proposed to be amended to apply to both accessory dwelling units and junior accessory dwelling units. Chapter 18.124 is proposed to be amended to modify the definition of accessory dwelling unit and to add a definition for junior accessory dwelling unit. New language has been identified with an underline and deleted text has been identified by ~~strike through~~. The City must submit the ordinance to the Department

of Housing and Community Development (HCD) within 60 days of adoption; HCD will notify the City if the ordinance does not comply with Government Code section 65852.2.

## **ANALYSIS:**

The proposed Zoning Amendment has been analyzed with respect to consistency with the: 1) General Plan; 2) Zoning Ordinance; and 3) California Environmental Quality Act.

### **1. General Plan**

The proposed amendments are consistent with the General Plan, specifically policies in the Housing Element, including Policy HE-1i (Flexible Housing), which encourages attached or detached accessory dwelling suites; Policy HE-1q (Affordable Housing) which encourages the production of affordable housing units; as well as Policy HE-1ddd (Integration of Affordable and Market Rate Housing), which promotes integrating affordable units into existing or proposed developments.

### **2. Zoning Ordinance**

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

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

#### Consistent

The proposed zoning amendment to modify Chapter 18.84 (Accessory Dwelling Units) and Chapter 18.124 (Land Use Definitions) of the City's Municipal Code is consistent with the General Plan, specifically policies in the Housing Element, including Policies HE-1i (Flexible Housing), HE-1q (Affordable Housing) as well as Policy HE-1ddd (Integration of Affordable and Market Rate Housing).

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

#### Consistent

The proposed Zoning Amendment requires accessory units to comply with all applicable building and safety codes; therefore, the proposed amendments will not be detrimental to the public interest, health, safety, convenience, or welfare of the city.

- c. The proposed amendment is internally consistent with other applicable provisions of the zoning code.

#### Consistent

The proposed revisions to Chapter 18.84 (Accessory Dwelling Units) and Chapter 18.124 (Land Use Definitions) are internally consistent with the overall zoning code.

### **3. California Environmental Quality Act (CEQA):**

This Ordinance is categorically exempt from environmental review pursuant to Section 15061(b)(3) of the California Environmental Quality Act (CEQA) Guidelines. The proposed text amendments are covered by the common-sense exemption that CEQA applies only to projects which have the potential for causing a significant effect on the environment. Where it can be seen with certainty that there is no possibility that the activity in question may have a significant effect on the environment, the activity is not subject to CEQA. The proposed amendments are changes to the requirements of Accessory Dwelling Units and Junior Accessory Dwelling Units contained within the Municipal Code as required by State Law pursuant to the amendments made by Assembly Bill 68, Assembly Bill 881 and Senate Bill 13 and will not result in any direct impact upon the physical environment. Any development that occurs in the future subject to such standards will undergo an independent analysis pursuant to the requirements of CEQA.

#### **Community Engagement**

A 10-day public hearing notice was published in the Friday, November 8, 2019 edition of the Morgan Hill Times pursuant to Government Code Sections 65090-65096. Notice was also provided on the website and via social media.

#### **LINKS/ATTACHMENTS:**

1. Attachment 1 - Draft Planning Commission Resolution
2. Chapter\_18.84\_\_\_ACCESSORY\_DWELLING\_UNITS

## RESOLUTION NO. 19-XX

**A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF MORGAN HILL RECOMMENDING APPROVAL OF ZONING AMENDMENT ZA2019-0015: ADU ORDINANCE AMENDING CHAPTER 18.84 ACCESSORY DWELLING UNITS AND CHAPTER 18.124 LAND USE DEFINITIONS OF TITLE 18 (ZONING) OF THE MUNICIPAL CODE OF THE CITY OF MORGAN HILL IMPLEMENTING AMENDMENTS MADE TO THE CALIFORNIA PLANNING AND ZONING LAW REGARDING ACCESSORY DWELLING UNITS AND JUNIOR ACCESSORY DWELLING UNITS BY ASSEMBLY BILL 68, ASSEMBLY BILL 881 AND SENATE BILL 13.**

**WHEREAS**, this proposed Ordinance (Zoning Amendment ZA2019-0015) was considered by the Planning Commission of the City of Morgan Hill at its special meeting of November 18, 2019;

**WHEREAS**, the Planning Commission has reviewed recommendations contained in the November 18, 2019, staff report on this item;

**WHEREAS**, the amendments proposed by this Ordinance are necessary to comply with changes in State law implemented by Assembly Bill 68, Assembly Bill 881 and Senate Bill 13;

**WHEREAS**, this ordinance is exempt from environmental review pursuant to Section 15061(b)(3) of the California Environmental Quality Act (CEQA) Guidelines, as the proposed text amendments to the Morgan Hill Zoning Code is not a project with potential for causing a significant effect on the environment requiring California Environmental Quality Act (CEQA) analysis;

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

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

**SECTION 1.** The Planning Commission hereby finds that the proposed amendments to the Zoning Code established by this Ordinance herein described are compatible with the goals, objectives and policies of the General Plan of the City of Morgan Hill including, the General Plan policies in the Housing Element, including Policy HE-1i (Flexible Housing), which encourages attached or detached accessory dwelling suites; Policy HE-1q

(Affordable Housing) which encourages the production of affordable housing units; as well as Policy HE-1ddd (Integration of Affordable and Market Rate Housing), which promotes integrating affordable units into existing or proposed developments. Furthermore, the proposed zoning text amendment for accessory dwelling units is consistent with the General Plan in that it encourages the production of accessory dwelling units which may serve as affordable housing and promotes integrating affordable units into existing and proposed developments.

**SECTION 2.** The proposed amendments will not be detrimental to the public interest, health, safety, convenience, or welfare of the City. The proposed zoning amendment requires accessory units to comply with all applicable building and safety codes, and, therefore, will not be detrimental to the City.

**SECTION 3.** The proposed amendment is internally consistent with other applicable provisions of the zoning code. The proposed revisions to Chapter 18.84 (Accessory Dwelling Units) and Chapter 18.124 (Land Use Definitions) are internally consistent with the overall zoning code.

**SECTION 4.** The Planning Commission hereby recommends approval of changes to the text of the Morgan Hill Municipal Code amending Chapter 18.84 (Accessory Dwelling Units) and Chapter 18.124 (Land Use Definitions) of Title 18 (Zoning) of the Municipal Code which are shown by strike-out text for deletions and underline text for additions. All text amendments recommended to be made as shown in the draft ordinance (Attachment 2 to the staff report).

**PASSED AND ADOPTED THIS 18<sup>th</sup> DAY OF NOVEMBER 2019, AT A SPECIAL MEETING OF THE PLANNING COMMISSION BY THE FOLLOWING VOTE:**

**AYES:**                      **COMMISSIONERS:**

**NOES:**                      **COMMISSIONERS:**

**ABSTAIN:**                      **COMMISSIONERS:**

**ABSENT:**                      **COMMISSIONERS:**

**ATTEST:**

**APPROVED:**

\_\_\_\_\_  
**JENNA LUNA, Deputy City Clerk**

\_\_\_\_\_  
**JUAN MIGUEL MUNEZ-MORRIS, Chair**

## ORDINANCE NO. , NEW SERIES

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF MORGAN HILL AMENDING CHAPTER 18.84 (ACCESSORY DWELLING UNITS) AND SECTION 18.124.020 (RESIDENTIAL LAND USES) OF CHAPTER 18.124 (LAND USE DEFINITIONS) OF TITLE 18 (ZONING CODE) OF THE MUNICIPAL CODE OF THE CITY OF MORGAN HILL IMPLEMENTING AMENDMENTS MADE TO THE CALIFORNIA PLANNING AND ZONING LAW REGARDING ACCESSORY DWELLING UNITS AND JUNIOR ACCESSORY DWELLING UNITS BY ASSEMBLY BILL 68, ASSEMBLY BILL 881 AND SENATE BILL 13

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

**Section 1.** Chapter 18.84 (Accessory Dwelling Units) of Title 18 (Zoning) is hereby amended to read as follows (additions in underline, deletions in ~~strikeout~~):

### Chapter 18.84 - ACCESSORY DWELLING UNITS

#### 18.84.010 - Purpose.

This chapter establishes standards for the location and construction of accessory dwelling units and junior accessory dwelling units (jointly referred to 'accessory units' in this Chapter) in conformance with Government Code Sections 65852.2 and 65852.22, respectively. These standards are intended to allow for accessory ~~dwelling~~-units as an important form of affordable housing while preserving the character and integrity of residential neighborhoods in Morgan Hill, and to comply with State law.

#### 18.84.020 - Permits required.

- A. ~~Zoning Clearance.~~ Accessory ~~dwelling~~-units consistent with the requirements of this chapter are allowed by-right with the issuance of a Building Permit zoning clearance.
- B. Time Limit to Act. The city shall complete its review of an accessory ~~dwelling~~-unit application requiring a Building Permit zoning clearance and approve or deny the application within ~~sixtyone hundred twenty~~ days after receiving an application if there is an existing single-family or multifamily dwelling on the lot. If the permit application to create an accessory unit is submitted with a permit application to create a new single-family dwelling on the lot, the City may delay acting on the permit application for the accessory until the City acts on the permit application to

create the new single-family dwelling. The application to create the accessory unit shall be considered without discretionary review or hearing.

#### 18.84.030 - Permitted zoning districts.

Accessory dwelling units are permitted in any zoning district where single-family ~~detached or multi-family~~ dwellings are a permitted land use as identified in Part 2 (Zoning Districts and Overlay Zones) of the zoning code. Junior accessory dwelling units are permitted in any zoning district where single-family dwellings are a permitted land use as identified in Part 2 (Zoning Districts and Overlay Zones) of the zoning code.

#### ~~18.84.040 – Accessory dwelling units in existing space.~~

~~An accessory dwelling unit within an existing primary dwelling, garage, or other accessory structure is permitted regardless of all other standards in this chapter if the accessory dwelling unit:~~

- ~~A. — Complies with all applicable building and safety codes;~~
- ~~B. — Provides independent exterior access from the primary dwelling; and~~
- ~~C. — Complies with all side and rear yard setback requirements of the applicable zoning district.~~

#### 18.84.050 - Site and design standards.

- A. General. Accessory units are subject to the same requirements that apply to primary dwellings on the same lot in the applicable zoning district except as specified in this section.
- B. Number of Accessory Units. No more than one accessory dwelling unit and no more than one junior accessory dwelling unit is permitted on a single lot with a single-family dwelling. Multifamily dwelling structures may have no more than one accessory dwelling unit or up to 25% of the existing multi-family dwelling units, whichever is larger.
- C. Relationship to Primary Dwelling.
  - 1. An accessory dwelling unit may be within, attached to, or detached from the primary dwelling. Attachment to the primary dwelling shall be by sharing a common interior wall or common roof. No passageway (as defined in Government Code Section 65852.2(i)(5)) is required in conjunction with the construction of an accessory dwelling unit.
  - 2. An accessory dwelling unit shall have its own kitchen, bathroom facilities, and entrance separate from the primary dwelling.
  - 3. The city shall allow junior accessory dwelling units as defined in Government Code Section 65852.22 to be constructed within the walls of the proposed or existing single-family residence with a separate entrance from the main entrance to the primary dwelling, an efficiency kitchen (consisting of a cooking facility with appliances, a food preparation counter and storage cabinets) and shared or independent bathroom facilities ~~shared with the primary dwelling.~~

4. The accessory ~~dwelling~~ unit shall be clearly subordinate to the primary dwelling by size, appearance, and location on the parcel and shall comply with all applicable building and safety codes.

D. Maximum Unit Size.

1. ~~Detached Accessory Units.~~ Table 18.84-1 identifies the maximum floor area for detached and attached accessory dwelling units.

Table 18.84-1: Maximum Accessory Dwelling Unit Floor Area

| Zoning District            | Maximum Floor Area                                                                                            |
|----------------------------|---------------------------------------------------------------------------------------------------------------|
| RE 10                      | 1,200 sq. ft. <sup>1</sup>                                                                                    |
| RE 2.5                     | 1,000 sq. ft. <sup>1</sup>                                                                                    |
| RE 1                       | 900 sq. ft. <u>(1 Bedroom)</u><br><u>1000 sq. ft. (2 or more Bedrooms) <sup>1</sup></u>                       |
| All other zoning districts | <del>750</del> <u>850</u> sq. ft. <u>(1 Bedroom)</u><br><u>1000 sq. ft. (2 or more Bedrooms) <sup>1</sup></u> |

<sup>1</sup> An attached accessory dwelling unit shall not exceed 50 percent of the existing primary dwelling.

2. The maximum floor area of junior accessory dwelling units shall be 500 square feet. Attached Accessory Units. The maximum floor area of attached accessory dwelling units is thirty percent of the floor area of the primary dwelling or the floor area specified in Table 18.84-1, whichever is less.

~~E. Separation from Primary Dwelling. Detached accessory dwelling units must be setback a minimum of six feet from the primary dwelling unit.~~

~~FE.~~ Property Line Setbacks.

1. No setback is required for an existing accessory structure or living area as defined by Government Code Section 65852.2 ~~garage~~ that is converted to an accessory dwelling unit.
2. No setback is required for an accessory dwelling unit constructed in the same location and the same footprint as an existing accessory structure.
23. A minimum setback of ~~five~~four feet from the side and rear property lines is required for an accessory dwelling unit 16-feet in height or less~~constructed above a garage~~. An accessory dwelling unit in excess of 16-feet shall comply with setback requirements of the applicable zoning district.

EG. Parking.

1. On-site parking spaces is not required for junior accessory dwelling units.
2. Except as specified in this subsection, on-site parking for accessory dwelling units shall comply with all parking requirements in Chapter 18.72 (Parking and Loading).
23. In addition to on-site parking spaces required for the primary dwelling unit, one on-site parking spaces shall be provided for each accessory dwelling units per unit or bedroom, whichever is less as shown in Table 18.84-2.

Table 18.84-2: Required On-Site Parking Spaces for Accessory Dwelling Units

| <u>Accessory Dwelling Unit Size</u>                    | <u>Required Number of On-Site Parking Spaces</u> |
|--------------------------------------------------------|--------------------------------------------------|
| <u>Studio and one-bedroom accessory dwelling units</u> | <u>1 space (may be tandem)</u>                   |
| <u>Two-bedroom accessory dwelling units</u>            | <u>2 spaces (may be tandem)</u>                  |

3. On-site parking spaces for accessory dwelling units may be covered or uncovered and may be located within the front, side or rear setback areas (may be tandem).
4. No off-street parking is required for an accessory dwelling unit in the following cases:
  - a. The accessory dwelling unit is located within one-half mile walking distance of public transit ~~of the Morgan Hill Caltrain station or a bus transit stop with a frequency of service interval of fifteen minutes or less during the morning and afternoon peak commute periods.~~
  - b. The accessory dwelling unit is located within a National Register Historic District or other historic district officially designated by the city council.
  - c. When an accessory dwelling unit is constructed within the primary residence or an accessory structure.
  - ed. When on-street parking permits are required but not offered to the occupant of the accessory dwelling unit.
  - ed. When there is a car share vehicle pick-up/drop-off location within one block of the accessory dwelling unit.

5. When an existing garage, carport, or covered parking structure is demolished in conjunction with the construction of an accessory dwelling unit, , or converted to an accessory dwelling unit, the on-site parking spaces are not required to be replaced and the zoning code requires that those parking spaces be replaced, the replacement spaces may be located in any configuration on the same lot as the accessory dwelling unit, including, but not limited to, as covered spaces, uncovered spaces, or tandem spaces, or by the use of mechanical automobile parking lifts.

**HG.** Design. The design of accessory ~~dwelling~~ units shall be compatible with the design and scale of the primary dwelling (using substantially the same landscaping, color, materials and design on the exterior) and the general character of the neighboring residential properties.

**HJ.** Doors and Windows. Openings (e.g., doors and windows) on exterior walls that are closest to and face adjacent residentially-zoned properties shall be designed to minimize privacy impacts and maintain access to light and ventilation on adjacent properties.

**IJ.** Utility Connections.

1. General. An accessory ~~dwelling~~ unit shall not be considered a new residential use for the purposes of calculating local agency connection fees or capacity charges for utilities, including water and sewer service unless constructed in conjunction with a new single-family residence.
2. Accessory ~~Dwelling~~ Units in Existing Space. For ~~an~~ accessory ~~dwelling~~ units within an existing primary dwelling, garage, or other accessory structure, the city shall not require an applicant to install a new or separate utility connection directly between the accessory ~~dwelling~~ unit ~~with~~ and the utility or impose a related connection fee or capacity charge.
3. Attached and Detached Accessory Dwelling Units.
  - ~~a. For detached accessory dwelling units and accessory dwelling units attached to and added on to a primary dwelling, the city shall require a new or separate utility connection directly between an attached or detached accessory dwelling unit and the utility.~~
  - ~~b.~~ Consistent with Government Code Section 66013, the connection may be subject to a connection fee or capacity charge that shall be proportionate to the burden of the proposed accessory dwelling unit, based upon either its size or the number of its plumbing fixtures, upon the water or sewer system. This fee or charge shall not exceed the reasonable cost of providing this service.
4. Fire Sprinklers. ~~The city shall not require accessory dwelling units to provide fire sprinklers if they would not be required for the primary residence under the current fire code.~~ The installation of fire sprinklers shall not be required in an accessory unit if sprinklers are not required for the primary residence.

**KJ.** Septic Tank Disposal System.

1. In areas where septic tank disposal systems are allowed due to lack of sanitary sewer lines, detached accessory dwelling units shall be served by separate and independent septic tank sewage disposal systems. All leach lines shall be designed and installed in accordance with current septic system requirements of the Santa Clara County Environmental Health Services.
2. In other areas of the city, accessory dwelling units shall be connected to the sanitary sewer system through the existing lateral line serving the primary dwelling unit.

~~L. Maximum Number of Bedrooms. An accessory dwelling unit may contain no more than two bedrooms.~~

#### 18.84.060 - Deed restrictions.

- A. Deed Restriction Required. Before obtaining a building permit for an accessory ~~dwelling~~ unit, the property owner shall file with the county recorder a declaration of restrictions containing a reference to the deed under which the property was acquired by the current owner. The deed restriction shall state that:
  1. The accessory ~~dwelling~~ unit may not be sold separately from the primary dwelling.
  2. The accessory ~~dwelling~~ unit is restricted to the approved size as set forth in Section 18.84.040-050 (ED).
  3. The accessory unit shall not be rented for a period of less than 30 days.
- B. Binding on Future Owners. The above declarations shall be binding upon any successor in ownership of the property. Lack of compliance shall be cause for code enforcement and/or revoking the city's approval of the accessory ~~dwelling~~ unit.

#### 18.84.070 – Fees

- A. Impact fees shall not be imposed on an accessory dwelling unit less than 750 square feet in size.
- B. Impact fees charged for an accessory dwelling unit of 750 square feet or more shall be charged proportionately in relation to the square footage of the primary dwelling unit.

**Section 2.** Subsection A of Section 18.124.020 (Residential Land Uses) of Chapter 18.04 (Land Use Definitions) of Title 18 (Zoning) is hereby amended to read as follows:

- A. Accessory Dwelling Units. A self-contained living unit, either attached to or detached from, and in addition to, the primary residential unit on the parcel, that includes permanent provisions for living, sleeping, eating, cooking, and sanitation on the same parcel as the single-family dwelling or multifamily dwelling is situated. This includes an

efficiency unit as defined in Section 17958.1 of the Health and Safety Code and a manufactured home, as defined in Section 18007 of the Health and Safety Code. Further includes a Junior Accessory Dwelling Unit which is a unit that is no more than 500 square feet in size and contained entirely within a single-family residence and includes separate or shared sanitation facilities with the existing structure.

**Section 3. 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 4. 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 \_\_\_\_\_, 20\_\_, and adopted at a meeting held on the \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_, 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



## PLANNING COMMISSION STAFF REPORT

### MEETING DATE: November 18, 2019

PREPARED BY: Gina Paolini, Interim Principal Planner  
APPROVED BY: Jennifer Carman, Community Development Director

## PLANNING COMMISSION TO CONSIDER RESIDENTIAL DEVELOPMENT DESIGN STANDARDS (MISC2019-0009) THAT RESPOND TO THE REQUIREMENT OF SB330- GOVERNMENTAL CODE SECTION 65589.5.

### RECOMMENDATION(S)

1. Open/close public hearing; and,
2. Adopt a Resolution recommending City Council approval of the Residential Development Design and Development Standards.

### BACKGROUND:

California Senate Bill 330 ([SB 330](#)), establishes the “Housing Crisis Act of 2019”, effective January 1, 2020. The bill amends the Housing Accountability Act (HAA) (Government Code Section 65589.5), making changes to the local approval process and the Permit Streamlining Act until January 1, 2025. Specifically, the bill prohibits the City of Morgan Hill, with respect to land where housing is an allowable use, from enacting a development policy, standard, or condition that would have any of the following effects:

- a) Changing the general plan land use designation, specific plan land use designation, or zoning of a parcel to a less intensive use or reducing the intensity of land use within an existing general plan land use designation, specific plan land use designation, or zoning district below what was allowed under the land use designation and zoning ordinances of the affected county or affected city as in effect January 1, 2018. Less intensive uses means reductions in height, density, floor area ratio, new or increased open space or lot size requirements, or new or increased setback requirements, minimum frontage requirements or maximum lot coverage limitations or anything that would lessen the intensity of housing.
- b) Imposing a moratorium or similar restriction or limitation on housing development, including mixed-use development, within all or a portion of the jurisdiction, other than to specifically protect against an imminent threat to health and safety. An affected city or county cannot enforce a moratorium until HCD approves it.
- c) Imposing or enforcing design review standards established after January 1, 2020, if the standards are not objective.
- d) Limiting the number of land use approvals or permits necessary for the approval and construction of housing that will be issued or allocated within all or a portion of the affected city or county.

- e) Capping the number of housing units that can be approved or constructed either annually or for some other period of time.
- f) Limiting the population of the affected city or county.

The Planning Commission held a workshop on November 12, 2019 to discuss the establishment of design review standards that would address SB 330 requirements.

## **PROJECT DESCRIPTION**

The City is proposing the adoption of Residential Development Design and Development Standards (Standards) to address the requirements of SB 330 Housing Crisis Act of 2019. The key requirement of the Standards is they are to be “Objective Standards”, as defined:

“Standards that involve no personal or subjective judgement by a public official and are uniformly verifiable by reference to an external and uniform benchmark or criterion available and knowable by both the development applicant or proponent and the public official”

The City received preliminary comments from the Planning Commission and public at the workshop held on November 12, 2019. Refinements have been made to the Standards and are shown with tracked changes (Attachment 2). As explained at the workshop, SB 330 accelerates the permit processing timeline. A draft of the timeline process has been provided (Attachment 3).

## **ANALYSIS**

The proposed Standards have been analyzed with respect to consistency with the: 1) General Plan; 2) Zoning Ordinance, and 3) California Environmental Quality Act.

### **1. General Plan**

The Residential Development Control System (RDCS) Competition Manual has been the City’s guiding document containing criteria and standards for residential development. Because the City’s RDCS will be suspended for five years (until January 1, 2025), new Standards have been developed consistent with SB 330 requirements. The proposed Standards have been developed to replace the RDCS Competition Manual, have been designed to meet the requirements of “Objective Standard” and are consistent with the Morgan Hill 2035 General Plan. In particular, General Plan policy references are provided throughout the Standards. It is important to note that the Standard criteria has been development to be quantifiable and is necessary to implement the General Plan policies.

### **2. Zoning Ordinance**

Section 18.108.040 (Design Permit) of the Morgan Hill Municipal Code states that a Design Permit is a discretionary action that enables the City to ensure that a proposed development exhibits high quality design consistent with the General Plan and any other applicable specific plan or area plan adopted by the City Council. The Design Permit process is also intended to ensure that new development and uses are compatible with their surroundings and minimize negative impacts on neighboring properties.

All residential projects requiring a Design Permit would be subject to the new Standards. The Standards have been designed to be consistent with the Municipal Code.

### Conclusion

The Planning Commission should review the proposed draft Standards and recommend that the City Council approve the Standards at their December 18, 2019 meeting. If adopted, the Standards would be effective January 1, 2020.

### 3. **California Environmental Quality Act (CEQA)**

The Residential Development Design and Development Standards are exempt from environmental review pursuant to Section 15061(b)(3) of the California Environmental Quality Act (CEQA) Guidelines. The proposed design and development standards are not considered a project with potential for causing a significant effect on the environment requiring CEQA analysis. Where it can be seen with certainty that there is no possibility that the activity in question may have a significant effect on the environment, the activity is not subject to CEQA. Any development that occurs in the future subject to the design and development standards will undergo an independent analysis pursuant to the requirements of CEQA.

### **Community Engagement**

The Planning Commission workshop regarding the Standards was open to the public and included opportunity for community members to participate in discussion by asking questions and providing input on the draft Standards.

There were questions raised by the public on why verbatim language from the General Plan was not being used within the Standards. One particular instance referenced was related to the following General Plan Policy related to "Sound Walls":

Policy CNF-8.14 **Sound Walls:** Minimize the use of sound walls to situations where they are required to meet noise standards and other forms of mitigation are not available. Use techniques less visually disturbing than sound walls, including but not limited to earth berms and intervening placement of non-sensitive buildings when requiring noise impact mitigation of new and/or expanded development.

It is clear from the General Plan that sound walls are limited to those situations where other forms of mitigation are not available. To clarify the use of sound walls further, the following General Plan Policies will be added to the Sound Wall standard:

Policy SSI-8.9 **Site Planning and Design:** Require attention to site planning and design techniques other than sound walls to reduce noise impacts, including: a) installing earth berms, b) increasing the distance between the noise source and the receiver; c) using non-sensitive structures such as parking lots, utility areas, and garages to shield noise sensitive areas; d) orienting buildings to shield outdoor spaces from the noise source; and e) minimizing the noise at its source.

Policy SSI-9.2 **Noise Barrier Dimensions:** If noise barriers are deemed the only

effective mitigation for development along major transportation corridors, require an acoustical analysis to determine necessary dimensions.

**Policy SSI-9.3 Sound Wall Design:** The maximum height of sound walls shall be eight feet. Residential projects adjacent to the freeway shall be designed to minimize sound wall height through location of a frontage road, use of two sound walls or other applicable measures. Sound wall design and location shall be coordinated for an entire project area and shall meet Caltrans noise attenuation criteria for a projected eight-lane freeway condition. If two sound walls are used, the first shall be located immediately adjacent to the freeway right-of-way and the second shall be located as necessary to meet Caltrans noise requirements for primary outdoor areas. The minimum rear yard setback to the second wall shall be 20 feet.

**Policy SSI-9.6 Earth Berms:** Allow and encourage earth berms in new development projects as an alternative to sound walls if adequate space is available.

**Policy SSI-9.7 Sound Barrier Design:** Require non-earthen sound barriers to be landscaped, vegetated, or otherwise designed and/or obscured to improve aesthetics and discourage graffiti and other vandalism.

Another concern was raised regarding the proposed “Agricultural Buffer” standard of 100 feet, and that the particular standard is not referenced in the following General Plan Policy:

**Policy NRE-4.9 Urban Encroachment:** Require new urban development adjacent to an existing agricultural operation to create an appropriate buffer area, on land within the proposed development, between urban uses and agricultural activities.

For the buffer, “appropriate” is not quantifiable and would lead to protracted discussions and discretionary action to be taken by the City. There needs to be a specified minimum buffer to avoid conflict as a function of the development approval process to ensure that adjacent agricultural activities can continue. The RDCS Competition Manual required a 500-foot buffer to obtain points. The City team researched other jurisdictional requirements for agricultural buffers and found the City of Gilroy requires a 150-foot buffer, Santa Cruz County 200-foot buffer and City of Watsonville 200-foot buffer. The City team believed a requirement of a 100-foot buffer between an existing agricultural operation and new development would create the required “appropriate” buffer implementing the City’s General Plan policy.

A 10-day public hearing notice was published in the Friday, November 8, 2019 edition of the Morgan Hill Times pursuant to Government Code Sections 65090-65096. The draft Standards were also sent to the City’s residential developer stakeholders list, along with the notice of the hearing.

**LINKS/ATTACHMENTS:**

1. PC Resolution
2. Objective Criteria-Version 4
3. SB 330 Timeline-Draft
4. Item 2 - Supplement #1 - Proposed Edits by Engineering Team

**RESOLUTION NO. 19-XX****A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF MORGAN HILL RECOMMENDING APPROVAL OF MISC2019-0009: RESIDENTIAL DEVELOPMENT DESIGN AND DEVELOPMENT STANDARDS IMPLEMENTING REQUIREMENTS OF SB 330 HOUSING CRISIS ACT OF 2019.**

**WHEREAS**, a workshop was held by the Planning Commission on November 12, 2019 to discuss the proposed Residential Development Design and Development Standards;

**WHEREAS**, this proposed Resolution (MISC2019-0009) was considered by the Planning Commission of the City of Morgan Hill at its special meeting of November 18, 2019;

**WHEREAS**, the Planning Commission has reviewed recommendations contained in the November 18, 2019, staff report on this item;

**WHEREAS**, the proposed Residential Development Design and Development Standards are necessary to comply with the requirements of SB 330 (Government Code Section 65589.5);

**WHEREAS**, the Development Services Director has determined that the Residential Development Design and Development Standards are exempt from environmental review pursuant to Section 15061(b)(3) of the California Environmental Quality Act (CEQA) Guidelines, as the proposed standards are not a project with potential for causing a significant effect on the environment requiring California Environmental Quality Act (CEQA) analysis;

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

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

**SECTION 1.** The Planning Commission hereby finds that the proposed Residential Development Design and Development Standards established by this Resolution herein described are compatible with the goals, objectives and policies of the General Plan of the City of Morgan Hill, in that they replace the Residential Development Control System (RDSCS) Competition Manual which has been the City's guiding document containing criteria and standards for residential development. Furthermore, because the City's

RDCS will be suspended for five years (until January 1, 2025), the new Standards have been development consistent with SB 330 requirements, have been designed to meet the requirements of “Objective Standard”, while maintaining consistency with the Morgan Hill 2035 General Plan. In particular, General Plan policy references are provided throughout the Standards and would be implemented with each development project.

**SECTION 2.** All residential projects requiring a Design Permit (Section 18.108.040) shall be subject to The Residential Development Design and Development Standards as set forth in this Resolution. The proposed Residential Development Design and Development Standards are internally consistent with the overall zoning code.

**SECTION 3.** The Planning Commission hereby recommends approval of Residential Development Design and Development Standards.

**PASSED AND ADOPTED THIS 18<sup>th</sup> DAY OF NOVEMBER 2019, AT A SPECIAL MEETING OF THE PLANNING COMMISSION BY THE FOLLOWING VOTE:**

**AYES: COMMISSIONERS:**

**NOES: COMMISSIONERS:**

**ABSTAIN: COMMISSIONERS:**

**ABSENT: COMMISSIONERS:**

**ATTEST:**

**APPROVED:**

\_\_\_\_\_  
**JENNA LUNA, Deputy City Clerk**

\_\_\_\_\_  
**JUAN MIGUEL MUNOZ-MORRIS, Chair**



## RESIDENTIAL DEVELOPMENT DESIGN AND DEVELOPMENT STANDARDS

November 2019

### I. PURPOSE

The purpose of the Residential Development Design and Development Standards is to articulate project design requirements for all residential and mixed-use developments. These standards will be utilized to detail the review process by clearly stating the City of Morgan Hill's objectives for high quality, residential projects that are aesthetically pleasing, livable, sustainable, well-connected to neighborhood services. The City is required to compile one or more lists that specify in detail the information required from any applicant for a development project.

### II. RELATIONSHIP TO THE ZONING CODE, GENERAL PLAN AND SPECIFIC PLANS

#### A. Zoning Code

The [Residential Development](#) Design and Development Standards are consistent with the City's Zoning Code. These standards are intended to complement the development standards within the Zoning Code but not replace standard zoning district requirements. The [Residential Development](#) Design and Development Standards shall apply to all residential development projects proposed within Residential and Mixed Use zoning districts (unless exempt).

The intent of these [Residential Development](#) Design and Development Standards shall be met unless it can be demonstrated to the satisfaction of the decision-making body for the development project that meeting the intent of the [Residential Development](#) Design and Development Standards is physically infeasible or detrimental to the environmental quality of the project or surrounding area. ~~While the~~ The intent of these [Residential Development](#) Design and Development Standards shall be met unless as otherwise noted. Where these [Residential Development](#) Design and Development Standards are silent or perceived to be silent, the Zoning Ordinance shall govern.

#### B. General Plan

The General Plan establishes land use designations, densities, and a wide variety of other policies related to future development. Where there is conflict between these [Objective Residential Development](#) Design and Development Standards, the General Plan governs.

#### C. Specific Plan

The Downtown Specific Plan (DTSP) ~~has been~~was developed for the Morgan Hill Downtown and provides greater detail about land use, development standards, and building design than exist in the General Plan, and serves as the zoning for the area. The ~~Objective-Residential~~

Development Design and Development Standards shall be the primary guiding document for review of residential projects within the DTSP area.

### III. EXEMPTIONS

The ~~Objective~~ Residential Development Design and Development Standards shall not apply to projects determined to be exempt from Design Review in accordance with Section 18.108.040.F (Exempt Projects).

### IV. DEFINITIONS

A. **Rules of Measurement.** Refer to Chapter 18.12 of the Morgan Hill Municipal Code.

B. **Land Use Definitions.** Refer to Chapter 18.124 of the Morgan Hill Municipal Code.

C. **General Terms.** Refer to Chapter 18.28 of the Morgan Hill Municipal Code.

D. **Mixed-use Developments.** A mixed-use development shall consist of residential and nonresidential uses with at least two-thirds of the square footage designated for residential use.

E. **100 Percent Affordable Project.** A project (rental and for-sale projects) that commit 100 percent of the units as deed restricted with an affordability structure resulting in units available to extremely low income (0-30% Area Median Income), very low income (30-50% Area Median Income), and moderate (81-120% Area Median Income) households.

### V. ~~OBJECTIVE~~ DESIGN AND DEVELOPMENT STANDARDS

These Residential Development Design and Development Standards augment the standards in the City's Municipal Code and provide qualitative direction to meet the City's goal for high quality design of residential projects. Any deviation from these Residential Development Design and Development Standards or the letter of these standards is a deviation from the Zoning Ordinance and requires approval of a Minor Exception as specified in Section 18.108.070 (Minor Exceptions) of the Morgan Hill Municipal Code. The Planning Commission shall review and take action on all requested exceptions. Appeals of completeness reviews shall be processed pursuant to Morgan Hill Municipal Code Chapter 18.112.

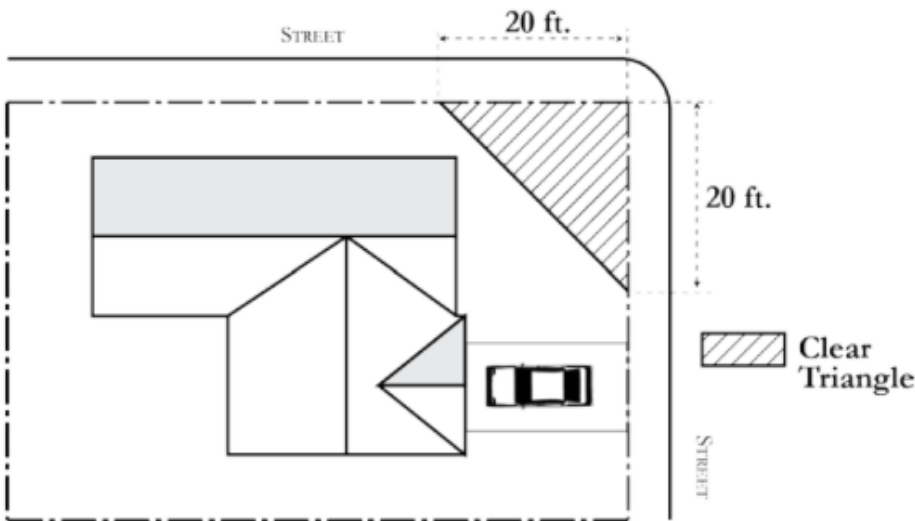
A. **Development Services Requirements.** For each item on the list, compliance shall be indicated in the last column with a "Y" for yes, or "N" for no. If an item on the list is not applicable to a proposed project, "N/A" shall be noted.

| DESIGN AND DEVELOPMENT STANDARD                        | PROJECT COMPLIES |
|--------------------------------------------------------|------------------|
| <b>AFFORDABLE HOUSING AND ACCESSORY DWELLING UNITS</b> |                  |
| Inclusionary Housing and Below Market Rate Program:    |                  |

| DESIGN AND DEVELOPMENT STANDARD                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                   | PROJECT COMPLIES |
|-----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|------------------|
| <p>The project complies with Chapter 14.04 “Inclusionary Housing” which requires at least fifteen percent of all units in residential projects be inclusionary units that shall be made available at affordable rents or affordable sales prices as established in Chapter 14.04. The inclusionary units shall be approved, and construction of the inclusionary units shall be completed not later than the times prescribed in Section 14.04.050 of the Morgan Hill Municipal Code, unless an alternative requirement is approved pursuant to Section 14.04.070 of the Morgan Hill Municipal Code.</p> <p><b>(GP Policy HE-1rr)</b></p> <p>Projects with two or more units shall demonstrate compliance by providing the following:</p> <ul style="list-style-type: none"> <li>For-Sale Projects in Downtown Specific Plan (DTSP) area: Designate 10 percent of the dwelling units at affordable sales prices to moderate-income households</li> <li>For-Sale Projects Outside DTSP area: Designate 15 percent of the dwelling units at affordable sales prices to moderate-income households</li> <li>Rental Projects in DTSP area: Designate 10 percent of the dwelling units at affordable rents by low-income and very low-income households. At least one-half of required units to be offered to very low-income households</li> <li>Rental Projects Outside the DTSP area: Designate 15 percent of the dwelling units at affordable rents by low-income and very low-income households. At least one-half of required units to be offered to very low-income households</li> </ul> <p>The applicant shall provide details regarding the number of inclusionary units, the level(s) of affordability, the location and type of inclusionary units, and timing of construction of inclusionary units in relation to the construction of the market-rate units contained in the development.</p> <p><u>If proposing to satisfy the requirement by an alternative means of compliance, Sufficient information and documentation are provided as required by Section 14.04.070.</u></p> <p><u>Proposal of in-lieu fee payment is subject to approval by City Council.</u></p> |                  |
| <p><b>Accessory Dwelling Unit (ADU) Requirements:</b> If the project includes ADU’s, the project shall comply with Chapter 18.84 Accessory Dwelling Units of the Morgan Hill Municipal Code.</p>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                  |                  |
| <b>SITE PLANNING</b>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                              |                  |
| <b>Zoning Compliance:</b>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                         |                  |

CITY OF MORGAN HILL RESIDENTIAL DEVELOPMENT DESIGN AND DEVELOPMENT STANDARDS  
Page 4 of 22

| DESIGN AND DEVELOPMENT STANDARD                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                       | PROJECT COMPLIES |
|---------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|------------------|
| <p>Project complies with the applicable zoning district standards:</p> <ul style="list-style-type: none"> <li>a. Residential Estate Districts (RE-10, RE-2.5, RE-1). Refer to Table 18.16-2 of the Morgan Hill Municipal Code.</li> <li>b. Residential Detached Low and Medium Density Districts (RDL-20,000, RDL-12,000, RDM-9,000, RDM-7,000). Refer to Table 18.16-3 of the Morgan Hill Municipal Code.</li> <li>c. Residential Detached High Density District Development (RDH-4,500). Refer to Table 18.16-4 of the Morgan Hill Municipal Code.</li> <li>d. Residential Attached Low Density Districts (RAL-3,500, RAL-3,000) Refer to Table 18.18-2 of the Morgan Hill Municipal Code.<br/>➤ <u>Alternative Standards also available. Refer to Table 18.40-1.</u></li> <li>e. Residential Attached Medium Density <del>and High Density</del> (RAM, <del>RAH</del>). Refer to Table 18.18-3 of the Morgan Hill Municipal Code.<br/>➤ <u>Alternative Standards also available. Refer to Table 18.40-1.</u></li> <li>d.f. <u>Residential Attached High Density (RAH). Refer to Table 18.18-3 of the Morgan Hill Municipal Code.</u></li> <li>e.g. For projects that include residential units within the Mix Use Neighborhood (MU-N) and Mixed Use Flex (MU-F) Districts, refer to Table 18.22-2 of the Morgan Hill Municipal Code.</li> <li>f.h. For project that include residential units within the Downtown Specific Plan refer to the development standards provided within the Downtown Specific Plan.</li> <li>ih. Whenever a requirement of an overlay zone or combining district conflicts with a requirement of the underlying base zone, the overlay zone or combining district requirement shall control.</li> </ul> |                  |
| <p><b>Orientation to an <u>existing</u> Street:</b> For residential buildings adjacent to a collector or arterial street, the primary entrance of homes (front door) <del>has been</del> located along the street.<br/><b>(GP Policy CNF-11.18)</b></p>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                               |                  |
| <p><b>Intersection Sight Distance/Clear Vision Triangle:</b> <u>For projects located</u> <del>A</del>adjacent to pedestrian crossings or street intersections, a “Clear Vision Triangle” (see figure below) is provided to comply with the City’s Municipal Code Section 18.92.080, Intersection Sight Distance. This triangular area ensures that drivers,</p>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                       |                  |

| DESIGN AND DEVELOPMENT STANDARD                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                         | PROJECT COMPLIES |
|-----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|------------------|
| <p>bicyclists and pedestrians have clearer views of crossing traffic, which improves intersection safety for all parties. No structure, vehicle, object or landscaping over three feet in height may be placed within a clear vision triangle. Trees pruned at least eight feet above the established grade of the curb so as to provide clear view by motor vehicle drivers are permitted within a clear vision triangle. The areas subject to these standards are those portions of the Clear Vision Triangle areas located on private property outside the public right-of-way.</p>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                               |                  |
| <p><b>Sound Walls:</b> <u>An Acoustical Analysis shall be provided to demonstrate need for noise impact mitigation. Site planning and design techniques shall be utilized to minimize the use of sound walls. Sound wall is allowed if required to meet noise standards and applicant has demonstrated that other forms of mitigation are not available as described herein.</u></p> <p><u>Application demonstrates that other forms of mitigation such as installation of earth berms; increasing the distance between the noise source and the receiver; intervening placement of non-sensitive structures such as parking lots, utility areas, and garages to shield noise sensitive areas; orientating buildings to shield outdoor spaces from the noise sources; and minimizing noise at its source; are not available. Site planning and design techniques shall be utilized to</u> <del>Sound walls shall be minimize the use of sound wallsd and are discouraged. Where a sound wall is proposed, the project has provided an Acoustical Analysis. The project should use techniques less visually disturbing than sound walls, including but not limited to earth berms, increasing the distance between the noise source and the receiver, using non-sensitive structures such as parking lots, utility areas, and garages to shield noise sensitive areas, and orientating buildings to shield outdoor spaces from</del></p> |                  |

| DESIGN AND DEVELOPMENT STANDARD                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                  | PROJECT COMPLIES                                                  |        |        |        |  |              |        |        |        |        |               |   |   |  |  |                |   |   |  |  |              |   |   |   |  |               |   |   |   |   |            |   |   |   |   |            |   |   |   |   |  |
|----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|-------------------------------------------------------------------|--------|--------|--------|--|--------------|--------|--------|--------|--------|---------------|---|---|--|--|----------------|---|---|--|--|--------------|---|---|---|--|---------------|---|---|---|---|------------|---|---|---|---|------------|---|---|---|---|--|
| <p><del>the noise sources and intervening placement of non-sensitive buildings when requiring noise impact mitigation of new and/or expanded development.</del></p> <p><del>If a sound wall is required, as demonstrated through an Acoustical Analysis, the maximum height of the sound wall shall be eight feet. Dimension shall be as determined in the acoustical analysis. Residential projects adjacent to the freeway shall meet the criteria as described in SSI-9.3 of the General Plan. The sound wall must be landscaped or vegetated for aesthetic purposes and to prevent graffiti and vandalism. Where a sound wall is proposed, the project has provided an Acoustical Analysis.</del></p> <p><b>(GP Policy CNF-8.14, <u>SSI-8.9, 9.2, 9.3, 9.4, 9.6, and 9.7</u>)</b></p> <p><del>An Acoustical Analysis shall be provided to demonstrate need for site mitigation which includes a solid sound wall.</del></p>  |                                                                   |        |        |        |  |              |        |        |        |        |               |   |   |  |  |                |   |   |  |  |              |   |   |   |  |               |   |   |   |   |            |   |   |   |   |            |   |   |   |   |  |
| <p><b>Agricultural Buffer:</b><br/>If the project is located adjacent to an active agricultural operation, an open space easement has been provided to buffer between the active agricultural operations that are adjacent to the proposed project and new development. The size and configuration of the buffer is a minimum of 100 feet between the active agricultural operations and the nearest new structure.<br/><b>(GP Policy NRE-4.9)</b></p>                                                                                                                                                                                                                                                                                                                                                                                                                                                                           |                                                                   |        |        |        |  |              |        |        |        |        |               |   |   |  |  |                |   |   |  |  |              |   |   |   |  |               |   |   |   |   |            |   |   |   |   |            |   |   |   |   |  |
| <p><b>On-Site Recreational Amenities:</b><br/>The project has provided on-site recreational amenities to serve residents based on the following table:<br/><b>(GP Policy CNF-11.10)</b></p> <table><tr><th colspan="5">NUMBER OF AMENITIES REQUIRED FROM EACH TIER BASED ON PROJECT SIZE</th></tr><tr><th>Project Size</th><th>Tier 1</th><th>Tier 2</th><th>Tier 3</th><th>Tier 4</th></tr><tr><td>3 to 15 units</td><td>1</td><td>1</td><td></td><td></td></tr><tr><td>16 to 50 units</td><td>2</td><td>2</td><td></td><td></td></tr><tr><td>51-100 units</td><td>2</td><td>2</td><td>1</td><td></td></tr><tr><td>101-150 units</td><td>2</td><td>2</td><td>1</td><td>1</td></tr><tr><td>151+ units</td><td>2</td><td>3</td><td>2</td><td>1</td></tr><tr><td>201+ units</td><td>2</td><td>3</td><td>2</td><td>1</td></tr></table> <p><u>Tier 1 amenities:</u></p> <ul style="list-style-type: none"><li>Shuffleboard</li></ul> | NUMBER OF AMENITIES REQUIRED FROM EACH TIER BASED ON PROJECT SIZE |        |        |        |  | Project Size | Tier 1 | Tier 2 | Tier 3 | Tier 4 | 3 to 15 units | 1 | 1 |  |  | 16 to 50 units | 2 | 2 |  |  | 51-100 units | 2 | 2 | 1 |  | 101-150 units | 2 | 2 | 1 | 1 | 151+ units | 2 | 3 | 2 | 1 | 201+ units | 2 | 3 | 2 | 1 |  |
| NUMBER OF AMENITIES REQUIRED FROM EACH TIER BASED ON PROJECT SIZE                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                |                                                                   |        |        |        |  |              |        |        |        |        |               |   |   |  |  |                |   |   |  |  |              |   |   |   |  |               |   |   |   |   |            |   |   |   |   |            |   |   |   |   |  |
| Project Size                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                     | Tier 1                                                            | Tier 2 | Tier 3 | Tier 4 |  |              |        |        |        |        |               |   |   |  |  |                |   |   |  |  |              |   |   |   |  |               |   |   |   |   |            |   |   |   |   |            |   |   |   |   |  |
| 3 to 15 units                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                    | 1                                                                 | 1      |        |        |  |              |        |        |        |        |               |   |   |  |  |                |   |   |  |  |              |   |   |   |  |               |   |   |   |   |            |   |   |   |   |            |   |   |   |   |  |
| 16 to 50 units                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                   | 2                                                                 | 2      |        |        |  |              |        |        |        |        |               |   |   |  |  |                |   |   |  |  |              |   |   |   |  |               |   |   |   |   |            |   |   |   |   |            |   |   |   |   |  |
| 51-100 units                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                     | 2                                                                 | 2      | 1      |        |  |              |        |        |        |        |               |   |   |  |  |                |   |   |  |  |              |   |   |   |  |               |   |   |   |   |            |   |   |   |   |            |   |   |   |   |  |
| 101-150 units                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                    | 2                                                                 | 2      | 1      | 1      |  |              |        |        |        |        |               |   |   |  |  |                |   |   |  |  |              |   |   |   |  |               |   |   |   |   |            |   |   |   |   |            |   |   |   |   |  |
| 151+ units                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                       | 2                                                                 | 3      | 2      | 1      |  |              |        |        |        |        |               |   |   |  |  |                |   |   |  |  |              |   |   |   |  |               |   |   |   |   |            |   |   |   |   |            |   |   |   |   |  |
| 201+ units                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                       | 2                                                                 | 3      | 2      | 1      |  |              |        |        |        |        |               |   |   |  |  |                |   |   |  |  |              |   |   |   |  |               |   |   |   |   |            |   |   |   |   |            |   |   |   |   |  |

| DESIGN AND DEVELOPMENT STANDARD                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                     | PROJECT COMPLIES |
|-------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|------------------|
| <ul style="list-style-type: none"> <li>• Horseshoes</li> <li>• Bowling green w/artificial turf</li> <li>• Picnic/barbeque area</li> </ul> <p><u>Tier 2 amenities:</u></p> <ul style="list-style-type: none"> <li>• Cabana or shade trellis area</li> <li>• Two picnic/barbeque areas</li> <li>• Clubhouse</li> <li>• Volleyball court and/or Bocce ball court</li> <li>• Outdoor racquetball/handball tilt-up wall</li> <li>• Dog Park <del>(add one point more with dog wash station)</del></li> <li>• Sauna and/or Jacuzzi</li> <li>• Community garden plots (minimum one forty-eight-square-foot plot per each ten dwelling units) with water service located in an area that will get a minimum of six hours of direct sun when trees mature</li> <li>• ½ court basketball (one hoop)</li> <li>• Bridle paths</li> <li>• Bocce ball</li> <li>• Artificial turf putting green</li> <li>• Exercise structure or complex (age appropriate play equipment/minimum three activities; can be integrated in structure)</li> </ul> <p><u>Tier 3 amenities:</u></p> <ul style="list-style-type: none"> <li>• Softball field</li> <li>• Sports court and/or 2 1/2-court basketball courts (two hoops)</li> <li>• Restroom area</li> <li>• ½ scale soccer field</li> <li>• Exercise structure or complex (age appropriate play equipment/minimum five activities; can be integrated in structure)</li> <li>• Jacuzzi and separate child wading pool <del>(for projects between twenty and fifty units)</del></li> <li>• Tennis court</li> <li>• Recreation hall with exercise equipment and/or game equipment</li> <li>• Exercise room</li> <li>• Clubhouse w/ kitchen</li> </ul> <p><u>Tier 4 amenities:</u></p> <ul style="list-style-type: none"> <li>• Swimming pool</li> </ul> <p><b><u>(GP Policy- Housing element HE-4)</u></b></p> |                  |
| <b>Water Conservation in Landscaping:</b>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                           |                  |

| DESIGN AND DEVELOPMENT STANDARD                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                   | PROJECT COMPLIES |
|-----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|------------------|
| <p>The project has provided landscape and irrigation plans demonstrating compliance with Morgan Hill Municipal Code Chapter 18.148 (Water Conservation in Landscaping).</p> <p><b>(GP Policies NRE-6.6 and NRE-7.3)</b></p>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                       |                  |
| <p><b>Landscaping Plan:</b> The Project is required to provide detailed landscape plans in compliance with Section 18.64.040 (Landscape Plan required) of the Morgan Hill Municipal Code. <u>Landscape plans must demonstrate compliance with Section 18.64.060 (General landscape requirements) of the Morgan Hill Municipal Code. Pursuant to Morgan Hill Municipal Code section 18.64.050:</u></p> <ol style="list-style-type: none"> <li>All required front and street side setback areas, excluding areas required for access to the property, shall be landscaped and maintained.</li> <li>Landscaping may consist of any combination of living plants, such as trees, shrubs and grass or related natural features, such as rock, stone, or mulch. Decorative hardscape featuring pervious materials is permitted within required landscaping areas.</li> </ol> <p>For projects with a proposed stormwater treatment facility(ies), the Landscaping Plan includes appropriate landscaping for all bioretention and other vegetated stormwater treatment facility(ies). For plant guidance, check the Central Coast Low Impact Development Initiative (LIDI) website at <a href="https://www.centralcoastlidi.org/landscape.php">https://www.centralcoastlidi.org/landscape.php</a>.</p> <p>For projects adjacent to streams, the Landscaping Plan shows the use of locally native plants for all landscaping and revegetation adjacent to a stream and within a riparian area to comply with the City's adopted Santa Clara Valley Water Resource Protection Collaborative's "Guidelines and Standards for Land Use Near Streams." A copy of the guidelines and standards can be found at <a href="https://www.valleywater.org/contractors/doing-businesses-with-the-district/permits-for-working-on-district-land-or-easement/guidelines-and-standards-for-land-use-near-streams">https://www.valleywater.org/contractors/doing-businesses-with-the-district/permits-for-working-on-district-land-or-easement/guidelines-and-standards-for-land-use-near-streams</a>.</p> |                  |
| <p><b>Wildland-Urban Interface Fire Area:</b></p> <p>New developments and projects proposed within a locally adopted Wildland-Urban Interface Fire Area shall include a plan for the protection of the community from any unreasonable risks associated with the effects of wildland and urban fires.</p> <p>The plan shall be based upon a site-specific wildfire risk assessment that includes considerations of location, topography, aspect, flammable vegetation, climatic conditions and fire history. The plan shall address water supply, access, building ignition and fire-resistance factors, fire protection systems and equipment, defensible space and vegetation management, evacuation routes, peak load water</p>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                |                  |

| DESIGN AND DEVELOPMENT STANDARD                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                       |                                |                          |                          |                          | PROJECT COMPLIES |                                |  |  |  |  |            |             |             |             |                    |                         |                          |                          |                          |                   |                          |                          |                          |                          |  |
|---------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|--------------------------------|--------------------------|--------------------------|--------------------------|------------------|--------------------------------|--|--|--|--|------------|-------------|-------------|-------------|--------------------|-------------------------|--------------------------|--------------------------|--------------------------|-------------------|--------------------------|--------------------------|--------------------------|--------------------------|--|
| supply requirements, and minimum road widths, as those items relate to identified fire hazards.                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                       |                                |                          |                          |                          |                  |                                |  |  |  |  |            |             |             |             |                    |                         |                          |                          |                          |                   |                          |                          |                          |                          |  |
| <p><b>Trees:</b><br/>For trees to be removed, the project has obtained a Tree Removal Permit in accordance with Chapter 12.32 (Restrictions on Removal of Significant Trees) of the Morgan Hill Municipal Code.</p> <p>The project has identified all trees to be removed on the project landscape plan and/or grading plan, has proposed a two-to-one ratio of replacement trees, and has applied for the required Tree Removal Permit.</p>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                          |                                |                          |                          |                          |                  |                                |  |  |  |  |            |             |             |             |                    |                         |                          |                          |                          |                   |                          |                          |                          |                          |  |
| <p><b>Useable Private and Common Open Space:</b> Each lot must include a private open space area, such as a private yard, porch, balcony, roof garden, or patio. Private open space must be contiguous to the unit it serves and accessible and visible from the living area of the unit. Private open space must be open air, not fully enclosed with walls. Private open space cannot be covered by a roof by more than 50 percent of the area; however, balconies can have up to 100 percent ceiling coverage. The following private open space is required per unit type:</p> <p>a. Single-family attached and detached units meeting the following average lot sizes shall provide useable open space as specified:</p> <table><tr><td></td><td colspan="4">Average Lot Area (square feet)</td></tr><tr><td></td><td>1,440-1920</td><td>1,920-2,999</td><td>3,000,4,356</td><td>4,357-6,999</td></tr><tr><td>Private Open Space</td><td>60 square feet per unit</td><td>150 square feet per unit</td><td>300 square feet per unit</td><td>350 square feet per unit</td></tr><tr><td>Common Open Space</td><td>140 square feet per unit</td><td>150 square feet per unit</td><td>175 square feet per unit</td><td>200 square feet per unit</td></tr></table> <p>b. Single-family detached (lots 7,000 square feet and over)- 500 square feet per unit (Private Open Space)</p> <p>c. Multi-family residential – <u>At least fifty percent of the units have at least 48 square feet per unit (Private Open Space).</u> Fifteen percent of the site area shall be dedicated to common open space.</p> <p><u>Common open space shall be fully landscaped and accessible to all residents.</u></p> <p>Private open space per unit may be reduced by up to 25 percent if off-set by the equivalent increase in common open space with amenities.<br/><b>(GP Policy CNF-11.29)</b></p> |                                |                          |                          |                          |                  | Average Lot Area (square feet) |  |  |  |  | 1,440-1920 | 1,920-2,999 | 3,000,4,356 | 4,357-6,999 | Private Open Space | 60 square feet per unit | 150 square feet per unit | 300 square feet per unit | 350 square feet per unit | Common Open Space | 140 square feet per unit | 150 square feet per unit | 175 square feet per unit | 200 square feet per unit |  |
|                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                       | Average Lot Area (square feet) |                          |                          |                          |                  |                                |  |  |  |  |            |             |             |             |                    |                         |                          |                          |                          |                   |                          |                          |                          |                          |  |
|                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                       | 1,440-1920                     | 1,920-2,999              | 3,000,4,356              | 4,357-6,999              |                  |                                |  |  |  |  |            |             |             |             |                    |                         |                          |                          |                          |                   |                          |                          |                          |                          |  |
| Private Open Space                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                    | 60 square feet per unit        | 150 square feet per unit | 300 square feet per unit | 350 square feet per unit |                  |                                |  |  |  |  |            |             |             |             |                    |                         |                          |                          |                          |                   |                          |                          |                          |                          |  |
| Common Open Space                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                     | 140 square feet per unit       | 150 square feet per unit | 175 square feet per unit | 200 square feet per unit |                  |                                |  |  |  |  |            |             |             |             |                    |                         |                          |                          |                          |                   |                          |                          |                          |                          |  |
| PARKING IMPROVEMENTS                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                  |                                |                          |                          |                          |                  |                                |  |  |  |  |            |             |             |             |                    |                         |                          |                          |                          |                   |                          |                          |                          |                          |  |

CITY OF MORGAN HILL RESIDENTIAL DEVELOPMENT DESIGN AND DEVELOPMENT STANDARDS  
Page 10 of 22

| DESIGN AND DEVELOPMENT STANDARD                                                                                                                                                                                                                                                                                                       | PROJECT COMPLIES |
|---------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|------------------|
| <b>Required On-site Parking Spaces:</b> The project complies with the parking requirements specified in Section 18.72.030 of the Morgan Hill Municipal Code.                                                                                                                                                                          |                  |
| <b>Parking Design and Development Standards:</b> The project complies with the parking design and development standards specified in Section 18.72.060 of the Morgan Hill Municipal Code.                                                                                                                                             |                  |
| <b>Parking Lot Layout:</b> For multi-family projects, the parking for the project <u>has been</u> dispersed throughout the project in smaller segmented parking areas, rather than the creation of a large parking lot. Parking <u>has been</u> located interior to or at the back of the site where it is not visible to the street. |                  |
| <b>Bicycle Parking and Storage:</b> All multi-family developments of five units or more are required to provide bicycle parking in compliance with Section 18.72.080 of the Morgan Hill Municipal Code.                                                                                                                               |                  |
| <b>Exterior Parking Lot Lighting:</b> For projects with more than six parking spaces, detailed lighting information <u>has been</u> provided in compliance with Section 18.72.060.G of the Morgan Hill Municipal Code. Lights shall use cut-off shields and be downward directed.                                                     |                  |
| <b>Parking Area Landscaping:</b> Projects with six or more parking spaces must demonstrate compliance with the parking lot screening and parking lot landscaping requirements specified in Sections 18.72.060.I (Parking design) and 18.72.070 (Parking lot landscaping) of the Morgan Hill Municipal Code.                           |                  |
| <b>Pedestrian Access:</b> Parking lots with more than thirty parking spaces shall include a pedestrian walkway in compliance with ADA requirements specified in Section 18.72.060.H of the Morgan Hill Municipal Code.                                                                                                                |                  |
| <b>Electric Vehicle Charging Stations:</b> Parking lots with more than twenty-five parking spaces shall incorporate electric vehicle charging stations in compliance with Section 18.72.040.C of the Morgan Hill Municipal Code.                                                                                                      |                  |
| <b>ARCHITECTURAL DESIGN FEATURES</b>                                                                                                                                                                                                                                                                                                  |                  |
| <b>Front Porches:</b> 50 percent of homes facing a street or common interior courtyard include a front porch with a minimum size of 6 feet by 5 feet.                                                                                                                                                                                 |                  |
| <b>Balconies:</b> 25 percent of homes facing a street, alley or common interior courtyard include a balcony overlooking a public space with a minimum size of 6 feet by 4 feet.                                                                                                                                                       |                  |
| <b>Fences:</b> All fences and walls designed for screening purposes shall be of solid material. Chain link or chain link with slats is not permitted.                                                                                                                                                                                 |                  |

| DESIGN AND DEVELOPMENT STANDARD                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                       | PROJECT COMPLIES |
|-------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|------------------|
| <p><b>360 Degree Architecture:</b> The project includes two of the following details: Windows, shutters, awnings, bay windows, trellis features, texture variations, stone, brick or other material enhancements.</p> <p>All facades (sides and rear) must have the level of detail, and materials consistent with the front façade. There shall be no blank walls.<br/><b>(GP Policy CNF-11.16)</b></p>                                                                                                                                                                                                                                                                                              |                  |
| <p><b>Exterior Treatments and Materials:</b> At least two materials shall be used on any building facade, in addition to glazing and railings. Any one material must comprise at least 20% of any building facade, excluding windows and railings. A change in material must be offset by a minimum of six inches in depth.</p> <p>Exterior finish materials should be chosen and applied to not appear artificial as in the case of brick veneer applied on a single building face so that it is obviously ¼ inch thick when viewed from the side, or in the case of a trellis made of 2 inch x 2 inch or 2 inch x 4 inch members. Veneers are required to turn corners, avoiding exposed edges.</p> |                  |
| <p><b>Roof line Variation for two or more units:</b> Roofs have been designed to incorporate a minimum of two varying roof heights and types (hip, gable, shed, flat, etc.)</p>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                       |                  |
| <p><b>Roof Overhangs:</b> Roof overhangs have been designed with a depth of at least 18 inches.</p>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                   |                  |
| <p><b>Height and Project Massing:</b> Project design minimizes bulk of the buildings by limiting building length, or designing buildings with two or more of the following special features to break up building bulk, including:</p> <ul style="list-style-type: none"> <li>a. Horizontal and vertical setbacks and stepbacks (instead of a long flat wall);</li> <li>b. Changes in roof form and height; or,</li> <li>c. Major full-height recesses (typically at least 10 feet deep) along the length of the building that successfully break the building into smaller discrete masses.</li> </ul> <p><b>(General Plan Policy CNF 11.22)</b></p>                                                  |                  |
| <p><b>Separate Structures-Attached Projects:</b> Large projects shall be divided into separate structures. The maximum number of units per structure is as follows:</p> <ul style="list-style-type: none"> <li>a. Single-family Attached: 6 units maximum per structure</li> <li>b. Multi-family: 10 units maximum per structure</li> </ul> <p><b>(General Plan Policy CNF 11.22)</b></p>                                                                                                                                                                                                                                                                                                             |                  |

| DESIGN AND DEVELOPMENT STANDARD                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                               | PROJECT COMPLIES |
|-----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|------------------|
| <b>100 percent affordable projects are exempt from this requirement</b>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                       |                  |
| <p><b>Building Colors:</b> The project has provided a sample color palette of complimentary colors compatible with surrounding neighborhood. The number of colors appearing on any building exterior is limited to no more than three colors or tones of the same color, including trim and accent colors.</p> <ul style="list-style-type: none"> <li>a. The use of bright and/or dark colors may only be used for accent colors on trim.</li> <li>b. The use of fluorescent or neon colors is prohibited.</li> </ul>                                                                                                                                                                                                                                                                                                                         |                  |
| <p><b>Window Design:</b> The window recesses, trim and other window elements have been designed to be substantial in depth to create shadows. The project incorporates at least one of the following window features throughout the project:</p> <ul style="list-style-type: none"> <li>a. Minimum depth of at least two inches from glass to exterior of trim;</li> <li>b. Minimum depth of at least six inches from glass to wall edge around windows if there is no trim (this is only appropriate for certain architectural styles such as Spanish Revival or Modern); or,</li> <li>c. Decorative trim elements that add detail and articulation, such as window surrounds with at least a two-inch depth. They must be designed as an integral part of the design.</li> </ul>                                                            |                  |
| <p><b>Glazing:</b> Mirrored glass is prohibited in order to minimize off-site glare and maximize transparency.</p>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                            |                  |
| <p><b>Exterior Lighting and Illumination:</b> Wall-mounted lights shall be provided for security purposes. Lights shall be directed down and shielded to avoid glare impacts. The project has demonstrated compliance by submittal of a photometric plan and fixture details.</p>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                             |                  |
| <p><b>Equipment Screening:</b> All exterior mechanical and electrical equipment shall be screened or incorporated into the design of buildings so as not to be visible from the public-right-of-way, common areas, or contained within an enclosed structure. Equipment to be screened includes, but is not limited to, all roof mounted equipment, air conditioners, heaters, utility meters, cable equipment, telephone entry boxes, backflow preventions, irrigation control valves, electrical transformers, pull boxes, and all ducting for air conditioning, heating, and blower systems. Screening materials shall be consistent with the exterior colors and materials of the building, and equipment enclosures have been screened with landscaping. Chain link fencing with wood inserts shall not be used to screen equipment.</p> |                  |
| <p><b>Residential Parking Garages:</b> The project <del>has been</del>is designed to reduce the prominence of garage doors through one or more of the following strategies:</p>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                               |                  |

| DESIGN AND DEVELOPMENT STANDARD                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                              | PROJECT COMPLIES |
|--------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|------------------|
| <ul style="list-style-type: none"> <li>a. Locate the garage door behind the front porch and/or living space, relative to the front lot line;</li> <li>b. Design the second floor to overhang beyond the garage door;</li> <li>c. Locate the garage to the side or rear of building rather than at the center; or</li> <li>d. For garages with three or more non-tandem parked cars, the area of the front wall(s) of garage(s) shall not be more than 25 percent of the cumulative exterior front walls of two story single family residential building; no more than 50 percent of the cumulative exterior front walls of a one story single-family residential building; and at least one front wall of the a three car garage must be separated from the remaining garage front wall by at least two feet.</li> </ul> <p><b>(GP Policy CNF-11.19)</b></p> |                  |
| <p><b>Garage Door Design:</b> The garage doors proposed within the project feature windows or other architectural design features consistent with the main dwelling.</p>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                     |                  |
| <p><b>Driveway/Vehicle Pavement:</b> For detached single-family projects, paved areas and hard surface for vehicle access and parking does not occupy more than 50 percent of the front and street-side setback area.</p>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                    |                  |
| <p><b>Pavement Design:</b> The project has incorporated decorative, pervious paving into paved and landscaped areas by 10 percent to reduce the visual impact of paved surfaces. Decorative paving includes: brick, stamped colored concrete, stone blocks or pavers, interlocking colored pavers, grasscrete, and other comparable materials. Priority locations for decorative paving may include the following:</p> <ul style="list-style-type: none"> <li>a. The first 20 feet of the driveway closest to the street;</li> <li>b. A four-foot wide pedestrian path along the length of the driveway, if no sidewalk is provided;</li> <li>c. Parking maneuvering areas;</li> <li>d. Parking aprons; and</li> <li>e. Parking areas or fire turnarounds that can also occasionally function as outdoor courtyards.</li> </ul>                              |                  |
| <p><b>Multi-family Ground Level Entrances:</b> The project provides a minimum of 25 percent of the project with private, exterior ground-level entries to individual units.<br/><b>(GP Policy CNF 11.24, 11.26)</b></p>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                      |                  |
| <p><b>Multi-family Wall Plane Articulation:</b> For Multi-family projects, the ground floor wall plane articulation shall be a minimum of six to 18 inches. Windows, doors, columns, and other features shall be recessed or project forward, such that there is a six-inch difference between wall and window surfaces and a total of at least 18 inches from the window to the outermost plane of a wall or column.</p>                                                                                                                                                                                                                                                                                                                                                                                                                                    |                  |

| DESIGN AND DEVELOPMENT STANDARD                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                         | PROJECT COMPLIES |
|-------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|------------------|
| <p><b>Multi-family Roof Form:</b> The roof element of the multi-family project <del>has been</del><u>is</u> designed such that no more than two side-by-side units are covered by one unarticulated roof. Articulation may be accomplished by changing roof height, offsets, and direction of slope, and by introducing elements such as dormers, towers, or parapets. Other alternative design approaches that achieve the same goal of breaking down building masses into small individual units may also be acceptable, for example shifting the units in section and varying the design treatment for individual units.<br/><b>(GP Policy CNF-11.22)</b></p>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                        |                  |
| <p><b>Massing for three story buildings or taller:</b> Buildings three stories or taller shall have major massing breaks at least every 100 feet along any street frontage, adjacent public park, publicly accessible outdoor space, or designated open space, through the use of varying setbacks and/or building entries. Major breaks shall be a minimum of 30 inches deep and four feet wide and extend the full height of the building.</p>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                        |                  |
| <p><b>Distinct material changes for three story buildings or taller:</b> Buildings three stories or taller must provide a ground floor elevation that is distinctive from the upper stories by providing a material change between the first floor and upper floors along at least 75% of the building façade with frontage upon a street, adjacent public park or public open space.</p>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                               |                  |
| <p><b>Trash Enclosure, Solid Waste and Recyclable Materials:</b> Detailed enclosure plans are required for multi-family, new construction and alteration projects, and comply with the following:</p> <ol style="list-style-type: none"> <li>The exterior materials and colors of the enclosure walls shall match the building walls.</li> <li>Chain link fencing with or without wooden/plastic slats is prohibited.</li> <li>Roofs shall be painted with rust-inhibitive paint.</li> <li>Shall not obstruct on-site or off-site pedestrian or vehicle traffic movement.</li> </ol> <p>If project requires a consolidated solid waste plan, the project shall comply with the enclosure and development guidelines specified by Recology South Valley. All trash enclosure areas must meet the following structural or treatment control Best Management Practices (BMP) requirements (individual single-family residences are exempt from these requirements):</p> <ol style="list-style-type: none"> <li><b>Roof Required:</b> Trash enclosure areas shall have an all-weather noncombustible solid roof to prevent rainwater from mixing with the enclosure's contents.</li> <li><b>Walls Required:</b> Trash enclosure shall have structural walls to prevent unauthorized off-site transport of trash.</li> </ol> |                  |

| DESIGN AND DEVELOPMENT STANDARD |                                                                                                                                                                                                                                                       | PROJECT COMPLIES |
|---------------------------------|-------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|------------------|
| c.                              | Doors: Trash enclosure shall have door(s) which can be secured when closed.                                                                                                                                                                           |                  |
| d.                              | Grades: The pad for the enclosure shall be designed to not drain outward, and the grade surrounding the enclosure shall be designed to not drain into the enclosure.                                                                                  |                  |
| e.                              | Drain Inlet: Within the enclosure, an area drain with an approved (Zurn) vandal proof drain shall be installed and shall be plumbed to the sanitary sewer system with grease trap. Grease trap shall be located within the trash enclosure footprint. |                  |

### B. Engineering-Land Development Requirements

| DESIGN AND DEVELOPMENT STANDARD                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                      |  | PROJECT COMPLIES |
|--------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|--|------------------|
| SITE PLANNING                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                        |  |                  |
| <p><b>Arterial Design and Landscaping:</b> Development adjacent to arterial streets <del>has been</del> designed without fences or walls (unless required for sound mitigation as determined by an Acoustical Analysis).<br/><b>(GP Policy TR-3.20)</b></p> <p>Development adjacent to arterial streets with existing median without landscaping provides the required landscaping in the median. The median improvements will be subject to City reimbursement in the form of credits against the Traffic Impact Fees due from the project. The project shall be reimbursed the actual consultant fees, review fees, permit fees, and construction costs of construction the median improvements. Refer to the City’s Median Design Guidelines.<br/><b>(GP Policy CNF-8.10)</b></p> |  |                  |
| <p><b>Street Improvements:</b> New public and private streets serving the project are designed to be consistent with the General Plan Transportation Element as well as the Street Standard Details in the City’s Standard Details. Minor variations and exceptions to the standards are subject to the approval of the City Engineer.</p> <p>The project installs and dedicates street improvements including, but not limited to, curb and gutter, sidewalk, compaction, street paving, oiling, storm drainage facilities, sewer and water, fire protection, undergrounding of utilities and street lighting.</p>                                                                                                                                                                  |  |                  |
| <p><b>Utility Location and Easement:</b> New utility transformers are installed underground unless precluded by physical limitations of the project site.</p>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                        |  |                  |

| DESIGN AND DEVELOPMENT STANDARD                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                        | PROJECT COMPLIES |
|--------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|------------------|
| <p>Utility locations do not interfere with the viability of tree maturity, function of stormwater treatment facilities, or use of open space.</p> <p>A Public Service Easement (P.S.E.) with a minimum width of 10' is provided adjacent to all public rights-of-way for public and private utilities (including gas, electric, telephone and cable communications conduits or duct banks).</p> <p>All public utilities for sewer, storm, or water within the project are within a public right-of-way or within a P.S.E. granted to the City and within a minimum width of twenty (20) feet. Exceptions to the easement width are subject to the approval of the City Engineer.</p> <p>For individual water, sewer or storm mains, the pipe is located in the centerline of the P.S.E.</p> <p>A plat and legal description of the P.S.E., prepared by a licensed professional land surveyor or engineer in the State of California, are provided.</p> |                  |
| <p><b>Undergrounding Utilities:</b> All new utility distribution and service connections are placed underground. This standard does not apply to aerial power transmission lines.</p> <p>All existing overhead utilities adjacent to any site boundary, within the project site, or along any street frontage are placed underground in accordance with City standards and affected utility company guidelines.</p>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                    |                  |
| <p><b>Meter Location:</b> Water meters are clustered in accessible locations and integrated into landscaped areas to minimize visual impact.</p> <p><a href="#"><u>All single-family residential units shall be required to have a separate water service connection and city meter.</u></a></p> <p><a href="#"><u>Each unit within a multi-family development shall be required to have a separate water service connection and city meter unless private sub-meters are installed for each unit by the developer.</u></a></p>                                                                                                                                                                                                                                                                                                                                                                                                                        |                  |
| <p><b>Stream Channel and Riparian Setbacks:</b><br/>If the project is located adjacent to a Category 1 or Category 2 stream (as verified by a biologist, hydrologist or other qualified professional) and the required setbacks have been identified on the project plans.<br/><b>(GP Policy NRE-5.6)</b></p>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                          |                  |

| DESIGN AND DEVELOPMENT STANDARD                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                       |                                                                              |               |                                                                                                    | PROJECT COMPLIES                              |  |  |  |       |                                                                              |  |                                                                                                    |                              |               |                                      |       |          |          |         |      |          |          |  |
|-------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|------------------------------------------------------------------------------|---------------|----------------------------------------------------------------------------------------------------|-----------------------------------------------|--|--|--|-------|------------------------------------------------------------------------------|--|----------------------------------------------------------------------------------------------------|------------------------------|---------------|--------------------------------------|-------|----------|----------|---------|------|----------|----------|--|
| <table><tr><th colspan="4">TABLE NRE-1 REQUIRED STREAM SETBACK DISTANCES</th></tr><tr><th rowspan="3">Slope</th><th colspan="2">Category 1 Streams<br/>(Water Present Year Round<br/>During Normal Rain Years)</th><th>Category 2 Streams<br/>(Water Present During<br/>the Wet Season Only<br/>During Normal<br/>Rain Years)</th></tr><tr><th>Inside Urban<br/>Service Area</th><th>Outside Urban</th><th>Inside/Outside<br/>Urban Service Area</th></tr><tr><td>0-30%</td><td>100 feet</td><td>150 feet</td><td rowspan="2">35 feet</td></tr><tr><td>&gt;30%</td><td>150 feet</td><td>200 feet</td></tr></table>                                                                                                                                                                                                                                                                                                                                    |                                                                              |               |                                                                                                    | TABLE NRE-1 REQUIRED STREAM SETBACK DISTANCES |  |  |  | Slope | Category 1 Streams<br>(Water Present Year Round<br>During Normal Rain Years) |  | Category 2 Streams<br>(Water Present During<br>the Wet Season Only<br>During Normal<br>Rain Years) | Inside Urban<br>Service Area | Outside Urban | Inside/Outside<br>Urban Service Area | 0-30% | 100 feet | 150 feet | 35 feet | >30% | 150 feet | 200 feet |  |
| TABLE NRE-1 REQUIRED STREAM SETBACK DISTANCES                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                         |                                                                              |               |                                                                                                    |                                               |  |  |  |       |                                                                              |  |                                                                                                    |                              |               |                                      |       |          |          |         |      |          |          |  |
| Slope                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                 | Category 1 Streams<br>(Water Present Year Round<br>During Normal Rain Years) |               | Category 2 Streams<br>(Water Present During<br>the Wet Season Only<br>During Normal<br>Rain Years) |                                               |  |  |  |       |                                                                              |  |                                                                                                    |                              |               |                                      |       |          |          |         |      |          |          |  |
|                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                       | Inside Urban<br>Service Area                                                 | Outside Urban | Inside/Outside<br>Urban Service Area                                                               |                                               |  |  |  |       |                                                                              |  |                                                                                                    |                              |               |                                      |       |          |          |         |      |          |          |  |
|                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                       | 0-30%                                                                        | 100 feet      | 150 feet                                                                                           | 35 feet                                       |  |  |  |       |                                                                              |  |                                                                                                    |                              |               |                                      |       |          |          |         |      |          |          |  |
| >30%                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                  | 150 feet                                                                     | 200 feet      |                                                                                                    |                                               |  |  |  |       |                                                                              |  |                                                                                                    |                              |               |                                      |       |          |          |         |      |          |          |  |
| <p>All stream channels and riparian setbacks have been identified on the Site Development Plans. Documentation shall be provided by a biologist, hydrologist or other qualified professional identifying the Category of the waterbody and the required setbacks.</p> <p>The project is also in substantial conformance with the adopted User’s Manual of Guidelines and Standards for Land Use Near Streams (a Manual of Tools, Standards, and Procedures to Protect Streams and Streamside Resources in Santa Clara County). A copy of the manual can be viewed at <a href="https://www.valleywater.org/contractors/doing-businesses-with-the-district/permits-for-working-on-district-land-or-easement/guidelines-and-standards-for-land-use-near-streams">https://www.valleywater.org/contractors/doing-businesses-with-the-district/permits-for-working-on-district-land-or-easement/guidelines-and-standards-for-land-use-near-streams</a>.</p> |                                                                              |               |                                                                                                    |                                               |  |  |  |       |                                                                              |  |                                                                                                    |                              |               |                                      |       |          |          |         |      |          |          |  |
| <p><b>Landscaping-Parkway/Park Strip Design:</b> A minimum 5-foot wide planted parkway (measured from face of curb) with irrigation system shall be provided between the street and sidewalk. Parkway shall be planted with street trees identified within the City of Morgan Hill Master Street Tree Plan. For parkways within a public right-of-way, the City Engineer or designee shall select the species from the applicable planting zone list of the Master Street Tree Plan.</p>                                                                                                                                                                                                                                                                                                                                                                                                                                                              |                                                                              |               |                                                                                                    |                                               |  |  |  |       |                                                                              |  |                                                                                                    |                              |               |                                      |       |          |          |         |      |          |          |  |
| PEDESTRIAN, BICYCLE AND TRANSIT IMPROVEMENTS                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                          |                                                                              |               |                                                                                                    |                                               |  |  |  |       |                                                                              |  |                                                                                                    |                              |               |                                      |       |          |          |         |      |          |          |  |
| <p><b>Projects abutting developed land:</b><br/>The project aligns and connects streets intersecting the project boundary with all adjoining streets.<br/><b>(GP Policy CNF-11.5)</b></p>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                             |                                                                              |               |                                                                                                    |                                               |  |  |  |       |                                                                              |  |                                                                                                    |                              |               |                                      |       |          |          |         |      |          |          |  |
| <p><b>Projects abutting undeveloped land:</b><br/>The project extends streets to the adjoining undeveloped land to provide access to undeveloped land in the event of its future development.<br/><b>(GP Policy CNF-11.5)</b></p>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                     |                                                                              |               |                                                                                                    |                                               |  |  |  |       |                                                                              |  |                                                                                                    |                              |               |                                      |       |          |          |         |      |          |          |  |

| DESIGN AND DEVELOPMENT STANDARD                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                               | PROJECT COMPLIES |
|-------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|------------------|
| <p>The project has provided a public access easement in private streets for sidewalks, trails, greenways, and other pedestrian and bicycle facilities.</p>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                    |                  |
| <p><b>Off-street bicycle and pedestrian connections:</b><br/>The project has provided off-street bicycle and pedestrian connections in accordance with the Bikeways, Trails, Parks and Recreation Master Plan, as well as General Plan Policy CNF-11.5 Outside Connections and General Plan Policy CNF-11.6 Open Space Connections. Connections must be established and maintained through a public access easement, dedication or other similar method to guarantee it remains accessible to the general public.</p> <p>Off-street bicycle and pedestrian accessways are at least 15 feet wide, have no horizontal obstructions, and have a minimum of 9 feet-6 inches high vertical clearance.</p> <p>For off-street bicycle and pedestrian accessways that also serve as emergency vehicle accesses or utility corridors, the minimum accessway width and vertical clearance is subject to approval by the City's designated Fire Marshal.</p> <p>If the off-street bicycle and pedestrian accessway remains in private ownership, recordation of a maintenance agreement is required prior to acceptance of the street improvements.</p> <p>All easements and dedications will be required as Conditions of Approval.</p> |                  |
| <p><b>Complete Streets:</b><br/>The project incorporates design elements from three different categories of "Complete Street Design Elements" (shall provide a minimum of two design elements from categories a to c below) that meet the needs of multiple users, including motorists, bicyclists, pedestrians, transit users, and persons of different physical capabilities.<br/><b>(GP Policy CNF-11.8)</b></p> <p><u>Complete Street Design Elements</u></p> <ol style="list-style-type: none"> <li>Pedestrian infrastructure such as sidewalks; traditional and raised crosswalks; median crossing islands; Americans with Disabilities Act of 1990 compliant facilities including audible cues for people with low vision, pushbuttons reachable by people in wheelchairs, and curb cuts; and curb extensions.</li> <li>Traffic calming measures to lower speeds of automobiles and define the edges of automobile travel lanes, including a road diet, center medians,</li> </ol>                                                                                                                                                                                                                                     |                  |

| DESIGN AND DEVELOPMENT STANDARD                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                           | PROJECT COMPLIES |
|-----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|------------------|
| <p>shorter curb corner radii, elimination of free-flow right-turn lanes, angled and face-out parking subject to approval by the City Engineer or designee.</p> <p>c. Bicycle accommodations, such as protected or dedicated bicycle lanes, neighborhood greenways, wide paved shoulders, and bicycle parking.</p> <p>d. Public transit accommodations, such as bus pullouts, transit signal priority, bus shelters, and dedicated bus lanes. Refer to the Santa Clara Valley Transportation Authority (VTA) Bus Stop and Passenger Facilities Standards for the design and placement of bus-related facilities and amenities. Transit improvements within the public right-of-way are subject to approval by the City Engineer or designee.</p> <p>e. Green Streets, the natural systems approach (incorporates vegetation and/or permeable pavements) to enhance pedestrian safety, reduce stormwater flow and improve water quality. Green Streets are designed to capture rainwater at its source.</p> |                  |
| <p><b>Bicycle and pedestrian improvements (Multi-family projects):</b><br/>The project incorporates <u>two or more</u> enhanced bicycle and pedestrian improvements such as bicycle storage facilities, traffic calming measures, intersection crossings, and wayfinding signage.<br/><b>(GP Goals TR-8 and TR-9)</b></p>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                 |                  |
| <p><b>Internal pedestrian connections:</b><br/>The project provides pedestrian connections from all unit entrances to common open space, recreation facilities, and other project amenities.</p>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                          |                  |
| <p><b>Continuous Sidewalks:</b> The project provides continuous sidewalks along both sides of the street frontage(s).<br/><b>(GP Policy CNF-11.9)</b></p> <p>The project shall demonstrate compliance with Chapter 17.34 – Standards for Residential and Private Streets of the Morgan Hill Municipal Code by providing detached sidewalks and park strips, as required for primary residential streets, secondary residential streets and cul-de-sacs.</p>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                               |                  |
| <p><b>Traffic Management:</b><br/>The project incorporates <u>one or more</u> neighborhood traffic management technique, as approved by the City Engineer or designee, such as traffic circles, narrow lanes, and bulbouts, to control vehicle speeds and increase the safety of bicycle and pedestrian travel.</p>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                       |                  |

| DESIGN AND DEVELOPMENT STANDARD                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                      | PROJECT COMPLIES |
|--------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|------------------|
| <b>MUNICIPAL INFRASTRUCTURE</b>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                      |                  |
| <p><b>Water Infrastructure:</b><br/>The project provides local water distribution lines to serve the proposed project and designed in accordance with accepted engineering principles and shall conform to the City's Design Standards and Standard Details.</p> <p>All unused existing water services stubbed to the property shall be abandoned at the water main pursuant to city standards.</p> <p>Note: For corner parcels, where existing water services are stubbed to the property along both street frontages; the water services along the secondary street shall be utilized and the remaining unused existing water services shall be abandoned at the water main pursuant to city standards.</p> <p>The project proposes water infrastructure improvements consistent with the City's Water System Master Plan, approved by the City Engineer or designee.</p>                                                          |                  |
| <p><b>Wastewater infrastructure:</b><br/>A sufficient wastewater collection system <del>has been</del><u>is</u> provided to serve the proposed project and designed in accordance with accepted engineering principles and shall conform to the City's Design Standards and Standard Details.</p> <p>All unused existing sewer laterals stubbed to the property shall be abandoned at the sewer main per city standards.</p> <p>Note: For corner parcels, where existing sewer laterals are stubbed to the property along both street frontages; the sewer lateral(s) along the secondary street shall be utilized and the remaining unused existing sewer lateral(s) shall be abandoned at the sewer main per city standards.</p> <p>The project proposes wastewater infrastructure improvements consistent with the City's Sewer System Master Plan, approved by the City Engineer or designee.<br/><b>(GP Policy NRE-8.4)</b></p> |                  |
| <p><b>Storm Drainage Infrastructure:</b><br/>A sufficient storm drainage collection system <del>has been</del><u>is</u> provided to serve the project and designed to be capable of handling a 10-year storm without local flooding. On-site detention facilities shall be designed to a 25-year storm capacity. Streets shall be designed to carry a 100-year storm.</p> <p><b>(GP Policies SSI-16.2 and SSI-16.3)</b></p>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                          |                  |

| DESIGN AND DEVELOPMENT STANDARD                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                         | PROJECT COMPLIES |
|-------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|------------------|
| <p>The project proposes storm drainage infrastructure improvements consistent with the City's Storm Drainage Master Plan.</p> <p>The project has demonstrated compliance by providing a complete storm drainage study showing amount of run-off and existing and proposed drainage structure capacities reviewed and approved by the City Engineer or designee.</p>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                     |                  |
| <p><b>Storm Water Infrastructure:</b><br/>If the project is creating and/or replacing 2,500 square feet or more of impervious surface, project complies with the California Regional Water Quality Control Board Central Coast Region Resolution No. R3-2013-0032 as documented by the Stormwater Management Guidance Manual for Low Impact Development and Post-Construction Requirements. A copy of the guidance manual can be obtained through the following link: <a href="https://www.morgan-hill.ca.gov/DocumentCenter/View/12671/Storm-Water-Management-Guidance-Manual?bidId=">https://www.morgan-hill.ca.gov/DocumentCenter/View/12671/Storm-Water-Management-Guidance-Manual?bidId=</a>.</p> <p>The project has demonstrated compliance by providing a Stormwater Runoff Management Plan/Report, Stormwater Control Plan sheet, and all applicable stormwater performance certifications pursuant to the Stormwater Management Guidance Manual and reviewed and approved by the City Engineer or designee.<br/><b>(GP Policies SSI-16.2 and SSI-16.3)</b></p> |                  |
| <p><b>Floodplain Development:</b><br/>If the project is located within an area identified as Special Flood Hazard Areas or Floodway areas as shown on the Federal Emergency Management Agency (FEMA) Flood Insurance Rate Maps (FRMSs), the project is subject to the floodplain management regulations specified in Chapter 15.80 (Flood Damage Prevention) of the Morgan Hill Municipal Code. The project has provided the required development review information for Floodplain Administrator review.<br/><b>(GP Policies SSI-5.1, 5.2, 5.3, 5.6, 5.7 and 5.8)</b></p> <p>The Floodplain Administrator has reviewed the required development review information and has determined that the project complies with Chapter 15.80 of the Morgan Hill Municipal Code.</p> <p>If the project includes the placement of fill, a flood study is submitted for review and City acceptance. Project is required to file the appropriate conditional/final FEMA Letter of Map Revision (CLOMR/LOMR or CLOMR-F/LOMR-F) as required by the results of the flood study.</p>     |                  |
| <p><b>Broadband Connectivity:</b><br/>The project provides the following broadband connectivity to the project:</p>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                     |                  |

| DESIGN AND DEVELOPMENT STANDARD                                                                                                                                                                                                                                                                                                                                                                                                                | PROJECT COMPLIES |
|------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|------------------|
| <ul style="list-style-type: none"> <li>a. Broadband conduit installed in the public right-of-way to serve the project.</li> <li>b. Broadband conduit from the public right-of-way to each home or occupied building in the project.</li> <li>c. Pre-install indoor conduit, wiring and other necessary infrastructure so that broadband service may be provided to each unit.</li> </ul> <p><b>(GP Action Items SSI-18.A and SSI-18.B)</b></p> |                  |

#### VI. CALIFORNIA ENVIRONMENTAL QUALITY ACT (CEQA)

The City of Morgan Hill must conduct environmental analysis before a project is approved. An environmental analysis shall be completed and considered by the appropriate decision-making body prior to granting of any entitlements, including but not limited to a Tentative Map, Design Review Permit, or a building or grading permit.



## SB 330 HOUSING DEVELOPMENT APPROVAL TIMELINE

### Application Timelines

#### 1. Preliminary Application Review

An applicant for a housing development project is required to submit a preliminary application. The City is not required to affirm a completeness determination of a preliminary application. A housing development project shall only be subject to the ordinances, policies, and standards adopted and in effect when a preliminary application is submitted.

- a. Following review of the preliminary application, if the number of units or square foot changes by 20 percent or more, exclusive of any increase resulting from density bonus, incentive, concession, or waiver, it would be determined that the preliminary application was not submitted until the applicant resubmits the preliminary application that reflects the revisions.

#### 2. Housing Development Project Application

- a. The applicant is required to submit a complete application (based on the Residential Development Design Standards) for a development project within 180 days after submitting the preliminary application.

#### 3. Application Completeness Review:

- a. When a housing development project application is received, the City shall determine in writing whether the application is complete within 30 days.
  1. The City shall specify those parts of the application which are incomplete (limited to those items required on the City's checklist);
  2. No new information may be requested in subsequent reviews;
  3. Include list and thorough description of specific information needed to complete application; and,
  4. Transmit to the applicant.
- b. Resubmittal by Applicant. If the development application is submitted and determined to be incomplete, the applicant has 90 days from the written determination by City in 2b to complete the application or the preliminary application will expire.
- c. Upon resubmittal, a new 30 review period commences for the City to review.

- d. If not complete after resubmittal/second review, the applicant shall have the right to appeal the completeness review pursuant to the process established by the City.

### **California Environmental Quality Act (CEQA) Timelines**

1. **EIR prepared:** When an EIR is prepared, the project shall be approved/denied 180 days from the date EIR certification.
2. **EIR for residential, mixed-use and transitional/supportive housing:** When an EIR is prepared for a development project of residential units only, mixed-use developments consisting of residential and nonresidential uses with at least two-thirds of the square footage designated for residential use or transitional housing or supportive housing, the project shall be approved/denied 90 days from the date of EIR certification.
3. **EIR for residential, mixed-use and transitional/supportive housing with inclusionary units:** When an EIR is prepared for a development project of residential units only, mixed-use developments consisting of residential and nonresidential uses with at least two-thirds of the square footage designated for residential use or transitional housing or supportive housing, and all the following conditions are met:
  - a. 49 percent of the development are affordable to very low or low-income households. Rents for lower income units shall be set for at least 30 years. Owner-occupied units shall be available at affordable housing cost as specified in Section 50052.5 of the Health and Safety Code.
  - b. Prior to the application being deemed complete, the City has received written notice from the project applicant that an application has been made or will be made for an allocation or commitment of financing, tax credits, bond authority or other financial assistance, and that the financial assistance is necessary for the project to be affordable.
  - c. There is confirmation that the application has been made to the public agency or federal agency prior to certification of the EIR.

The project shall be approved/denied 60 days from the date of EIR certification.

4. **Negative Declaration prepared:** When a Negative Declaration is prepared, the project shall be approved/denied 60 days from date of adoption.
5. **CEQA Exempt:** When a project is determined to be Exempt from CEQA, the project shall be approved/denied 60 days from determination.

The project applicant and City may mutually agree in writing to an extension of any time limit provided.

CITY OF MORGAN HILL RESIDENTIAL DEVELOPMENT DESIGN AND DEVELOPMENT STANDARDS  
Page **16** of **21**

| DESIGN AND DEVELOPMENT STANDARD                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                      | PROJECT COMPLIES                                                          |               |                                                                                           |  |  |                                                                           |  |                                                                                           |       |                           |               |                                   |       |          |          |         |      |          |          |  |
|--------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|---------------------------------------------------------------------------|---------------|-------------------------------------------------------------------------------------------|--|--|---------------------------------------------------------------------------|--|-------------------------------------------------------------------------------------------|-------|---------------------------|---------------|-----------------------------------|-------|----------|----------|---------|------|----------|----------|--|
| <p>All existing overhead utilities are located above ground at all times, either within the project site, or along any street frontage adjacent to the project site. All utility easements shall meet City standards and affected utilities shall be protected.</p> <div><div>REVISÉ SENTENCE TO: Water meters shall be located within City right-of-way or within a recorded Public Service Easement (P.S.E.).</div></div>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                          |                                                                           |               |                                                                                           |  |  |                                                                           |  |                                                                                           |       |                           |               |                                   |       |          |          |         |      |          |          |  |
| <p><b>Meter Location:</b> <del>Water meters are clustered in accessible locations and integrated into landscaped areas to minimize visual impact.</del></p> <p>Each unit within a multi-family development shall be required to have a separate water service connection and city meter unless private sub-meters are installed for each unit by the developer.</p> <p>All single-family residential units shall be required to have a separate water service connection and city meter.</p>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                         |                                                                           |               |                                                                                           |  |  |                                                                           |  |                                                                                           |       |                           |               |                                   |       |          |          |         |      |          |          |  |
| <p><b>Stream Channel and Riparian Setbacks:</b></p> <p>If the project is located adjacent to a Category 1 or Category 2 stream (as verified by a biologist, hydrologist or other qualified professional) and the required setbacks have been identified on the project plans.</p> <p><b>(GP Policy NRE-5.6)</b></p> <table><tr><th colspan="4">TABLE NRE-1 REQUIRED STREAM SETBACK DISTANCES</th></tr><tr><th></th><th colspan="2">Category 1 Streams<br/>(Water Present Year Round During Normal Rain Years)</th><th>Category 2 Streams<br/>(Water Present During the Wet Season Only During Normal Rain Years)</th></tr><tr><th>Slope</th><th>Inside Urban Service Area</th><th>Outside Urban</th><th>Inside/Outside Urban Service Area</th></tr><tr><td>0-30%</td><td>100 feet</td><td>150 feet</td><td rowspan="2">35 feet</td></tr><tr><td>&gt;30%</td><td>150 feet</td><td>200 feet</td></tr></table> <p>All stream channels and riparian setbacks have been identified on the Site Development Plans. Documentation shall be provided by a biologist, hydrologist or other qualified professional identifying the Category of the waterbody and the required setbacks.</p> <p>The project is also in substantial conformance with the adopted User’s Manual of Guidelines and Standards for Land Use Near Streams (a Manual of Tools, Standards, and Procedures to Protect Streams and Streamside Resources in Santa Clara County). A copy of the manual can be viewed at</p> | TABLE NRE-1 REQUIRED STREAM SETBACK DISTANCES                             |               |                                                                                           |  |  | Category 1 Streams<br>(Water Present Year Round During Normal Rain Years) |  | Category 2 Streams<br>(Water Present During the Wet Season Only During Normal Rain Years) | Slope | Inside Urban Service Area | Outside Urban | Inside/Outside Urban Service Area | 0-30% | 100 feet | 150 feet | 35 feet | >30% | 150 feet | 200 feet |  |
| TABLE NRE-1 REQUIRED STREAM SETBACK DISTANCES                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                        |                                                                           |               |                                                                                           |  |  |                                                                           |  |                                                                                           |       |                           |               |                                   |       |          |          |         |      |          |          |  |
|                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                      | Category 1 Streams<br>(Water Present Year Round During Normal Rain Years) |               | Category 2 Streams<br>(Water Present During the Wet Season Only During Normal Rain Years) |  |  |                                                                           |  |                                                                                           |       |                           |               |                                   |       |          |          |         |      |          |          |  |
| Slope                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                | Inside Urban Service Area                                                 | Outside Urban | Inside/Outside Urban Service Area                                                         |  |  |                                                                           |  |                                                                                           |       |                           |               |                                   |       |          |          |         |      |          |          |  |
| 0-30%                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                | 100 feet                                                                  | 150 feet      | 35 feet                                                                                   |  |  |                                                                           |  |                                                                                           |       |                           |               |                                   |       |          |          |         |      |          |          |  |
| >30%                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                 | 150 feet                                                                  | 200 feet      |                                                                                           |  |  |                                                                           |  |                                                                                           |       |                           |               |                                   |       |          |          |         |      |          |          |  |

| DESIGN AND DEVELOPMENT STANDARD                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                        | PROJECT COMPLIES |
|----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|------------------|
| All easements and dedications will be required as Conditions of Approval.                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                              |                  |
| <p><b>Complete Streets:</b><br/>The project incorporates design elements from three different categories of "Complete Street Design Elements" (shall provide a minimum of two design elements from categories a to e below) that meet the needs of multiple users, including motorists, bicyclists, pedestrians, transit users, and persons of different physical capabilities.<br/><b>(GP Policy CNF-11.8)</b><br/><u>Complete Street Design Elements</u></p> <ol style="list-style-type: none"> <li>Pedestrian infrastructure such as sidewalks; traditional and raised crosswalks; median crossing islands; Americans with Disabilities Act of 1990 compliant facilities including audible cues for people with low vision, pushbuttons reachable by people in wheelchairs, and curb cuts; and curb extensions.</li> <li>Traffic calming measures to lower speeds of automobiles and define the edges of automobile travel lanes, including a road diet, center medians, shorter curb corner radii, elimination of free-flow right-turn lanes, angled and face-out parking subject to approval by the City Engineer or designee.</li> <li>Bicycle accommodations, such as protected or dedicated bicycle lanes, neighborhood greenways, wide paved shoulders, and bicycle parking.</li> <li>Public transit accommodations, such as bus pullouts, transit signal priority, bus shelters, and dedicated bus lanes. Refer to the Santa Clara Valley Transportation Authority (VTA) Bus Stop and Passenger Facilities Standards for the design and placement of bus-related facilities and amenities. Transit improvements within the public right-of-way are subject to approval by the City Engineer or designee.</li> <li>Green Streets, the natural systems approach (incorporates vegetation and/or permeable pavements) to enhance pedestrian safety, reduce stormwater flow and improve water quality. Green Streets are designed to capture rainwater at its source.</li> </ol> |                  |
| <p><b>Bicycle and pedestrian improvements (Multi-family projects):</b><br/>The project incorporates <u>two or more</u> enhanced bicycle and pedestrian improvements such as bicycle storage facilities, traffic calming measures, intersection crossings, and wayfinding signage.</p>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                  |                  |

CHANGE TO: "e"

INSERT:

NOTE: These standards apply to projects with new public streets, new private streets and/or private drives and for projects required to perform major changes to existing public or private streets.

ADD: traffic circles, narrow travel lanes, bulbouts,

Objective Design and Development

Attachment: Item 2 - Supplement #1 - Proposed Edits by Engineering Team (2547 : Residential

CITY OF MORGAN HILL RESIDENTIAL DEVELOPMENT DESIGN AND DEVELOPMENT STANDARDS  
Page 19 of 21

| DESIGN AND DEVELOPMENT STANDARD                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                     | PROJECT COMPLIES                                                                                                                                        |
|---------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|---------------------------------------------------------------------------------------------------------------------------------------------------------|
| <b>(GP Goals TR-8 and TR-9)</b>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                     |                                                                                                                                                         |
| <b>Internal pedestrian connections:</b><br>The project provides pedestrian connections from all unit entrances to common open space, recreation facilities, and other project amenities.                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                            |                                                                                                                                                         |
| <b>Continuous Sidewalks:</b> The project provides continuous sidewalks along both sides of the street frontage(s).<br><b>(GP Policy CNF-11.9)</b><br><br>The project shall demonstrate compliance with Chapter 17.34 – Standards for Residential and Private Streets of the Morgan Hill Municipal Code by providing detached sidewalks and park strips, as required for residential streets, on secondary residential streets and cul-de-sacs.                                                                                                                                                                                                                                                                                                                                                                                                                      |                                                                                                                                                         |
| <del><b>Traffic Management:</b><br/>           The project incorporates one or more neighborhood traffic management technique, as approved by the City Engineer or designee, such as traffic circles, narrow lanes, and bulbouts, to control vehicle speeds and increase the safety of bicycle and pedestrian travel.</del>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                         | This can be removed as these traffic management techniques are already part of the Complete Streets design elements. See revised Complete Streets text. |
| <b>MUNICIPAL INFRASTRUCTURE</b>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                     |                                                                                                                                                         |
| <b>Water Infrastructure:</b><br>The project provides local water distribution lines to serve the proposed project and designed in accordance with accepted engineering principles and shall conform to the City's Design Standards and Standard Details.<br><br>All unused existing water services stubbed to the property shall be abandoned at the water main pursuant to city standards.<br><br>Note: For corner parcels, where existing water services are stubbed to the property along both street frontages; the water services along the secondary street shall be utilized and the remaining unused existing water services shall be abandoned at the water main pursuant to city standards.<br><br>The project proposes water infrastructure improvements consistent with the City's Water System Master Plan, approved by the City Engineer or designee. |                                                                                                                                                         |
| <b>Wastewater infrastructure:</b><br>A sufficient wastewater collection system has been provided to serve the proposed project and designed in accordance with accepted engineering principles and shall conform to the City's Design Standards and Standard Details.                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                               |                                                                                                                                                         |

| DESIGN AND DEVELOPMENT STANDARD                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                            | PROJECT COMPLIES |
|----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|------------------|
| <p><b>Floodplain Development:</b><br/>If the project is located within an area identified as Special Flood Hazard Areas or Floodway areas as shown on the Federal Emergency Management Agency (FEMA) Flood Insurance Rate Maps (<del>FRMSS</del>), the project is subject to the floodplain management regulations specified in Chapter 15.80 (Flood Damage Prevention) of the Morgan Hill Municipal Code. The project has provided the required development review information for Floodplain Administrator review. <b>(GP Policies SSI-5.1, 5.2, 5.3, 5.6, 5.7 and 5.8)</b></p> <p>The Floodplain Administrator has reviewed the required development review information and has determined that the project complies with Chapter 15.80 of the Morgan Hill Municipal Code.</p> <p>If the project includes the placement of fill, a flood study is submitted for review and City acceptance. Project is required to file the appropriate conditional/final FEMA Letter of Map Revision (CLOMR/LOMR or CLOMR-F/LOMR-F) as required by the results of the flood study.</p> |                  |
| <p><b>Broadband Connectivity:</b><br/>The project provides the following broadband connectivity to the project:</p> <ul style="list-style-type: none"> <li>a. Broadband conduit installed in the public right-of-way to serve the project.</li> <li>b. Broadband conduit from the public right-of-way to each home or occupied building in the project.</li> <li>c. Pre-install indoor conduit, wiring and other necessary infrastructure so that broadband service may be provided to each unit.</li> </ul> <p><b>(GP Action Items SSI-18.A and SSI-18.B)</b></p>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                         |                  |

## VI. CALIFORNIA ENVIRONMENTAL QUALITY ACT (CEQA)

The City of Morgan Hill must conduct environmental analysis before a project is approved. An environmental analysis shall be completed and considered by the appropriate decision-making body prior to granting of any entitlements, including but not limited to a Tentative Map, Design Review Permit, or a building or grading permit.