



Regular Meeting Agenda
Planning Commission

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

Tuesday, November 10, 2020 7:00 pm

Virtual Zoom Meeting

MEETING GUIDELINES

In accordance with Executive Order N-25-20 and guidance from the California Department of Public Health on gatherings, remote public participation is allowed. We will address the Order in the following ways:

Members of the public may NOT physically attend meetings at the Morgan Hill City Council Chamber.

The Planning Commission meeting will be live streamed on Channel 17 and on the City's website. Those members of the public wishing to participate remotely may do so via the electronic meeting at: <https://bit.ly/111020PlanningCommissionMtg> or by calling in to: (669) 900-9128, then enter the meeting ID 890 8268 5644.

Public comment for Planning Commission meetings will be accepted via email to pcpubliccomment@morganhill.ca.gov. Members of the public participating in the electronic meeting wishing to speak may do so during public comment.

CALL TO ORDER

ROLL CALL ATTENDANCE

DECLARATION OF POSTING AGENDA

Pursuant to Government Code Section 54954.2

PLEDGE OF ALLEGIANCE

OPEN PUBLIC COMMENT PERIOD

Members of the public are entitled to address the Planning Commission concerning any item within the Morgan Hill Planning Commission's subject matter jurisdiction. Public comments are limited to no more than three minutes. Except for certain specific exceptions, the Planning Commission is prohibited from discussing or taking action on any item not appearing on the posted agenda. (See additional noticing at the end of this agenda)

ORDERS OF THE DAY

CONSENT AGENDA

1. APPROVE THE OCTOBER 13, 2020 MEETING MINUTES

Recommendation:

Approve Minutes.

2. APPROVE THE OCTOBER 27, 2020 MEETING MINUTES

Recommendation:

Approve Minutes.

PUBLIC HEARINGS

3. UP2020-0005: CONDIT-AT&T: CONDITIONAL USE PERMIT TO ALLOW FOR THE INSTALLATION OF A NEW 71-FOOT LIGHT POLE WITH NINE PANEL ANTENNAS, 18 REMOTE RADIO UNITS, FOUR DC-9 SURGE SUPPRESSORS, EQUIPMENT CABINETS AND A 30KW GENERATOR. THE PROPERTY, IDENTIFIED BY ASSESSOR PARCEL NUMBER 817-13-001, IS LOCATED AT THE MORGAN HILL SPORTS CENTER.

Recommendation:

1. Open/close the public hearing; and,
2. Adopt Resolution approving the Conditional Use Permit.

4. ZA2020-0001: MUNICIPAL CODE AMENDMENT AMENDING SECTION 8.28.040 (ENUMERATION OF UNLAWFUL NOISES) OF CHAPTER 8.28 (NOISE) OF TITLE 8 (HEALTH AND SAFETY) AND AMENDING VARIOUS CODE PROVISIONS WITHIN TITLE 18 (ZONING) OF THE MUNICIPAL CODE OF THE CITY OF MORGAN HILL IMPLEMENTING MINOR AMENDMENTS DUE TO CLERICAL ERRORS AND INCONSISTENCIES; AMENDING CHAPTER 18.52 (FENCES AND WALLS) OF TITLE 18 (ZONING) TO CLARIFY AND ESTABLISH DESIGN AND SCREENING REQUIREMENTS OF FENCES AND WALLS; AND TO ESTABLISH CHAPTER 18.115 (GENERAL PLAN AMENDMENTS) OF TITLE 18 (ZONING) OF THE MUNICIPAL CODE OF THE CITY OF MORGAN HILL ESTABLISHING PROCEDURES FOR AMENDING THE GENERAL PLAN

Recommendation:

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

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.

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. Requests must be made as early as possible and at least two-full business days before the start of the meeting.

DRAFT



Meeting Minutes Planning Commission

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

Tuesday, October 13, 2020 7:00 pm

Virtual Meeting

MEETING GUIDELINES

In accordance with Executive Order N-25-20 and guidance from the California Department of Public Health on gatherings, remote public participation is allowed. We will address the Order in the following ways:

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Public comment for Planning Commission meetings will be accepted via email to pcpubliccomment@morganhill.ca.gov. Members of the public participating in the electronic meeting wishing to speak may do so during public comment.

CALL TO ORDER

Chair Habib called the meeting to order at 7:00 p.m.

ROLL CALL ATTENDANCE

Attendee Name	Title	Status	Arrived
Mohammad Habib	Chair	Present	

Malisha Kumar	Vice-Chair	Present	
Joseph Mueller	Planning Commissioner	Present	
Wayne Tanda	Planning Commissioner	Present	
Laura Gonzalez-Escoto	Planning Commissioner	Present	
Liam Downey	Planning Commissioner	Present	
Juan Miguel Munoz-Morris	Planning Commissioner	Present	

DECLARATION OF POSTING AGENDA

Minutes Clerk Luna declared the posting of the agenda at 7:01 p.m.

PLEDGE OF ALLEGIANCE

Planning Commissioner Downey led the Pledge of Allegiance at 7:01 p.m.

OPEN PUBLIC COMMENT PERIOD

Chair Habib opened the Public Comment Period at 7:02 p.m. The following individuals addressed the Planning Commission:

- Joe Baranowski

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

ORDERS OF THE DAY

No changes made.

CONSENT CALENDAR

RESULT:	APPROVED [UNANIMOUS]
MOVER:	Joseph Mueller, Planning Commissioner
SECONDER:	Laura Gonzalez-Escoto, Planning Commissioner
AYES:	Habib, Kumar, Mueller, Tanda, Gonzalez-Escoto, Downey, Munoz-Morris

1. APPROVE THE SEPTEMBER 22, 2020 MEETING MINUTES

Recommendation:

Approve Minutes.

Chair Habib noted that Planning Commissioner Munoz-Morris notified the Chair and staff of his late arrival before the meeting on September 22, 2020 and was excused. Staff will make note of the excused absence from the beginning of the meeting in the record.

2. APPROVE THE SEPTEMBER 29, 2020 MEETING MINUTES

Recommendation:

Approve Minutes.

CONTINUED PUBLIC HEARINGS

3. GPA2019-0005/ZA2019-0016/SD2019-0007/EA2019-0023-JUAN HERNANDEZ – MH MEDICAL PROPERTIES (LILLIAN COMMONS) - AMENDMENTS THE GENERAL PLAN

**LAND USE MAP AND ZONING MAP, TENTATIVE PARCEL MAP AND MITIGATED
NEGATIVE DECLARATION FOR A MIXED USE DEVELOPMENT ON A 19.67-ACRE
SITE (APNS 817-09-039, 817-09-040 AND 817-09-041)**

Recommendation:

1. Open/close the continued public hearing;
2. Adopt a Resolution recommending the City Council approve the Mitigated Negative Declaration and Mitigation Monitoring and Reporting Program prepared for the project;
3. Adopt a Resolution recommending the City Council approve an amendment to the General Plan land use designation;
4. Adopt a Resolution recommending the City Council approve a Zoning Amendment for a Planned Development Combining District; and
5. Adopt a Resolution recommending the City Council approve a Tentative Parcel Map.

Principal Planner, Adam Paszkowski, presented the Staff Report at 7:09 p.m.

Chair Habib opened the Public Hearing at 7:31 p.m. The following individuals addressed the Planning Commission:

- Cecily Murray
- Michael Groves
- David Clancy
- Joe Baranowski

Hearing no further requests to speak, the Public Hearing was closed at 8:09 p.m.

Chair Habib re-opened the Public Hearing at 8:19 p.m. to allow the applicant to address the Planning Commissions questions:

- Cecily Murray
- Michael Groves

Hearing no further requests to speak, the Public Hearing was closed at 8:35 p.m.

The Planning Commission meeting recessed at 8:38 p.m.

The Planning Commission meeting reconvened at 8:45 p.m.

MOTION:

Adopt the Resolution approving the Mitigated Negative Declaration and the Mitigated Monitoring and Reporting Program.

RESULT:	ADOPTED [6 TO 1]
MOVER:	Joseph Mueller, Planning Commissioner
SECONDER:	Laura Gonzalez-Escoto, Planning Commissioner
AYES:	Habib, Kumar, Mueller, Tanda, Gonzalez-Escoto, Munoz-Morris
NAYS:	Downey

MOTION:

Adopt the Resolution approving the General Plan Amendment to amend the General Plan Land Use Map from Commercial to Mixed-Use Flex.

RESULT:	ADOPTED [5 TO 2]
MOVER:	Joseph Mueller, Planning Commissioner
SECONDER:	Juan Miguel Munoz-Morris, Planning Commissioner
AYES:	Habib, Mueller, Tanda, Gonzalez-Escoto, Munoz-Morris
NAYS:	Kumar, Downey

MOTION:

Adopt the Resolution recommending approval of the Zoning Map Amendment and the Planned Development with no residential land uses.

RESULT: **DEFEATED [3 TO 4]**
MOVER: Liam Downey, Planning Commissioner
SECONDER: Mohammad Habib, Chair
AYES: Habib, Kumar, Downey
NAYS: Mueller, Tanda, Gonzalez-Escoto, Munoz-Morris

MOTION:

Adopt the Resolution approving the Zoning Map Amendment and the Planned Development Master Plan for Parcel C, the northern 10 acres of the project site, with the following changes: 1) amend 'Table 2 PD Master Plan Development Standards' of the PD Master Plan to limit the maximum height of Residential/Office to 3 stories or 35 feet; 2) amend the PD Master Plan to limit the number of residential units to 150; 3) replacing 'Table 1 PD Master Plan Allowed and Conditional Uses' of the PD Master Plan with 'Table 1-1 Parcel C PD Master Plan Allowed and Conditional Uses' which would allow the following as Permitted uses: Hospitals; Medical Offices and Clinics; and Mixed Use Residential; 4) amend the PD Master Plan to incorporate the revised Land Use Bubble Diagram, Illustrative Site Plan, and Tentative Parcel Map; and 5) clarifying that all references to apartments instead refer to townhomes and single family detached dwellings .

Planning Commission Mueller excused himself at 10:11 p.m. and returned at 10:13 p.m.

RESULT: **ADOPTED [4 TO 3]**
MOVER: Joseph Mueller, Planning Commissioner
SECONDER: Laura Gonzalez-Escoto, Planning Commissioner
AYES: Mueller, Tanda, Gonzalez-Escoto, Munoz-Morris
NAYS: Habib, Kumar, Downey

MOTION:

Adopt the Resolution approving the Zoning Map Amendment and the Planned Development Master Plan for Parcels A, B, and D, the southern 10 acres of the project site, with the following changes: adding 'Table 1-2 Parcels A, B and D PD Master Plan Allowed and Conditional Uses' to the PD Master Plan to include the following as Permitted uses: Banks and Financial Institutions; Business Support Services; Commercial Recreation, Indoor <15,000 square feet; Cultural Institutions; General Retail; Hospitals; Instructional Services; Medical Offices and Clinics; Parking Lots and Structures; Parks and Recreational Facilities; Personal Services; and Professional Offices; and the following as Conditional uses: College and Trade Schools; Convenience Market; Community Assembly; Day Care Center; Drive-Through and Drive-In Facilities; Emergency Shelters; Farmers Market; Hotels and Motels; Residential Care Facilities; Residential Care Facilities, Small; Restaurant- Fast Food, Sit Down; School, Public and Private; and Social Services.

RESULT: **ADOPTED [6 TO 1]**
MOVER: Laura Gonzalez-Escoto, Planning Commissioner
SECONDER: Juan Miguel Munoz-Morris, Planning Commissioner
AYES: Habib, Kumar, Mueller, Tanda, Gonzalez-Escoto, Munoz-Morris
NAYS: Downey

MOTION:

Adopt the Resolution approving the Tentative Map.

Chair Habib re-opened the Public Hearing at 10:40 p.m. to allow the applicant to address the Planning Commissions questions:

- Michael Groves
- Cecily Murray

Hearing no further requests to speak, the Public Hearing was closed at 10:42 p.m.

RESULT:	ADOPTED [6 TO 1]
MOVER:	Joseph Mueller, Planning Commissioner
SECONDER:	Laura Gonzalez-Escoto, Planning Commissioner
AYES:	Habib, Kumar, Mueller, Tanda, Gonzalez-Escoto, Munoz-Morris
NAYS:	Downey

DIRECTOR'S REPORT/ANNOUNCEMENTS

Community Development Director, Jennifer Carmen, made an announcement at 10:44 p.m.

ADJOURNMENT

There being no further business, Chair Habib adjourned the meeting at 10:52 p.m.

MINUTES PREPARED BY:

Jenna Luna, Minutes Clerk

DRAFT



Meeting Minutes Planning Commission

<i>Mohammad Habib</i>	-	<i>Chair</i>
<i>Malisha Kumar</i>	-	<i>Vice-Chair</i>
<i>Joseph Mueller</i>	-	<i>Planning Commissioner</i>
<i>Wayne Tanda</i>	-	<i>Planning Commissioner</i>
<i>Laura Gonzalez-Escoto</i>	-	<i>Planning Commissioner</i>
<i>Liam Downey</i>	-	<i>Planning Commissioner</i>
<i>Juan Miguel Munoz-Morris</i>	-	<i>Planning Commissioner</i>

Tuesday, October 27, 2020 7:00 pm

Virtual Zoom Meeting

MEETING GUIDELINES

In accordance with Executive Order N-25-20 and guidance from the California Department of Public Health on gatherings, remote public participation is allowed. We will address the Order in the following ways:

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<http://bit.ly/102720PlanningCommissionMtg> or by calling in to: (669) 900-9128, then enter the meeting ID 818 5685 8957.

Public comment for Planning Commission meetings will be accepted via email to pcpubliccomment@morganhill.ca.gov. Members of the public participating in the electronic meeting wishing to speak may do so during public comment.

CALL TO ORDER

Chair Habib called the meeting to order at 7:00 p.m.

ROLL CALL ATTENDANCE

Attendee Name	Title	Status	Arrived
Mohammad Habib	Chair	Present	

Minutes Acceptance: Minutes of Oct 27, 2020 7:00 PM (Consent Agenda)

Malisha Kumar	Vice-Chair	Present	
Joseph Mueller	Planning Commissioner	Present	
Wayne Tanda	Planning Commissioner	Present	
Laura Gonzalez-Escoto	Planning Commissioner	Present	
Liam Downey	Planning Commissioner	Present	
Juan Miguel Munoz-Morris	Planning Commissioner	Present	

DECLARATION OF POSTING AGENDA

Minutes Clerk Luna declared the posting of the agenda at 7:01 p.m.

PLEDGE OF ALLEGIANCE

Planning Commission Munoz-Morris led the Pledge of Allegiance at 7:01 p.m.

OPEN PUBLIC COMMENT PERIOD

Chair Habib opened the Public Comment Period at 7:02 p.m. Hearing no requests to speak, the Public Comment Period was closed.

ORDERS OF THE DAY

No changes made.

OTHER BUSINESS

1. PLANNING COMMISSION WORKSHOP ON RETAIL POLICIES

Recommendation:

Accept the report and provide feedback on retail concentration policies.

Economic Development Director Edith Ramirez and Economic Development Manager John Lang gave an update on the major industrial & commercial projects at 7:04 p.m.

The following individuals gave the Planning Commission a status update on their projects:

- Scott Bohrer with the Cochrane Commons Shopping Center Phase II spoke at 7:24 p.m.
- Dan McCranie with the Downtown Gallery spoke at 7:33 p.m.
- Rogg Collins with the Evergreen Village Shopping Center spoke at 7:44 p.m.

The Planning Commission meeting recessed at 8:02 p.m.

The Planning Commission meeting reconvened at 8:07 p.m.

Economic Development Director Edith Ramirez responded a question from the Q&A Section at 8:08 p.m.

Economic Development Director Edith Ramirez and Economic Development Manager John Lang presented the Retail Concentration Policies at 8:13 p.m.

Chair Habib opened the Public Comment Period at 8:42 p.m. Hearing no requests to speak, the Public Comment Period was closed.

Chair Habib opened the Public Comment Period at 9:28 p.m. The following individuals addressed the Planning Commission:

- Scott Bohrer
- Rogg Collins
- Dan McCranie
- Doug Hall

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

No action taken. The Planning Commission accepted the report and provided feedback on the retail concentration policies.

RESULT:	ACCEPTED
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DIRECTOR'S REPORT/ANNOUNCEMENTS

Community Development Director Jennifer Carman made an announcement at 10:23 p.m.

ADJOURNMENT

Chair Habib adjourned the meeting at 10:25 p.m.

MINUTES PREPARED BY:

Jenna Luna, Minutes Clerk

Minutes Acceptance: Minutes of Oct 27, 2020 7:00 PM (Consent Agenda)



PLANNING COMMISSION STAFF REPORT

MEETING DATE: November 10, 2020

PREPARED BY: Terry Linder, Senior Planner

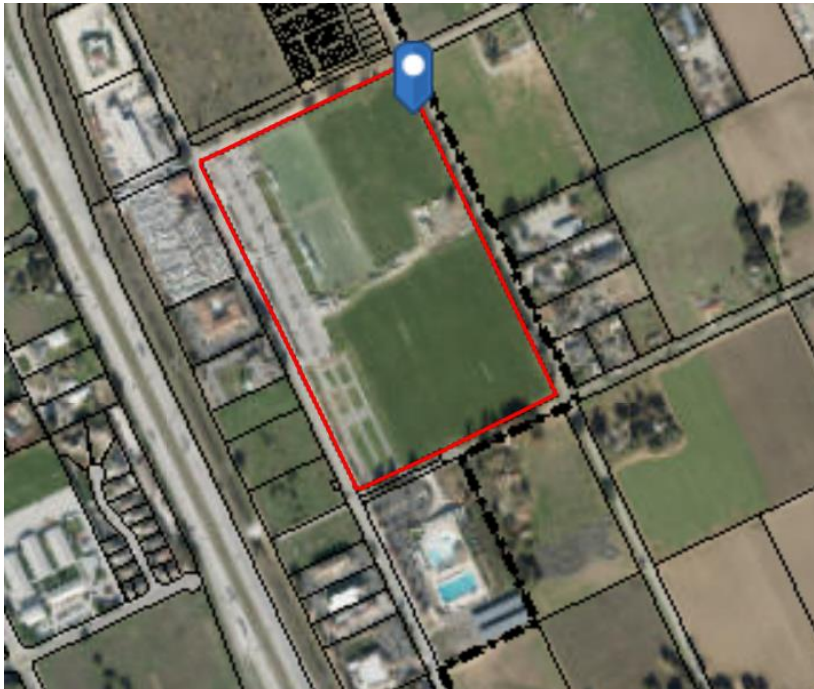
APPROVED BY: Jennifer Carman, Community Development Director

UP2020-0005: CONDIT-AT&T: CONDITIONAL USE PERMIT TO ALLOW FOR THE INSTALLATION OF A NEW 71-FOOT LIGHT POLE WITH NINE PANEL ANTENNAS, 18 REMOTE RADIO UNITS, FOUR DC-9 SURGE SUPPRESSORS, EQUIPMENT CABINETS AND A 30KW GENERATOR. THE PROPERTY, IDENTIFIED BY ASSESSOR PARCEL NUMBER 817-13-001, IS LOCATED AT THE MORGAN HILL SPORTS CENTER.

RECOMMENDATION(S)

1. Open/close the public hearing; and,
2. Adopt Resolution approving the Conditional Use Permit.

LOCATION MAP



PROJECT SUMMARY:

1. Location: Morgan Hill Outdoor Sports Center, 16500 Condit Road/Assessor Parcel Number 817-13-001
2. Site Area: 612 square feet. of 35-acre site

- 3. General Plan: Public Facilities
- 4. Zoning: Public Facilities

BACKGROUND:

The applicant, AT&T, is requesting a Conditional Use Permit (CUP) to allow for the installation of a new 71-foot light pole that will include nine panel antennas, 18 remote radio units, four DC-9 surge suppressors, and the installation of equipment cabinets and a 30KW generator. The antenna and antenna equipment would be located within an existing (18-foot-wide by 70-foot-long) storage area located between the Condit Well building and north/west competition field at the City of Morgan Hill Outdoor Sports Center (Sports Center). The area is currently occupied by two shipping containers which are used for storage. The northern most storage container will be removed and replaced with the proposed 18-foot by 34-foot AT&T lease area. Detailed project plans and a project narrative have been provided (Attachments 2 and 3).

ANALYSIS:

The proposed Conditional Use Permit was analyzed for consistency with the: 1) General Plan, 2) Zoning Ordinance, 3) Conditional Use Permit Findings, and 4) California Environmental Quality Act.

1. General Plan

The General Plan land use designation for the Sports Center is Public Facilities (PF). The PF designation is applied to land used by public or quasi-public agencies and organizations including the City, hospitals, utility companies, and the Morgan Hill Unified School District.

The following are General Plan Goals and Policies that are relevant to the proposed wireless telecommunications facility.

INFRASTRUCTURE TO SUPPORT BUSINESSES GOAL ED-9 Public and private infrastructure that helps make Morgan Hill a competitive business location.

Policy ED-9.1 Robust Telecommunications. Support the development of state-of-the-art telecommunications, policies, amenities, and facilities that meet the needs of local businesses and assist the City in attracting new businesses.

TELECOMMUNICATIONS GOAL SSI-18 State-of-the-art telecommunication services for all segments of the community to foster fiscal and environmental sustainability, support an innovative economy, and meet the needs of the community.

Policy SSI-18.1 Access and Availability. Work with service providers to ensure access to and availability of a wide range of state-of-the-art telecommunication systems and services for households, businesses, institutions, and public agencies in Morgan Hill.

Policy SSI-18.2 Telecommunications Marketplace Competition. Encourage marketplace competition from multiple telecommunications service providers to maximize access to inexpensive service.

Policy SSI-18.3 Retrofitting. Work with utility companies to retrofit areas not served by current telecommunication technologies, as feasible.

Policy SSI-18.4 Telecommunication Planning. Work with utility companies to strategically plan telecommunication for newly developing areas.

Policy SSI-18.5 Collocation of Telecommunication Facilities. Encourage compatible collocation of telecommunication facilities and work with utility companies to provide opportunities for siting facilities on City-owned property and public rights-of-ways.

The proposed wireless telecommunication facility is consistent with the Public Facilities General Plan land use designation because the applicant, AT&T, is a registered public utility, licensed and regulated by the California Public Utilities Commission and the Federal Communications Commission. The proposed light pole, with the multiple AT&T mounted antenna arrays, is considered a “wireless telecommunication facility” which is considered a utility company use.

The proposed wireless telecommunication facility is consistent with the Economic Development Goal (ED-9) by providing infrastructure that will upgrade the range for AT&T customers within the U.S. Highway 101 corridor and along the eastern foothills of Morgan Hill. A before and after coverage map is included as Attachment 4. This upgrade in service will help make Morgan Hill a more competitive business location by upgrading the City’s existing telecommunications system. The current proposal also advances the Telecommunications Goal (SSI-18) and Policies (SSI-18.1 thru 18.5) by siting the facility on City-owned property, providing increased coverage, eliminating existing weak spots, and offering future collocation opportunity. The proposed facility will also allow AT&T to remain competitive with other carriers by eliminating weak spots within their service area.

2. Zoning Ordinance

The Sports Center site is zoned Public Facilities (PF). The stated purpose of the PF zoning designation is to provide a location for schools, governmental offices, parks and recreational facilities, fire and police stations, utilities, and other public and quasi-public facilities to serve the community. The current proposal is considered a “wireless telecommunication facility” which is considered a utility company use consistent with the stated purpose of the PF zoning. In the PF zoning district, wireless communications facilities must be consistent with the requirements contained within Morgan Hill Municipal Code Chapter 18.96 Wireless Communications Facilities.

To approve a CUP for telecommunications facility, the Planning Commission must find the proposed facility is consistent with the requirements of Chapter 18.96, and the facility is sited in the most preferred manner possible while meeting the applicant’s

wireless objectives. The Planning Commission is also required to make all the findings required for the CUP as specified in Chapter 18.108 (Specific Permit Requirements).

Section 18.96.040 (Required permits) of the Morgan Hill Municipal Code requires a CUP for all new facilities and modifications outside the public right-of-way. The proposed wireless telecommunication facility is a new facility and therefore is required to have Planning Commission approval of a CUP.

18.96.070 - Preferred siting and location.

The following siting and location preferences apply to all proposed facilities.

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

1. Collocations on existing base stations outside the rights-of-way; then
2. Collocations on towers outside the rights-of-way; then
3. New building-mounted facilities outside the rights-of-way; then
4. New towers outside the rights-of-way.

The proposed wireless telecommunication facility is new and is not considered a collocation. The proposed wireless telecommunication facility is not building mounted but would be considered a new tower located outside of the public right of way which is consistent with siting preference number four.

On page 6 of the applicant's project narrative (Attachment 3), the applicant has included a list of eleven alternative sites pursued for possible locations for a new wireless telecommunication facility. None of the alternative sites included a collocation opportunity or are locations with PF zoning. Five of the alternative sites were within the unincorporated County and had agriculture or residential use. The six properties considered within the City are developed commercial sites (Honda, Kenworth, McDonalds, Ford Store, La Hacienda, Pan Pacific) located along the freeway. The applicant was unable to obtain interest from the property owners of the eleven alternative sites.

B. Preferred Locations — General. All applicants should, to the extent possible, propose new facilities and substantial changes to existing facilities in non-residential zones.

The proposed wireless telecommunication facility would be in a non-residential, PF zoning district consistent with the general location criteria. A residential attached medium zoning district is located adjacent to the Sports Center on the north side of San Pedro Avenue. The adjacent residential site is currently being developed with a 247-unit, townhouse, and apartment project. The proposed wireless telecommunication facility would be located 225 feet south of the nearest residential building.

C. Preferred Locations — Non-Residential Zones. To the extent possible, all proposed facilities in non-residential zones should be located according to the following preferences, ordered from most preferred to least preferred:

1. City owned or controlled parcels; then
2. Parcels in the public facilities (PF) zone; then
3. Parcels in the industrial (CI, IO, IC, IL, IG) zones; then
4. Parcels in the commercial (CN, CG, CH, CS) zones;
5. Parcels in the sports recreation leisure (SRL) zone.
6. Parcels in the mixed use (MU-D, MU-N, MUF) zones.

The Sports Center is located on a City owned parcel and is zoned PF in a non-residential zone. The proposed location for the wireless telecommunication facility is consistent with preferences one and two.

Development Standards (18.96.080)

A. General Design Standards.

All new facilities must conform to the following Development Standards:

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

The proposed tower and equipment will be located in an existing 1,260 square foot fenced enclosure sited between an existing competition field to the east, and a fenced area surrounding the City's Condit Well building to the west. This area is currently occupied by two large cargo containers and is fenced with access gates on the north and south sides. The proposed 612 square foot equipment enclosure would be in the area currently occupied by the northern cargo container. The layout of the equipment enclosure is detailed on sheet A-3 of the project plans (Attachment 2). The proposed equipment would not be within an existing structure or building (preference "a") but would be concealed from view by the City well building to the west, fenced play field to the east, and the remaining storage container to the south. The applicant is proposing to further conceal the equipment by surrounding the equipment area with a new eight-foot tall chain link fence with vinyl slats to match the existing fencing surrounding the City well site. The current proposal is found consistent with preference "b" because it will be shielded from view on three sides and integrated into the equipment area of Condit Well site by the use of similar fencing material.

2. Height.

- a. All new facilities and substantial changes to existing facilities must not exceed the height limit in the applicable zone except as allowed in Paragraph b below.
- b. The review authority may approve a height exception up to 8 feet above the height limit when a proposed facility is (1) mounted on the rooftop of an existing building; (2) completely concealed; and (3) architecturally integrated into the underlying building. This exception does not apply to any towers or utility poles.

No height limitations are listed for the PF zoning district. The maximum height is “As required by review authority.” The proposed height of the antenna tower is 71 feet which is consistent with the other seven existing field light standards. A height exception is not requested.

3. Setbacks. All facilities must comply with all setback requirements in the applicable zone.

Standard	Requirement	Proposed	Consistent
Front	As required by review authority	200 feet	As determined by Planning Commission
Rear	As required by review authority	735 feet	As determined by Planning Commission
Side	As required by review authority	71 feet	As determined by Planning Commission
Height	As required by review authority	71 feet	As determined by Planning Commission
Building Coverage	As required by review authority	0.00007	As determined by Planning Commission
Parking	As required by review authority	0	As determined by Planning Commission

The applicable setbacks and parking for development in the PF zoning district is determined by the reviewing body. As the reviewing authority, the Planning Commission will need to determine if the setbacks proposed for the new antenna are adequate. The setbacks proposed significantly exceed the setback requirements of all adjacent zoning districts.

Per the applicant’s project description (page 3 of Attachment 3), the facility is an “unmanned” facility requiring “periodic” maintenance, approximately once a month. On the north side of the enclosure, a 13-foot-wide by 18-foot-long parking area is available outside of the enclosure’s access gate, for use by the service technician. Additional on-site parking would not be necessary to support this use, nor will the use impact the existing on-site parking.

4. Collocation. Applicants shall design their facilities to accommodate future collocated facilities to the extent feasible.

As currently proposed the “light pole” tower design will not accommodate collocation. To allow for collocation, the diameter or height of the tower would need to significantly increase. An increase in the pole diameter or height may have a significant visual affect as the proposed tower would be less consistent with the shape and height of the existing field light poles.

Antenna sizes have significantly decreased as technology has advanced. Future collocation could be possible without increasing the pole height or diameter. The applicant is willing to allow for future collocation as a Condition of Approval of the use permit approval. The applicant must allow for collocation with another service provider, if feasible. However, if the proposed collocation requires an increase to the antenna height or pole diameter, an amendment to the CUP may be required.

5. Landscaping. In addition to any landscaping required by the city for concealment or screening purposes, the applicant shall install and maintain additional landscaping to replace any existing landscaping displaced during the construction or installation of the facility.

As a Condition of Approval, the landscaping disturbed by the installation of the antenna or antenna equipment will have to be replaced.

6. Backup or Standby Power Sources and Generators. The City may not approve any fossil fuel-powered backup power sources or generators unless the applicant demonstrates that the facility cannot feasibly achieve its power needs with batteries, fuel cells or other similarly non-polluting, low noise-level means.

The primary power source for the wireless telecommunication facility will come from the existing PG&E transformer located behind the Condit Well building. Telecommunication lines will be installed underground, leading from the proposed equipment enclosure heading north west to the existing equipment vaults located at the corner of Condit Road and San Pedro Avenue. The proposed wireless telecommunication facility includes a battery backup system that will accommodate 6-8 hours of battery life. The proposed equipment area contains a 30KW diesel powered generator. The diesel-powered generator will only operate if power is interrupted for more than 6-8 hours.

7. Lights.
 - a. Unless otherwise required under FAA or FCC regulations, applicants may install only timed or motion-sensitive light controllers and lights and must install such lights so as to avoid illumination impacts to adjacent properties to the maximum extent feasible. The city may exempt an applicant from this requirement when the applicant demonstrates a substantial public safety need.

- b. All aircraft warning lighting must use lighting enclosures that avoid illumination impacts to properties in the city to the maximum extent feasible.

No lights are proposed specifically for the facility. The existing field lights will be re-installed at the top of the tower, consistent with the height of the other existing field light fixtures.

- 8. Noise. All transmission equipment and other equipment (including without limitation air conditioners and sump pumps) associated with the facility must not emit sound that exceeds the applicable limit established in Municipal Code Chapter 8.28 (Noise).

The daily operation of the wireless telecommunication facility will not produce any noise. In the event a PG&E power interruption lasts more than 6-8 hours and use of the back-up generator is required, the noise from the generator at a 23-foot distance, is an average of 66 dBA. A sound data sheet for the generator has been provided (Attachment 5). The nearest residence is 225 feet to the north. The General Plan noise levels standards for residences (Policy SSI-8.1) specify a maximum exterior level of 60 dBA and interior of 45 dBA. Noise levels decrease approximately 1dBA for every ten feet. Over the remaining 202-foot separation distance, the generator noise will decrease by 20 dB resulting in a 46 dBA noise level at the exterior of the residences. The 46 dBA level is significantly below the General Plan outdoor noise exposure limitations.

- 9. Signage.
 - a. A facility may not display any signage or advertisements unless expressly allowed by the city in a written approval, recommended under FCC regulations or required by law or permit condition.
 - b. Every facility shall at all times display signage that accurately identifies the facility owner and provides the facility owner's unique site number, and also provides a local or toll-free telephone number to contact the facility owner's operations center.

No advertising signs are proposed at the wireless telecommunication facility. The only signs proposed are required identification signs containing the site number, owner and emergency contact information.

- 10. Code Compliance. A permit holder shall design and maintain all facilities in compliance with all applicable federal, state, and local laws, codes, regulations, ordinances, or other rules.

AT&T is a registered public utility, licensed and regulated by the California Public Utilities Commission and the Federal Communications Commission. Per the applicant's project description letter (page 5 of Attachment 3), the proposed wireless telecommunication facility will be constructed and maintained in accordance with the Federal Communication Commission license standards, American National Standards

Institute, Institute of Electrical and Electronics Engineers and the Telecommunications Act of 1996.

B. Tower-Mounted Facilities.

1. General Design Preferences. To the extent feasible and appropriate for the proposed location, all new tower applications should be designed according to the following preferences, ordered from most preferred to least preferred:
 - a. Faux architectural features (examples include, but are not limited to, bell towers, clock towers, lighthouses, obelisks, and water tanks); then
 - b. Faux trees; then
 - c. Monopoles that do not conceal the antennas within a concealment device.

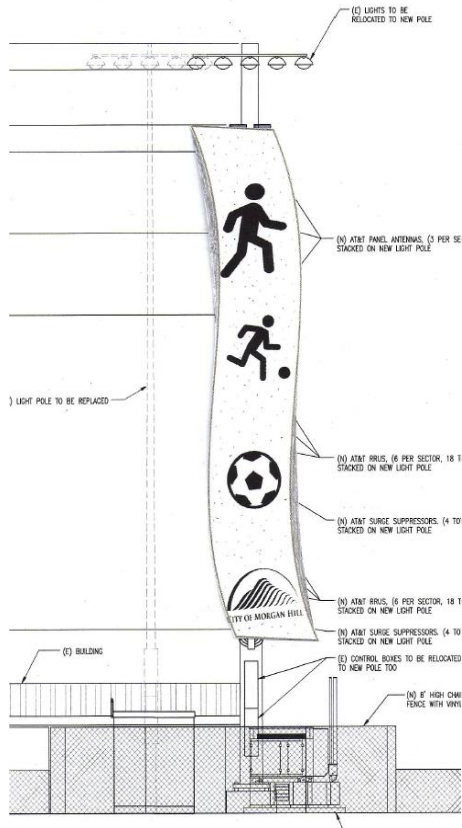
A detail of the existing light pole and the proposed antenna tower light pole have been provided. Photo simulations have also been provided (Attachment 6) that show the how the proposed tower would look from various public viewpoints.

The Sports Center does not include any structures of sufficient height or size to conceal an antenna tower or integrate an architectural feature. Due to the nature of the use as an outdoor sports center, there are relatively few trees of any significant height surrounding the facility. A single faux (71-foot tall) evergreen tree at the sports facility would be visually obvious and out of place due to the lack of any redwoods, deodar cedar, palms, or other tall trees in the vicinity. A faux tree in combination with the light standard may interfere with the effectiveness of the field lighting by casting shadows on the play field. A faux tree would also tend to snag errant soccer balls.

The proposed antenna tower will have multiple external antennas and a larger pole diameter making it visually different from the existing light fixtures but would integrate into the Sports Center as a light pole structure. The proposed tower would be similar in height and color to the other existing (seven) light poles surrounding the fields on the north west side of the Sports Center.

The applicant is willing to consider options for concealment that differ from those discussed in the Municipal Code. Due to recommended landscape improvements (discussed later in report) the telecommunications facility will be required to submit a Design Review application. As part of the Design Permit application review process, other options for concealment of the antennas on the light pole will be considered. Staff would like some direction from the Planning Commission on preferred concealment options proposed by AT&T.

Option No. 1: The proposal would screen the antenna with shroud that would mimic the appearance of a banner. Sourcing the material for this option has been problematic as the material would need to be rigid, non-metallic and allow for air to pass through.



Banner Shroud

Option No. 2: This proposal would conceal the antennas with a reflective film that creates a reflective mirror on the antenna.



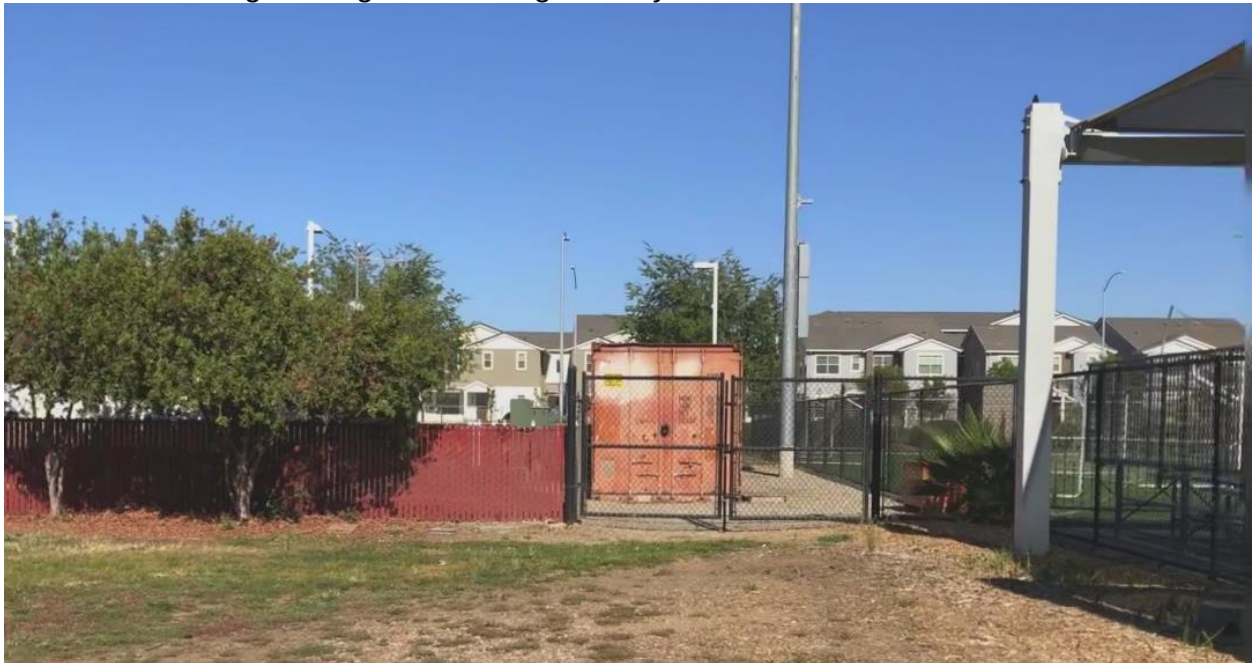
If further concealment is desired, the team would like direction from the Planning Commission on preferred option.

2. **Tower-mounted Equipment.** All tower-mounted equipment shall be mounted as close to the vertical support structure as possible to reduce its visual profile. Applicants should mount non-antenna, tower-mounted equipment (including, but not limited to, remote radio units/heads, surge suppressors, and utility demarcation boxes) directly behind the antennas to the maximum extent feasible.

The diameter of the light pole as an antenna tower will increase from one, to two feet in diameter. The various antenna arrays would extend outward from the pole approximately 16 inches.

3. **Ground-mounted Equipment.** Ground-mounted equipment shall be concealed with opaque fences or other opaque enclosures. The city may require, as a condition of approval, design and/or landscape features in addition to other concealment when necessary to blend the equipment or enclosure into the surrounding environment.

The 612 square foot equipment enclosure will be situated between the fenced competition field to the east, the City Well building to the west and the remaining storage container to the south. The City Well site is currently surrounded by a four-foot tall chain link fence with vinyl slats. The applicant is proposing to conceal the equipment by surrounding the area with a new eight-foot tall chain link fence with vinyl slats to match the existing fencing surrounding the City Well site.



South side

Due to the location of the access gates on the north and south sides of this area, there are no opportunities to add landscaping directly along those sides.



North side

On the north side of the enclosure area, landscaping could be re-established along the fence line and within the planter island that currently contains two palm tree stumps. Additional landscaping could also be introduced at the south west corner of San Pedro Avenue and Condit Road. A series of below grade, utility boxes exist along the sidewalk on the south side of San Pedro Avenue. The installation of the telecommunication line from proposed facility to the telecommunication vault on the corner will require trenching. As a Condition of Approval, a landscaping plan for the play field fence line, planter island and the area behind the utility boxed is required to be reviewed and approved by the Community Development Director prior to the issuance of a building permit for the tower.



South side of San Pedro Ave.

In reviewing the application for a CUP, the Planning Commission shall consider the following:

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

The Sports Center site is zoned Public Facilities (PF). Wireless Communications Facilities consistent with the requirements of Chapter 18.96 Wireless Communications Facilities are a conditional use in the PF zoning district.

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

The proposed telecommunications facility is considered a utility, which is consistent with the Public Facilities General Plan land use and zoning designation. The proposed telecommunication use is consistent with the Economic Development Goal (ED-9) by providing infrastructure that will help make Morgan Hill a competitive business location. The current proposal also advances the Telecommunications Goal (SSI-18) and policies by siting the facility on City-owned property, by upgrading the City's telecommunications system to allow increased coverage, eliminating existing weak spots, and offering future collocation opportunity.

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

The proposed telecommunications facility fits within an existing storage area and does not require modification to the Sports Center parking or circulation. The proposed location provides a 225-foot buffer to the nearest residential use. The Sports Center site also provides an ideal location for the telecommunication facility based on the needed coverage area, topography, and the heights of nearby structures.

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

The Sports Center is adjacent to existing commercial development to the west, existing residential development to the north, the City's Aquatic Center to the south and unincorporated County properties to the east.

The installation of the telecommunications facility at the Sports Center will cause minimal disruption during the construction but no long-term disruptions since the facility is unmanned, fully secured, and does not emit any noise or odor.

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

The potential detrimental effects associated with the proposed antenna use are radio frequency electro-magnetic energy, noise, and air quality.

Radio Frequency Electro-Magnetic Energy (RF-EME)

The proposed antenna will generate Radio Frequency Electro-Magnetic Energy (RF-EME). The Federal Communications Commission, FCC has set maximum permissible exposure limits for both general public, and occupational exposure to RF-EME's. A radio frequency (RF) report prepared by a certified RF engineer, was completed for the proposed antenna (Attachment 7). The report uses a modeling system to measure the predicted RF-EME from the proposed antenna. Based on the worst-case modeling, exposure at any accessible rooftops or ground walking/working surfaces in the project vicinity will be below the FCC's occupational and general public exposure limits. Pursuant to the Federal Telecommunications Act of 1996, the City may not deny an application for a wireless telecommunications facility due to perceived health risks if the proposed facility complies with Federal RF exposure standards.

Noise

The project includes a diesel-powered back-up generator that will only operate after the 6-8-hour battery back-up is depleted. The noise from the generator at a 23-foot distance is 66 dBA. The nearest residential use is 225 feet to the north of the generator location. Noise levels decrease approximately 1dBA for every ten feet. Over the remaining 202-foot distance, the generator noise will decrease by 20 dB resulting in a 46 dBA noise level at the exterior of the residences. The 46 dBA level is significantly below the General Plan outdoor noise exposure limitation of 60dBA.

Air Quality

When in use, the diesel-powered generator will emit diesel particulate matter. Due to the dispersive nature of the diesel exhaust, and the distance to the nearest residence, the concentrations of the diesel exhaust would be substantially reduced at the nearest residence. As a tertiary power source, use of the generator would be infrequent and given the considerable distance to the nearest residence should not be detrimental to the surrounding public health, safety and welfare.

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

The wireless telecommunication facility would be unmanned. It is anticipated a technician will visit the site approximately once a month. A 13 x 18-foot access and parking area is provided on the north side of the proposed enclosure. With less than two vehicle trips per month, the use is not anticipated to have an adverse effect on traffic or circulation.

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

The proposed wireless telecommunication facility is located within the City limits and on City property. The Sports Center is currently served by PG & E, City water and sewer. The proposed use will utilize the existing PG & E power source and connection to City water or sewer is not needed. The proposed antenna project will be adequately served by the existing and planned services and infrastructure.

California Environmental Quality Act (CEQA):

An environmental assessment found that the project consisting of a cell tower and its related equipment is categorically exempt from the California Environmental Quality Act. The Director of Community Development determined that the project is exempt pursuant to Section 15303 Class 3, as construction and location of limited numbers of new, small facilities or structures, and the installation of small new equipment and facilities in small structures, and has further determined that none of the exceptions to the exemption apply.

Community Engagement

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

LINKS/ATTACHMENTS:

1. Resolution
2. Project plans
3. Project Description
4. Coverage Maps
5. Generator Sound Data Sheet
6. Simulation Photos
7. RF Emissions Predictions

RESOLUTION NO. 20-14

A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF MORGAN HILL APPROVING A CONDITIONAL USE PERMIT FOR A CELL TOWER TO BE LOCATED AT THE MORGAN HILL SPORTS CENTER, 16500 CONDIT ROAD. (APN: 817-13-001)

WHEREAS, on August 27, 2020, TSJ Consulting Inc., on behalf of AT&T Mobility, submitted an application for a Conditional Use Permit to allow for the installation of a new 71-foot tall light pole at the Morgan Hill Outdoor Sports Center (Sports Center) that will include nine panel antennas, 18 remote radio units, four DC-9 surge suppressors, equipment cabinets and a 30KW generator;

WHEREAS, the Director of Community Development has determined that the Project is exempt from the California Environmental Quality Act (CEQA) under Section 15303 Class 3 of the CEQA Guidelines as the Project consists of construction and installation of new, small facilities and structures, and equipment in small structures; and has further determined that none of the exceptions to the exemption apply;

WHEREAS, such request was considered by the Planning Commission at their regular meeting of November 10, 2020; and

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

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

SECTION 1. The approved conditional use is consistent with the Zoning Ordinance and the General Plan.

SECTION 2. The approved cell tower use has been found consistent with the criteria for Wireless Communications Facilities approval contained in Section 18.96.050 E of the Zoning Code and hereby adopted:

1. The facility is consistent with the requirements of Chapter 18.96 Wireless Communications Facilities.
2. The facility is sited and located in the most preferred manner possible, as described in Section 18.96.070 (Preferred Siting and Location), while meeting the applicant's wireless service objectives; and
3. All the findings required for the conditional use as specified in Chapter 18.108 (Specific Permit Requirements) can be made for the proposed facility.

SECTION 3. The approved conditional use has been found consistent with the criteria

for Conditional Use Permit approval contained in Section 18.108.030 of the Zoning Code and hereby adopted:

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

The Sports Center site is zoned Public Facilities (PF). Wireless Communications Facilities consistent with the requirements of Chapter 18.96 Wireless Communications Facilities are a conditional use in the PF zoning district.

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

The proposed telecommunications facility is considered a utility, which is consistent with the Public Facilities General Plan land use and zoning designation. The proposed telecommunication use is consistent with the Economic Development Goal (ED-9) by providing infrastructure that will help make Morgan Hill a competitive business location. The current proposal also advances the Telecommunications Goal (SSI-18) and policies by siting the facility on City-owned property, by upgrading the City's telecommunications system to allow increased coverage, eliminating existing weak spots, and offering future collocation opportunity.

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

The proposed telecommunications facility fits within an existing storage area and does not require modification to the Sports Center parking or circulation. The proposed location provides a 225-foot buffer to the nearest residential use. The Sports Center site also provides an ideal location for the telecommunication facility based on the needed coverage area, topography, and the heights of nearby structures.

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

The Sports Center is adjacent to existing commercial development to the west, existing residential development to the north, the City's Aquatic Center to the south and unincorporated County properties to the east.

The installation of the telecommunications facility at the Sports Center will cause minimal disruption during the construction but no long-term disruptions since the facility is unmanned, fully secured, and does not emit any noise or odor.

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

Pursuant to the Federal Telecommunications Act of 1996, the City may not deny an application for a wireless telecommunications facility due to perceived health risks if the proposed facility complies with Federal RF exposure standards. The project complies with the stated requirements. In addition, the project includes a diesel-powered back-up generator that will only operate after the 6-8-hour battery back-up is depleted. The nearest residential use is 225 feet to the north of the generator location. Noise levels will result in a 46 dBA noise level at the exterior of the residences. The 46 dBA level is significantly below the General Plan outdoor noise exposure limitation of 60dBA. As a tertiary power source, use of the generator would be infrequent and given the considerable distance to the nearest residence should not be detrimental to the surrounding public health, safety and welfare.

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

The wireless telecommunication facility would be unmanned. It is anticipated a technician will visit the site approximately once a month. A 13 x 18-foot access and parking area is provided on the north side of the proposed enclosure. With less than two vehicle trips per month, the use is not anticipated to have an adverse effect on traffic or circulation.

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

The proposed wireless telecommunication facility is located within the City limits and on City property. The Sports Center is currently served by PG & E, City water and sewer. The proposed use will utilize the existing PG & E power source and connection to City water or sewer is not needed. The proposed antenna project will be adequately served by the existing and planned services and infrastructure.

SECTION 4. The cell tower shall be expressly conditioned to operate in conformance with statement of operations incorporated herein and as attached as Exhibit "A-Project Description". Any expansion, intensification, or changes to the uses approved under this Conditional Use Permit shall be permitted only upon amendment of this Conditional Use Permit or approval of a separate Conditional Use Permit application.

SECTION 5 Notice is hereby given that, pursuant to the Mitigation Fee Act, the City of Morgan Hill charges certain fees (as such term is defined in Government Code Section 66000) in connection with approval of your use for the purpose of defraying all or a portion of the cost of public facilities related to your development project (Mitigation Fee Act Fees). These fees do not include fees for processing applications for governmental regulatory actions or approvals, or fees collected (a) under development agreements, (b) pursuant to agreements with the Morgan Hill Redevelopment Agency or (c) as a part of your application for development allocations under the City's Residential Development Control System. The Mitigation Fee Act Fees applying to your project are listed in the schedule of fees provide. Notice is also hereby given that you have the opportunity to protest the imposition of the Mitigation Fee Act Fees within 90 days of the approval of the approval or conditional approval of your development project and that the 90-day approval period in which you may protest has begun. This right to protest does not apply to voluntary Residential Development Control System fees.

SECTION 6. The approved project shall be conducted in a manner consistent with the following conditions of approval:

1. TIME LIMITS

The Conditional Use Permit approval shall remain in effect for 24 months to November 10, 2022. Failure to exercise the use within this term shall result in termination of approval unless an extension of time is granted prior to the expiration date. **(MHMC 18.104.210)**

2. LENGTH OF APPROVAL

This approval is valid for an initial maximum period of ten years to November 10, 2030. The approval may be extended by the community development director from the initial approval date for a subsequent five years and may be extended by the director every five years thereafter upon the verification of the wireless communications provider's continued compliance with this chapter and with the findings and conditions of approval under which the application was originally approved. **(MHMC 18.96.050)**

3. CESSATION OF OPERATIONS

A new permit shall be required if a site is to be used again for the same purpose as permitted under the original permit if a consecutive period of six months have lapsed since cessation of operations. **(MHMC 18.96.050)**

4. TRANSFER OF OWNERSHIP

In the event that the original permit holder sells its interest in a wireless communication facility, the succeeding carrier shall assume all project responsibilities and shall be held responsible for maintaining consistency with all permit requirements and conditions of approval. **(MHMC 18.96.050)**

5. PRIOR TO COMMENCEMENT OF THE CELL TOWER USE:

- a. Prior to the commencement of the cell tower use, a method of concealment shall be reviewed and approved by the Community Development Director as part of a Design Permit application.
- b. Prior to the issuance of a building permit, a landscape plan (with irrigation) shall be reviewed and approved by the Community Development Director that addresses the following areas:
 - 1) The planter area along the fence line of the play field to the east of the enclosure entry; and
 - 2) The planter island on the west side of the enclosure entry; and
 - 3) The planter area behind the utility boxed along San Pedro, east of the Sports Center sign.
- c. All improvements as shown on the plans plan set titled "CCL03716B MORGAN HILL SPORTS CENTER" dated July 1, 2020, on file with the Planning Division, in application UP2020-0005: Condit-AT&T, shall be completed to the satisfaction of the Community Development Director.
- d. All applicable City, County, State and Federal regulations and documentation shall be completed and in place for the cell tower prior to the commencement of the use.
- e. Prior to the issuance of a building permit:
 - 1) Project shall obtain an encroachment permit if working within the City's easements, or right-of-ways.
 - 2) Project shall enter into agreement with the City for lease area and maintenance of all appurtenant facilities of the cell tower.
 - 3) Project shall provide calculations proving existing light post, which applicant proposes to attach their equipment to, is able to withstand the additional load.
 - 4) Project shall satisfy all stormwater requirements, if applicable.

6. OPERATIONS AND MAINTENANCE REQUIREMENTS

- a. Inspections and Emergencies. The city or its designee may enter onto the facility area to inspect the facility upon reasonable notice to the permit holder. The permit holder shall cooperate with all inspections. The city or its designee may enter the facility and support, repair, disable or remove any elements of the facility in emergencies or when the facility threatens imminent harm to persons or property. **(MHMC 18.96.090)**
- b. Contact Information for Responsible Parties. The permit holder shall at all times maintain accurate contact information for all parties responsible for the facility, which shall include a phone number, street mailing

address and email address for at least one natural person. All such contact information for responsible parties shall be provided to the community development director upon the community development director's written or verbal request. **(MHMC 18.96.090)**

- c. General Maintenance. The site and the facility, including but not limited to all landscaping, fencing and related transmission equipment, shall be maintained in a neat and clean manner and in accordance with all approved permits and conditions of approval. **(MHMC 18.96.090)**
- d. Removal of Discontinued Equipment. All equipment and improvements associated with a wireless communications facility shall be removed within 30 days of the discontinuation of the use, and the site shall be restored to its original pre-construction condition. If a permit holder fails to remove a discontinued facility, the city may remove or cause to remove the facility at the permit holder's sole expense. **(MHMC 18.96.090)**
- e. Change in Federal or State Regulations. All facilities shall meet the current standards and regulations of the FCC, the California Public Utilities Commission, and any other agency of the federal or state government with the authority to regulate wireless communications providers. If such standards and/or regulations are changed, the wireless communications provider shall bring its facilities into compliance with such revised standards and regulations within ninety days of the effective date of such standards and regulations, unless a more stringent compliance schedule is mandated by the controlling federal or state agency. Failure to bring wireless communications facility into compliance with revised standards and regulations shall constitute grounds for the immediate removal of the facility at the wireless communications provider's expense. **(MHMC 18.96.090)**
- f. RF Exposure Compliance. All facilities shall comply with all standards and regulations of the FCC and any other state or federal government agency with the authority to regulate radio frequency (RF) exposure standards. **(MHMC 18.96.090)**

7. OTHER CONDITIONS

- a. Future collocation with another service provider shall be allowed on the tower. Should the collocation require an increase to the tower height or diameter, an amendment to the use permit is required.
- b. Applicant agrees to defend, indemnify, and hold harmless the City of Morgan Hill, its officers, agents, employees, officials and representatives (Indemnitees) from and against any and all claims, actions, or proceedings arising from any suit for damages or for

equitable or injunctive relief which is filed against City to attack, set aside, void or annul its approval of this discretionary project or any related decision, or the adoption of any environmental documents which relates to said approval. The City shall promptly notify the Applicant of any such claim, action or proceeding and the City shall cooperate fully in the defense thereof. In the event that Applicant is required to defend Indemnitees in connection with the proceeding, Indemnitees shall retain the right to approve (a) the counsel to so defend Indemnitees; (b) all significant decisions concerning the manner in which the defense is conducted; and (c) any and all settlements, which approval shall not be unreasonably withheld. This indemnification shall include, but is not limited to, (a) all pre-tender litigation costs incurred on behalf of the City, including City's attorney's fees and all other litigation costs and expenses, including expert witnesses, required to defend against any lawsuit brought as a result of City's approval or approvals; (b) reasonable internal City administrative costs, including but not limited to staff time and expense spent on the litigation, after tender is accepted; and (c) all damages, costs, expenses, attorney fees or expert witness fees that may be awarded to the prevailing party arising out of or in connection with the approval of the application or related decision. City may, in its sole discretion, participate in the defense of such action; but such participation shall not relieve Applicant of its obligations under this condition. The undersigned hereby represents that they are fully empowered by the Applicant as their agent to agree to provide the indemnification, defense and hold harmless obligations, and the signature below represents the unconditional agreement by applicant to be bound by such conditions.

- c. Submit two (2) signed copies of Resolution No.20-14 to the Planning Division prior to issuance of building permits.

PASSED AND ADOPTED THIS 10TH DAY OF NOVEMBER 2020, AT A REGULAR MEETING OF THE PLANNING COMMISSION BY THE FOLLOWING VOTE:

AYES: COMMISSIONERS:

NOES: COMMISSIONERS:

ABSTAIN: COMMISSIONERS:

ABSENT: COMMISSIONERS:

ATTEST:

APPROVED:

Jenna Luna, Deputy City Clerk

Mohammad Habib, Chair

A F F I D A V I T

We, _____, applicants, hereby agree to accept and abide by the terms and conditions specified in this resolution.

By: _____

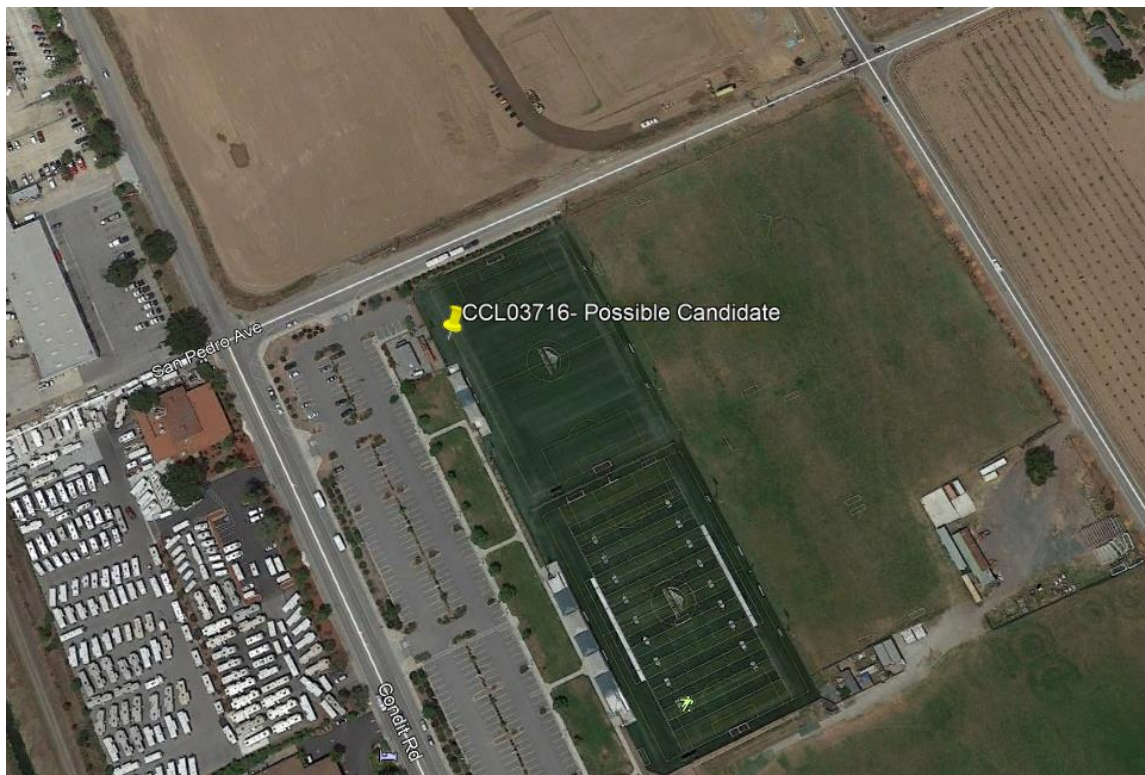
Date: _____

Exhibit A

Wireless Telecommunication Facility

SITE: AT&T Site CCL03716

Morgan Hill Outdoor Sports Center



Address:

16500 Condit Road

Morgan Hill, CA. 95037

REPRESENTATIVE:

Tom Johnson
TSJ Consulting Inc.

30767 Gateway Place #194
Rancho Mission Viejo, CA. 92694
Phone: 925-785-3727
tom@tsjconsultinginc.com

Attachment: Resolution [Revision 6] (2902 : Condit AT&T)

Introduction:

New Cingular Wireless PCS, LLC, d/b/a AT&T Mobility (“AT&T”) is a registered public utility, licensed and regulated by the California Public Utilities Commission and the Federal Communications Commission (“FCC”). As a public utility, AT&T Mobility is mandated by the FCC to provide wireless communication services throughout California. AT&T is dedicated to providing customers with wireless technology designed to enrich their lives as their mobility is increasing. AT&T’s vision is to simplify the wireless experience for its consumer and business customers by offering easy-to-understand, affordable rate plans and excellent customer service. AT&T is bringing next-generation wireless data products - from corporate e-mail to downloadable ringtones - to customers nationwide through its advanced networks. The network performance goals include providing the best quality, lowest level of blocking, easy access to the network and continuous drop-free connections.

AT&T's wireless network is based on LTE technology. These technologies are wireless communication standards that require reusing specific frequencies across defined frequency bands. Due to the need for frequency reuse, LTE require numerous sites to provide customers with suitable signal strength to deliver services. These sites are typically built on existing buildings, lattice towers and freestanding poles in order to provide a network of sites that provide seamless coverage over an area.

In addition to these 4G wireless service gap issues; AT&T is in the process of deploying its 4G & 5G LTE service in the County of Santa Clara with the goal of providing the most advanced personal wireless experience available to residents of the Cities. AT&T holds a license with the FCC and has a responsibility to utilize this spectrum to provide personal wireless services in the City. 4G LTE is capable of delivering speeds up to 10 times faster than industry-average 3G speeds. LTE technology also offers lower latency, or the processing time it takes to move data through a network, such as how long it takes to start downloading a webpage or file once you’ve sent the request. Lower latency helps to improve the quality of personal wireless services. What's more, LTE uses spectrum more efficiently than other technologies, creating more space to carry data traffic and services and to deliver a better overall network experience. This is particularly important in the City of Morgan Hill because of the likely high penetration of the new 5G devices.

Efforts are currently underway in the County to establish the required infrastructure. AT&T is currently seeking the review and approval of a Conditional Use Permit to allow the construction, operation, and maintenance of an unmanned wireless telecommunications facility in this Public Facility zoned property (“Proposed Facility”).

Background:

AT&T serves millions of voice and data customers across the United States. Wireless communications continue to change the future of telecommunications with easy-to-use, lightweight and highly mobile communications devices including: smartphones, tablets, e-readers and notebook computers. Wireless communications provide voice, e-mail, texting and high-speed Internet access capabilities for customer’s communications needs virtually anywhere and at any time.

The wireless network being developed by AT&T uses state of the art digital technology. The benefits include call privacy and security, improved voice quality, high-speed data, texting, video conferencing, visual voicemail, and an expanded menu of affordable products and services for personal and professional communications needs.

The Proposed Facility will enhance the area's public safety infrastructure by providing wireless communication services to the surrounding neighborhood and local community. The general public, police, fire fighters, and other emergency personnel rely heavily on wireless communications for fast and dependable communications at all times, but especially during natural disasters or other emergencies, such as earthquakes and fires.

Like other carriers in the industry, AT&T is working diligently to respond to the customer demand for mobile services, by expanding services to its customers from where they have historically used mobile phones, while traveling in the vehicle at their offices to where they are demanding more and more service in the residential communities, in-building coverage in their homes.

AT&T is requesting the review and the approval of a permit to allow the construction, operation, and maintenance of an unmanned wireless telecommunications facility ("WTF"). The project is proposed to close a significant service coverage gap and enhance personal wireless services in the area surrounding the site. AT&T's service coverage area in the city must be improved to handle the growing number of voice calls and wireless data usage. To remain competitive, AT&T must improve services in the areas where consumers are increasingly using their phones and data services.

The project consists of:

Installation of up to twelve (9) panel antennas which will be located on a replaced light pole of equal height. Also proposed are (18) remote radio units (RRUs), and (4) surge suppressors. As part of this installation there will be a new equipment shelter placed within a fenced compound adjacent to this tower. The subject site is located in an area of the ball field that is out of the daily use and will not be an impact to standard operations.

Once constructed and operational, the Proposed Facility will provide 24-hour service to customers seven (7) days a week. Apart from initial construction activity, an AT&T technician will service the facility on a periodic basis. It is reasonable to expect that routine maintenance/inspection of the facility will occur about once a month during normal working hours. Beyond this intermittent service, AT&T requires 24-hour access to the Proposed Facility to ensure that technical support is immediately available if and when warranted.

Overview of Site Design/Location Criteria

The network of AT&T cell sites throughout the region is "location dependent," meaning that there is a necessary and logical interrelationship between each proposed site. Eliminating or relocating a single cell site can lead to gaps in the system and prohibit AT&T from providing uninterrupted or reliable service to customers in a defined coverage area. Further, the elimination or relocation

of a cell site will most often have a “domino” effect on other cell site locations and necessitate significant design changes or modifications to the network.

In identifying the proposed location, AT&T network deployment personnel have selected the Proposed Facility because it meets the technical objectives of RF engineering and provides the best site option with regard to other key criteria including, but not limited to, accessibility, utility connections, zoning compatibility, minimal or no visual impact, liability and risk assessment, site acquisition, maintenance and construction costs.

Description of Coverage Area

AT&T’s objective in locating a WCF at this site is to provide improved in-building and in-transit wireless coverage. The Proposed Facility is needed to close a significant service coverage gap in personal wireless service and provide improved coverage in an area along near E Main Ave and the surrounding residential community. The Proposed Facility will improve coverage to the surrounding residential areas, including the agricultural areas that are present within this zone.

Site Development Standards and General Plan

The location, size, design, and operating characteristics of the Proposed Facility will not create unusual noise, traffic or other conditions or situations that may be objectionable, detrimental or incompatible with the surrounding land uses. The proposed use is consistent with this finding in that:

The proposed equipment associated with the telecommunication structure operates quietly or virtually noise free.

The equipment does not emit fumes, smoke, or odors that could be considered objectionable.

The Proposed Facility will be unmanned and only requires periodic maintenance, which equates to approximately one trip per month. The Proposed Facility will not result in conditions or circumstances contrary to the public health, safety and the general welfare. The proposed use is consistent with this finding in that:

Unlike other land uses, which can be spatially determined through the General Plan or other land use plans, the location of WTFs are based on technical requirements such as network design criteria, service area, elevations, topography, heights of nearby structures, alignment with neighboring sites and customer demand.

The Proposed Facility will be unmanned, have no impact on circulation systems, and generate no noise, odor, smoke, or any other adverse impacts to adjacent land uses. The proposed facility will allow commuters and residents within the coverage area wireless access to the rapidly expanding communications infrastructure by providing voice and data transmission services not currently available. The installation of antenna sectors and transmission equipment will not result in any material changes to the character of the local community. This Proposed Facility will operate in

full compliance with applicable state and federal laws, including the Telecommunications Act of 1996.

Regulating Agencies

AT&T is regulated by the FCC and is authorized to operate in the frequencies established for PCS operators. AT&T's WTFs operate at the lowest possible power levels and are well below established standards used by the FCC for safe human exposure to radio frequency electromagnetic fields. These standards have been tested and proved safe by the American National standards Institute (ANSI) and the Institute of Electrical and Electronics Engineers (IEEE). As explained in the RF engineering analysis provided by Hammett & Edison, Inc., Consulting Engineers, submitted with this Application, the Proposed Facility will operate well within all applicable FCC public exposure limits.

Alternative Analysis- The following locations were pursued prior to the selection of this current candidate. There were numerous attempts to obtain landlord interest and for varying reasons each location was either unresponsive or had no interest. Candidate 8 below was the only one that had prior interest and a zoning application was filed with the County of Santa Clara. Unfortunately, AT&T and the Landlord were unable to come to terms on a lease agreement and this location was cancelled.

Option	Address	Type of Build	Notes
1	1250 Condit Road	Stealth Tower	Unable to obtain interest from Landlord
2	16715 Condit Road	Stealth Tower	Unable to obtain interest from Landlord
3	16725 Condit Road	Stealth Tower	Unable to obtain interest from Landlord
4	16695 Condit Road	Stealth Tower	Unable to obtain interest from Landlord
5	1320 Diana Ave	Stealth Tower	Landlord was not interested.
6	1170 Diana Ave	Stealth Tower	Landlord was not interested.
7	17045 Condit Road	Stealth Tower	Landlord was not interested.
8	1480 E. Main Ave	Stealth Tower	This project had an application filed with the County of Santa Clara and was ultimately withdrawn as AT&T was unable to obtain a lease agreement with the landlord.
9	1155 Diana Ave	Stealth Tower	Unable to obtain interest from Landlord
10	17025 Condit Road	Stealth Tower	Unable to obtain interest from Landlord
11	17100 Laurel Road	Stealth Tower	Unable to obtain interest from Landlord

City of Morgan Hill
Resolution No. 20-14
Page 14 of 14

Please feel free to contact me if you have any questions.

Regards,

Tom Johnson
TSJ Consulting Inc.
925-785-3727
tom@tsjconsultinginc.com

Attachment: Resolution [Revision 6] (2902 : Condit AT&T)



CCL03716B - MORGAN HILL SPORTS CENTER

USID: 288880, FA: 10150855
PACE: MRSFR003794, PTN: 3701A0B1QB
16500 CONDIT RD
MORGAN HILL, CA 95037

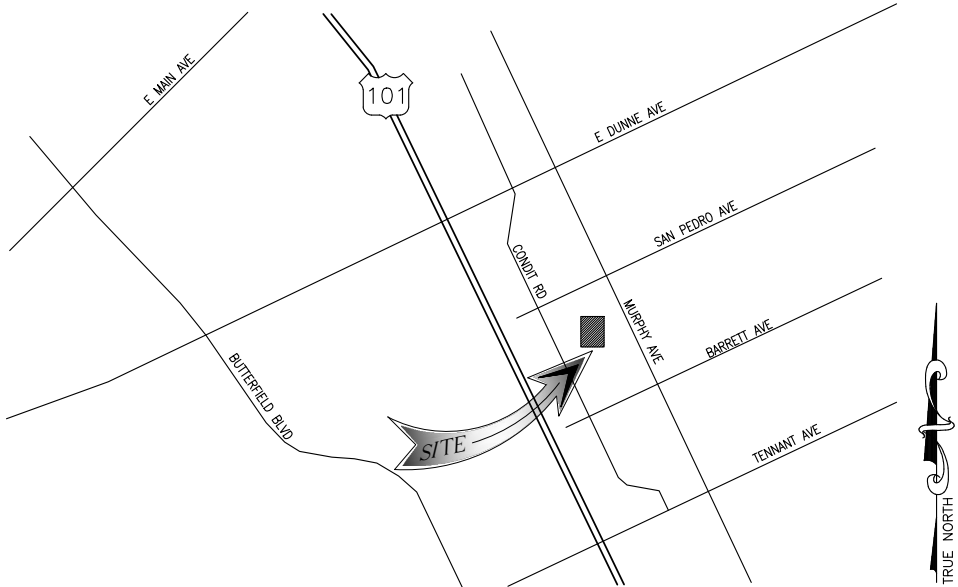
SITE INFORMATION

SITE ADDRESS: 16500 CONDIT RD
MORGAN HILL, CA 95037
LATITUDE (NAD 83): 37° 07' 41.52" N
37.128199°
LONGITUDE (NAD 83): 121° 37' 41.51" W
-121.628221°
GROUND ELEVATION: 353.7' AMSL (NAVD 88)
JURISDICTION: CITY OF MORGAN HILL
PROPERTY OWNER: THE CITY OF MORGAN HILL
17555 PEAK AVE
MORGAN HILL, CA 95037
ZONING: PF
PARCEL/MAP NUMBER: 817-13-001 01
STRUCTURE TYPE: LIGHT POLE
STRUCTURE HEIGHT: 71.0' (AGL)
POWER SUPPLIER: PGE
TELCO SUPPLIER: AT&T
LEASE AREA: 18'-6" X 34'-4" = 635 S.F.

PROJECT TEAM

APPLICANT: AT&T MOBILITY
5001 EXECUTIVE PARKWAY
SAN RAMON, CA 94583
PROJECT MANAGEMENT FIRM: VINCULUMS SERVICES
575 LENNON LANE, SUITE 125
WALNUT CREEK, CA 94598
CONTACT: MICHELE PHIPPEN
PHONE: (925) 895-3734
EMAIL: mhippen@vinculums.com
RF ENGINEER: AT&T MOBILITY
5001 EXECUTIVE PARKWAY
SAN RAMON, CA 94583
CONTACT: HARPREET SINGH
PHONE: (248) 885-5496
EMAIL: hs357s@att.com
CONSTRUCTION MANAGER: VINCULUMS SERVICES
575 LENNON LANE, SUITE 125
WALNUT CREEK, CA 94598
CONTACT: FLOYD GREEN
PHONE: (480) 528-1927
EMAIL: fgreen@vinculums.com
SITE ACQ/ZONING MANAGER: TSJ CONSULTING INC.
30767 GATEWAY PLACE #194
RANCHO MISSION VIEJO, CA. 92694
CONTACT: TOM JOHNSON
PHONE: (925) 785-3727
EMAIL: tom@tsjconsultinginc.com
A/E MANAGER: TSJ CONSULTING INC.
30767 GATEWAY PLACE #194
RANCHO MISSION VIEJO, CA. 92694
CONTACT: DAN CONNELL
PHONE: (949) 306-4644
EMAIL: dan@tsjconsultinginc.com

VICINITY MAP



DIRECTIONS

- DIRECTIONS FROM AT&T OFFICE:
1. GET ON I-680 S
 2. HEAD SOUTHWEST ON BOLLINGER CANYON RD TOWARD BOLLINGER CANYON RD
 3. USE THE RIGHT LANE TO MERGE ONTO I-680 S VIA THE RAMP TO SAN JOSE
 4. FOLLOW I-680 S AND US-101 S TO E DUNNE AVE IN MORGAN HILL. TAKE THE EAST DUNNE AVE EXIT FROM US-101 S
 5. MERGE ONTO I-680 S
 6. USE THE RIGHT 3 LANES TO TAKE EXIT 1B TO MERGE ONTO US-101 S TOWARD LOS ANGELES
 7. TAKE THE EAST DUNNE AVE EXIT TOWARD MORGAN HILL
 8. FOLLOW E DUNNE AVE AND CONDIT RD TO YOUR DESTINATION
 9. TURN LEFT ONTO E DUNNE AVE
 10. TURN RIGHT ONTO CONDIT RD
 11. TURN LEFT
 12. DESTINATION WILL BE ON THE RIGHT

CODE COMPLIANCE

- ALL WORK AND MATERIALS SHALL BE PERFORMED AND INSTALLED IN ACCORDANCE WITH THE CURRENT EDITIONS OF THE FOLLOWING CODES AS ADOPTED BY THE LOCAL GOVERNING AUTHORITIES. NOTHING IN THESE PLANS IS TO BE CONSTRUED TO PERMIT WORK NOT CONFORMING TO THE LATEST EDITIONS OF THE FOLLOWING CODES.
- 2019 CALIFORNIA BUILDING CODE
 - 2019 CALIFORNIA TITLE 24
 - 2019 CALIFORNIA FIRE CODE
 - 2019 CALIFORNIA ENERGY CODE
 - 2019 CALIFORNIA MECHANICAL CODE
 - TIA/EIA-222-F OR LATEST EDITION

DRAWING INDEX

- | | |
|-----|-------------------------------|
| T-1 | TITLE SHEET |
| C-1 | SITE SURVEY |
| C-2 | SITE SURVEY |
| A-1 | SITE PLAN |
| A-2 | ENLARGED SITE PLAN |
| A-3 | EQUIPMENT AND ANTENNA LAYOUTS |
| A-4 | ELEVATIONS |
| E-1 | PRELIMINARY ELECTRICAL DESIGN |

DRAWING SCALE

THESE DRAWINGS ARE SCALED TO FULL SIZE AT 24"X36" AND HALF SIZE AT 11"X17". CONTRACTOR SHALL VERIFY ALL PLANS AND EXISTING DIMENSIONS AND CONDITIONS ON THE JOB SITE AND SHALL IMMEDIATELY NOTIFY THE DESIGNER / ENGINEER IN WRITING OF ANY DISCREPANCIES BEFORE PROCEEDING WITH THE WORK OR MATERIAL ORDERS OR BE RESPONSIBLE FOR THE SAME. CONTRACTOR SHALL USE BEST MANAGEMENT PRACTICE TO PREVENT STORM WATER POLLUTION DURING CONSTRUCTION.

SCOPE OF WORK

THIS PROJECT CONSISTS OF THE INSTALLATION OF A NEW AT&T WIRELESS ANTENNA FACILITY:

SCOPE OF WORK:

EQUIPMENT AREA:

- INSTALL (1) 30KW GENERATOR ON A CONCRETE PAD.
- INSTALL (1) GPS
- INSTALL (1) CWIC WITH EQUIPMENT ON A CONCRETE PAD.
- INSTALL UNDERGROUND POWER AND FIBER ROUTE.
- INSTALL METER ENCLOSURE.

ANTENNA AREA:

- REPLACE (E) 71' TALL LIGHT POLE WITH NEW 71'TALL LIGHT POLE
- INSTALL (9) 5'-0" TALL PANEL ANTENNAS, (3) PER SECTOR ON NEW LIGHT POLE.
- INSTALL (18) RRUS, (6) PER SECTOR, STACKED ON NEW LIGHT POLE.
- INSTALL (4) DC-9 SURGE SUPPRESSORS

CONSULTANT



TSJ CONSULTING INC.
30767 GATEWAY PLACE #194
RANCHO MISSION VIEJO, CA. 92694

APPLICANT



SITE INFORMATION

CCL03716B
MORGAN HILL SPORTS
CENTER
16500 CONDIT RD
MORGAN HILL, CA 95037

DESIGN RECORD

REVISIONS

REV	DATE	DESCRIPTION	BY
1	07/01/20	100% ZD	D
0	05/29/20	90% ZD	D

PROFESSIONAL STAMP



Date Signed 07/01/2020

SHEET TITLE

TITLE SHEET

SHEET

T-1

NOTES

OWNER(S): CITY OF MORGAN HILL

APN: 817-13-001

THIS DRAWING DOES NOT REPRESENT A BOUNDARY SURVEY OF ANY PARCEL OF LAND, NOR DOES IT IMPLY OR INFER THAT A BOUNDARY SURVEY WAS PERFORMED. THIS IS A SPECIALIZED TOPOGRAPHIC MAP WITH PROPERTY AND EASEMENTS BEING A GRAPHIC DEPICTION BASED ON INFORMATION GATHERED FROM VARIOUS SOURCES OF RECORD AND AVAILABLE MONUMENTATION. PROPERTY LINES AND LINES OF TITLE WERE NEITHER INVESTIGATED NOR SURVEYED AND SHALL BE CONSIDERED APPROXIMATE ONLY. NO PROPERTY MONUMENTS WERE SET.

THE EASEMENTS (IF ANY) THAT APPEAR ON THIS MAP HAVE BEEN PLOTTED BASED SOLELY ON INFORMATION CONTAINED IN THE REPORT OF TITLE BY: FIDELITY NATIONAL TITLE INSURANCE COMPANY, ORDER NO. 31454084, DATED APRIL 29, 2020. WITHIN SAID TITLE REPORT THERE ARE (0) EXCEPTIONS LISTED, (0) OF WHICH ARE EASEMENTS AND (0) OF WHICH CAN NOT BE PLOTTED.

THE UNDERGROUND UTILITIES (IF ANY) THAT APPEAR ON THIS MAP HAVE BEEN LOCATED BY FIELD OBSERVATION. THE SURVEYOR MAKES NO GUARANTEE THAT THE UNDERGROUND UTILITIES SHOWN COMPRISE ALL SUCH UTILITIES IN THE AREA, EITHER IN SERVICE OR ABANDONED. THE SURVEYOR FURTHER DOES NOT WARRANT THAT THE UNDERGROUND UTILITIES SHOWN ARE IN THE EXACT LOCATION INDICATED ALTHOUGH HE DOES STATE THAT THEY ARE LOCATED AS ACCURATELY AS POSSIBLE FROM THE INFORMATION AVAILABLE.

THE FEDERAL EMERGENCY MANAGEMENT AGENCY FLOOD RATE MAP FOR COMMUNITY NO. 06085C, PANEL NO. 0444H, INDICATES THAT NO PANEL HAS BEEN PRINTED FOR THE SUBJECT PROPERTY'S IMMEDIATE AREA AS NOTED ON THE MERCED COUNTY FLOOD MAP INDEX, DATED MAY 18, 2009 ("ALL ZONE X")

THE LATITUDE AND LONGITUDE AT THE LOCATION AS SHOWN WAS DETERMINED BY GPS OBSERVATIONS.

LAT. 37° 07' 41.52" N NAD 83 (37.128199°)
LONG. 121° 37' 41.51" W NAD 83 (-121.628221°)
ELEV. 353.7' NAVD 88 (BASIS OF DRAWING)

The information shown above meets or exceeds the requirements set forth in FAA order 8260.19D for 1-A accuracy (± 20' horizontally and ± 3' vertically). The horizontal datum (coordinates) are expressed as degrees, minutes and seconds, to the nearest hundredth of a second. The vertical datum (heights) are expressed in feet and decimals thereof and are determined to the nearest 0.1 foot.

LESSOR'S PROPERTY LEGAL DESCRIPTION PER TITLE REPORT

PROPERTY LOCATED IN SANTA CLARA COUNTY, CALIFORNIA

ALL THAT CERTAIN REAL PROPERTY SITUATE IN THE UNINCORPORATED AREA, COUNTY OF SANTA CLARA, STATE OF CALIFORNIA, DESCRIBED AS FOLLOWS:

PARCEL ONE:

ALL OF LOTS 69 AND 70, AS SHOWN ON THAT CERTAIN MAP ENTITLED, "CATHERINE DUNNE RANCH MAP NO. 5", WHICH MAP WAS FILED FOR RECORD IN THE OFFICE OF THE RECORDER OF THE COUNTY OF SANTA CLARA, SLATE OF CALIFORNIA ON APRIL 5, 1897 IN BOOK "I" OF MAPS, AT PAGE 59.

PARCEL TWO:

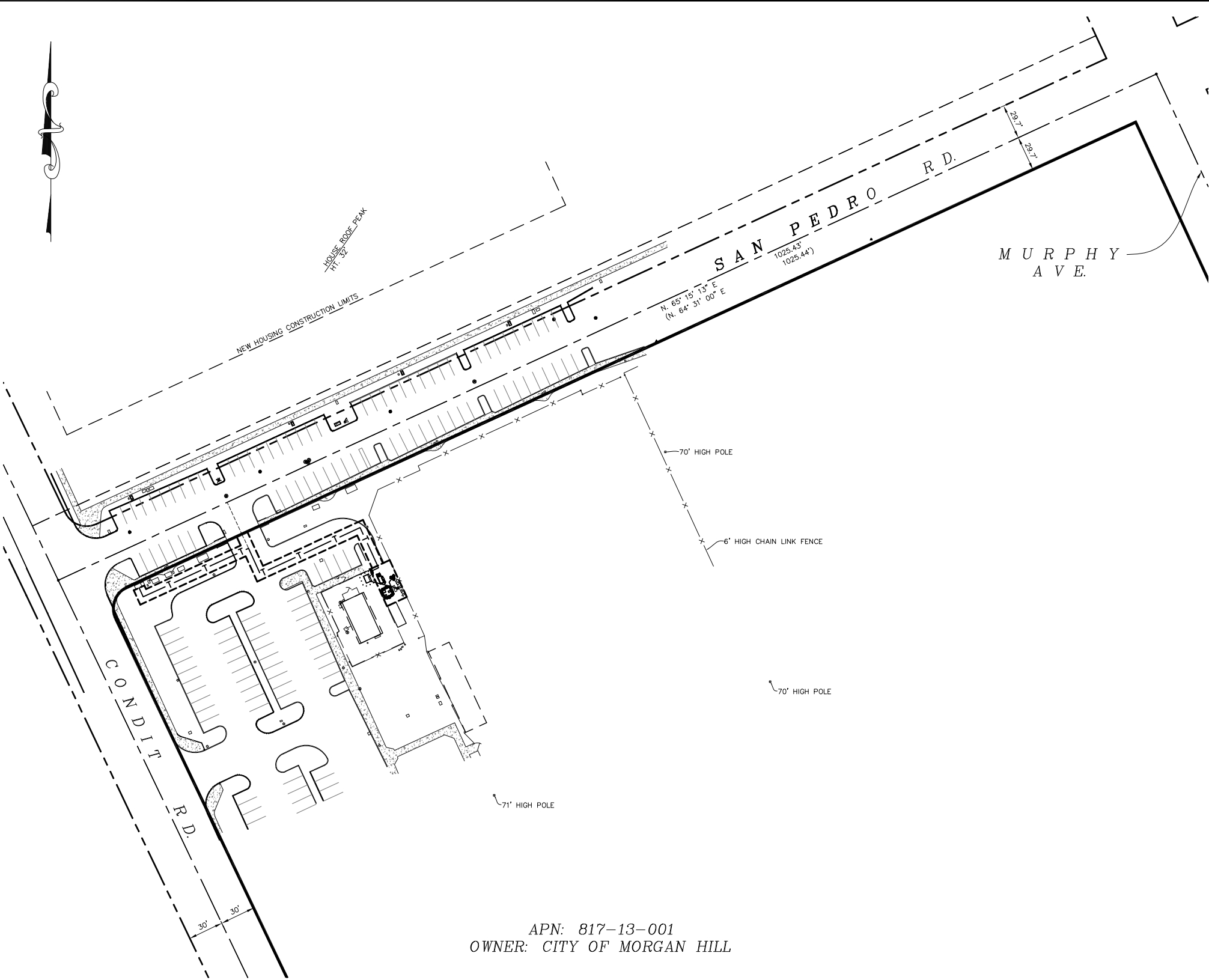
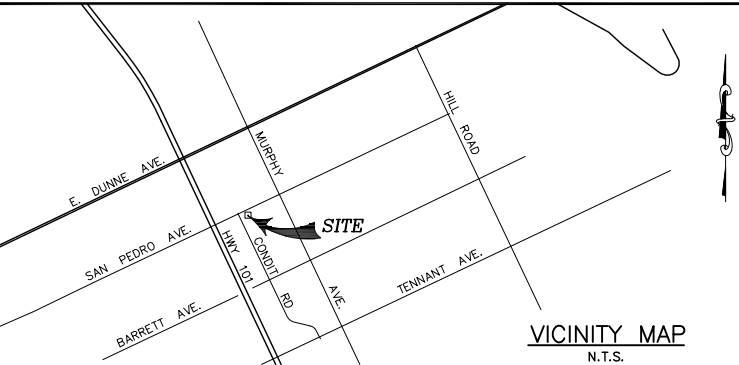
ALL OF LOTS 10 AND 11, AS SHOWN ON THAT CERTAIN MAP ENTITLED, "CATHERINE DUNNE RANCH MAP NO. 7", WHICH MAP WAS FILED FOR RECORD IN THE OFFICE OF THE RECORDER OR THE COUNTY OF SANTA CLARA, STATE OF CALIFORNIA ON MARCH 5, 1908 IN BOOK "L" OF MAPS, AT PAGE 26.

EXCEPTING FROM PARCELS 1 AND 2, ABOVE DESCRIBED THAT CERTAIN PARCEL OF LAND MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCING AT THE INTERSECTION OF THE SOUTHWESTERLY LINE OF LOT 11 AND THE NORTHWESTERLY LINE OF BERRETT AVENUE AS SAID LOT AND AVENUE ARE SHOWN ON THAT CERTAIN MAP ENTITLED, "CATHERINE DUNNE RANCH MAP NO. 7", FILED MARCH 5, 1908 IN BOOK "L" OF MAPS, AT PAGE 26, IN THE OFFICE OF THE RECORDER OF SANTA CLARA COUNTY; THENCE ALONG SAID NORTHWESTERLY LINE N. 65° 15' 50" E., 80.00 FEET; THENCE FROM A TANGENT THAT BEARS S. 65° 15' 50" W., ALONG A CURVE TO THE RIGHT WITH A RADIUS OF 20.00 FEET THROUGH AN ANGLE OF 90° 00' 00", AN ARC LENGTH OF 31.42 FEET; THENCE N. 24° 44' 10" W., 1550.08 FEET; THENCE ALONG A TANGENT CURVE TO THE RIGHT WITH A RADIUS OF 20.00 FEET; THROUGH AN ANGLE OF 90° 00' 00", AN ARC LENGTH OF 31.42 FEET TO THE SOUTHWESTERLY LINE OF SAN PEDRO AVENUE AS SAID AVENUE IS SHOWN UPON THAT CERTAIN MAP ENTITLED, "CATHERINE DUNNE RANCH MAP NO. 5", FILED ON APRIL 5, 1897, IN BOOK "I" OF MAPS, AT PAGE 59, IN THE OFFICE OF THE RECORDER OF SANTA CLARA COUNTY; THENCE ALONG LAST SAID LINE AND ALONG THE SOUTHWESTERLY LINE OF SAID LOTS 11 AND 69, S. 65° 15' 50" W., 80.00 FEET AND S. 24° 44' 10", E. 1590.06 FEET TO THE POINT OF COMMENCEMENT.

AND BEING THE SAME PROPERTY CONVEYED TO CITY OF MORGAN HILL, A MUNICIPAL CORPORATION OF THE COUNTY OF SANTA CLARA, STATE OF CALIFORNIA FROM MORGAN HILL REDEVELOPMENT AGENCY ALSO KNOWN AS REDEVELOPMENT AGENCY OF THE CITY OF MORGAN HILL BY GRANT DEED DATED FEBRUARY 25, 2011 AND RECORDED FEBRUARY 28, 2011 IN INSTRUMENT NO. 21096113.

TAX PARCEL NO. 817-13-001-01



APN: 817-13-001
OWNER: CITY OF MORGAN HILL

OVERALL SITE MAP
1" = 50'

LEGEND

- SITE BOUNDARY LINE
- OVERHEAD POWER LINE
- PROPERTY BOUNDARY (PER TITLE REPORT)
- EDGE OF PAVEMENT
- FENCELINE
- POWER POLE
- SPOT ELEVATION
- CONCRETE PAD
- P.O.B.
- P.O.C.
- ()
- POINT OF BEGINNING
- POINT OF COMMENCEMENT
- EXCEPTION # PER TITLE REPORT
- RECORD DATA PER PARCEL MAP
- FOR LOT LINE ADJUSTMENT
- RECORDED IN BK 900 OF MAPS
- AT PGS 1 AND 2

3.2

P.O. BOX 81626 BAKERSFIELD, CA 93380
PHONE: (661) 393-1217 FAX: (661) 393-1218

ALL DRAWINGS AND WRITTEN MATERIAL CONTAINED HEREIN ARE THE PROPERTY OF ARCHITECT/ENGINEER/SURVEYOR AND MAY NOT BE DUPLICATED, USED, OR DISCLOSED WITHOUT THE WRITTEN CONSENT OF THE ARCHITECT/ENGINEER/SURVEYOR.

SPACE RESERVED FOR PROFESSIONAL SEAL

REVISION			
NO.	DESCRIPTION	BY	DATE
0	PRELIM. ISSUE	CC	05/20/
1	ADDED EQUIP	CC	06/02/
2	REVISION	EJ	06/30/

THIS DRAWING IS COPYRIGHTED AND IS THE SOLE PROPERTY OF THE OWNER. IT IS PRODUCED SOLELY FOR THE USE BY THE OWNER AND IT'S AFFILIATES. REPRODUCTION USE OF THIS DRAWING AND/OR THE INFORMATION CONTAINED IN IT IS FORBIDDEN WITHOUT THE WRITTEN PERMISSION OF THE OWNER.

DRAWN BY:	CC
CHECKED BY:	DA
DATE DRAWN:	05/20/20
SMITHCO JOB #:	56-1080

SITE NAME
CCL03716
MORGAN HILL
SPORTS CENTER
SITE ADDRESS
16500 CONDIT ROAD
MORGAN HILL, CA 95037
SANTA CLARA COUNTY
SHEET TITLE
SITE SURVEY
FOR EXAMINATION ONLY
SHEET
C-1

Packet Pg. 43

Attachment: Project plans (2902 : Condit AT&T)

LEASE AREA DESCRIPTION:

BEING A PORTION OF LOTS 69 AND 70, AS SHOWN ON THAT CERTAIN MAP ENTITLED, "CATHERINE DUNNE RANCH MAP NO. 5, WHICH MAP WAS FILED FOR RECORD IN THE OFFICE OF THE RECORDER OF THE COUNTY OF SANTA CLARA, STATE OF CALIFORNIA ON MARCH 5, 1908 IN BOOK "I" OF MAPS AT PAGE 59, SAID PORTION BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCING AT THE INTERSECTION OF SAN PEDRO ROAD AND CONDIT ROAD, SAID INTERSECTION IS SHOWN WITH A 3/4" IRON PIPE IN MONUMENT WELL PER "PARCEL MAP FOR LOT LINE ADJUSTMENT" RECORDED IN BOOK 900 OF MAPS AT PAGES 1 AND 2, SANTA CLARA COUNTY RECORDS; THENCE ON AND ALONG THE CENTERLINE OF SAID SAN PEDRO ROAD, NORTH 65°15'13" EAST, A DISTANCE OF 157.79 FEET; THENCE LEAVING SAID CENTERLINE, SOUTH 24°44'47" EAST, A DISTANCE OF 29.70 FEET TO THE SOUTHEASTERLY RIGHT OF WAY LINE OF SAID ROAD; THENCE SOUTH 24°44'47" EAST, A DISTANCE OF 36.98 FEET; THENCE NORTH 65°15'13" EAST, A DISTANCE OF 93.31 FEET; THENCE SOUTH 24°44'47" EAST, A DISTANCE OF 35.53 FEET TO THE POINT OF BEGINNING;

COURSE 1) THENCE NORTH 65°15'13" EAST, A DISTANCE OF 11.30 FEET;
COURSE 2) THENCE SOUTH 24°44'47" EAST, A DISTANCE OF 34.50 FEET;
COURSE 3) THENCE SOUTH 65°15'13" WEST, A DISTANCE OF 18.45 FEET;
COURSE 4) THENCE NORTH 24°44'47" WEST, A DISTANCE OF 34.50 FEET;
COURSE 5) THENCE NORTH 65°15'13" EAST, A DISTANCE OF 7.15 FEET TO THE POINT OF BEGINNING;

CONTAINING 636 SQUARE FEET, MORE OR LESS.

ACCESS — UTILITY EASEMENT DESCRIPTION:

A 10 FOOT WIDE EASEMENT FOR ACCESS AND UTILITY PURPOSES OVER, ACROSS AND THROUGH A PORTION OF LOTS 69 AND 70, AS SHOWN ON THAT CERTAIN MAP ENTITLED, "CATHERINE DUNNE RANCH MAP NO. 5, WHICH MAP WAS FILED FOR RECORD IN THE OFFICE OF THE RECORDER OF THE COUNTY OF SANTA CLARA, STATE OF CALIFORNIA ON MARCH 5, 1908 IN BOOK "I" OF MAPS AT PAGE 59, LYING 5.00 FEET ON EACH SIDE OF THE FOLLOWING DESCRIBED CENTERLINE:

COMMENCING AT THE INTERSECTION OF SAN PEDRO ROAD AND CONDIT ROAD, SAID INTERSECTION IS SHOWN WITH A 3/4" IRON PIPE IN MONUMENT WELL PER "PARCEL MAP FOR LOT LINE ADJUSTMENT" RECORDED IN BOOK 900 OF MAPS AT PAGES 1 AND 2, SANTA CLARA COUNTY RECORDS; THENCE ON AND ALONG THE CENTERLINE OF SAID SAN PEDRO ROAD, NORTH 65°15'13" EAST, A DISTANCE OF 157.79 FEET; THENCE LEAVING SAID CENTERLINE, SOUTH 24°44'47" EAST, A DISTANCE OF 29.70 FEET TO THE SOUTHEASTERLY RIGHT OF WAY LINE OF SAID ROAD, SAID POINT ALSO BEING THE POINT OF BEGINNING;

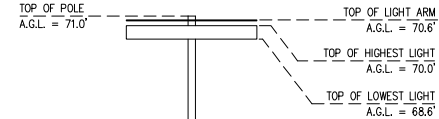
COURSE 1) THENCE LEAVING SAID RIGHT OF WAY, SOUTH 24°44'47" EAST, A DISTANCE OF 13.31 FEET, TO A POINT HEREINAFTER DESCRIBED AS POINT "A";
COURSE 2) THENCE CONTINUING SOUTH 24°44'47" EAST, A DISTANCE OF 23.67 FEET;
COURSE 3) THENCE NORTH 65°15'13" EAST, A DISTANCE OF 93.31 FEET;
COURSE 4) THENCE SOUTH 24°44'47" EAST, A DISTANCE OF 35.53 FEET TO THE TERMINUS OF THIS DESCRIPTION;

TOGETHER WITH A 10.00 FOOT WIDE EASEMENT FOR ACCESS AND UTILITY PURPOSES OVER, ACROSS AND THROUGH A PORTION OF LOTS 69 AND 70, AS SHOWN ON THAT CERTAIN MAP ENTITLED, "CATHERINE DUNNE RANCH MAP NO. 5, WHICH MAP WAS FILED FOR RECORD IN THE OFFICE OF THE RECORDER OF THE COUNTY OF SANTA CLARA, STATE OF CALIFORNIA ON MARCH 5, 1908 IN BOOK "I" OF MAPS AT PAGE 59, LYING 5.00 FEET ON EACH SIDE OF THE FOLLOWING DESCRIBED CENTERLINE:

BEGINNING AT THE HEREINBEFORE DESCRIBED POINT "A";

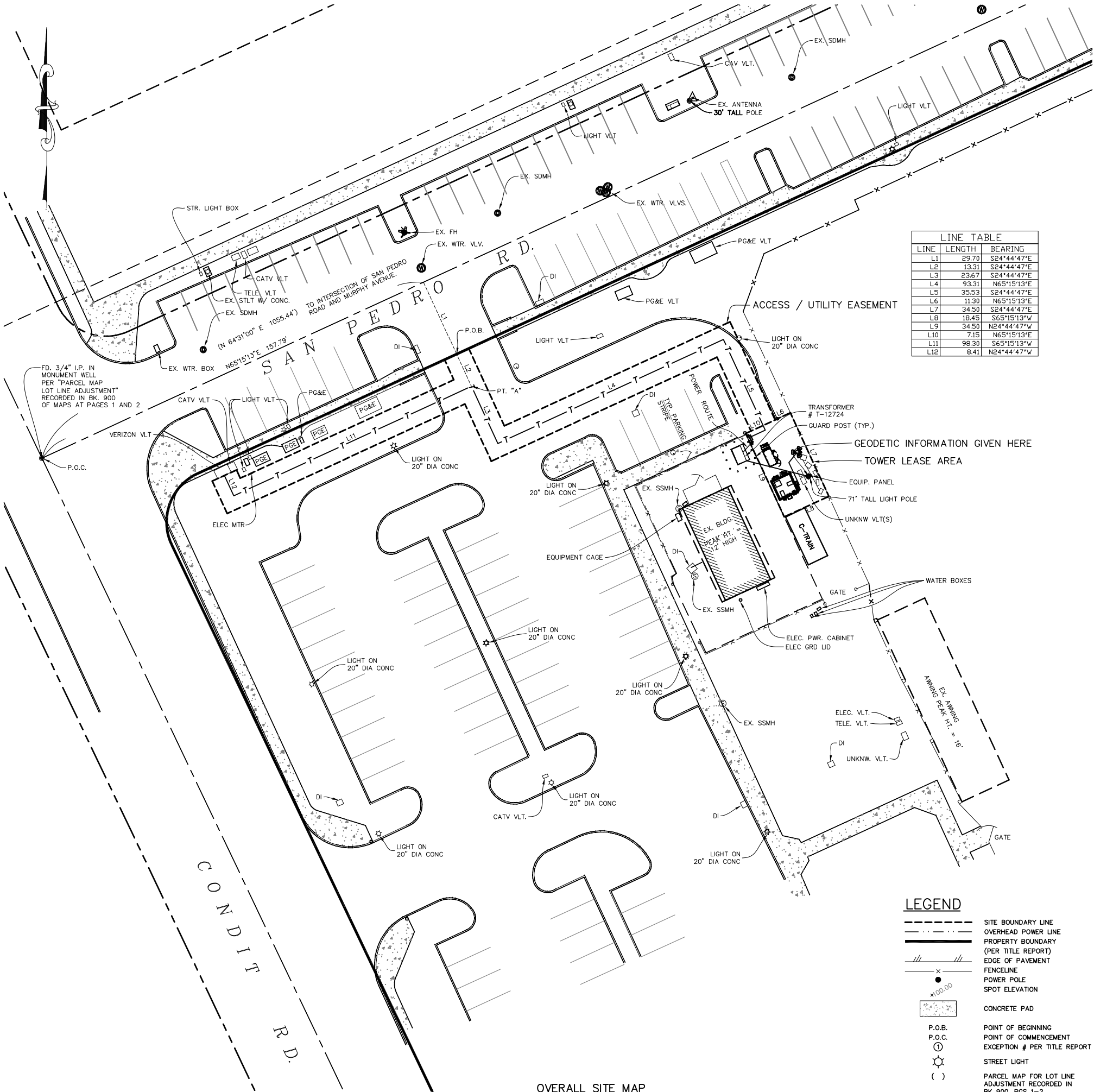
COURSE 1) THENCE SOUTH 65°15'13" WEST, A DISTANCE OF 98.30 FEET;
COURSE 2) THENCE NORTH 24°44'47" WEST, A DISTANCE OF 8.41 FEET TO THE TERMINUS OF THIS DESCRIPTION;

CONTAINING 2,675 SQUARE FEET, MORE OR LESS.



ELEVATION VIEW—LOOKING SOUTHWEST

SCALE: 1" = 10'



LINE TABLE		
LINE	LENGTH	BEARING
L1	29.70	S24°44'47"E
L2	13.31	S24°44'47"E
L3	23.67	S24°44'47"E
L4	93.31	N65°15'13"E
L5	35.53	S24°44'47"E
L6	11.30	N65°15'13"E
L7	34.50	S24°44'47"E
L8	18.45	S65°15'13"W
L9	34.50	N24°44'47"W
L10	7.15	N65°15'13"E
L11	98.30	S65°15'13"W
L12	8.41	N24°44'47"W



3.2

AT&T

TSJ CONSULTING
NETWORK DEVELOPE



P.O. BOX 81626 BAKERSFIELD, CA 93380
PHONE: (661) 393-1217 FAX: (661) 393-1218

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SPACE RESERVED FOR PROFESSIONAL SEAL



REVISION

NO.	DESCRIPTION	BY	DATE
0	PRELIM. ISSUE	CC	05/20,
1	ADDED EQUIP	CC	06/02,
2	REVISION	EJ	06/30,

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DRAWN BY: CC
CHECKED BY: DA
DATE DRAWN: 05/20/20
SMITHCO JOB #: 56-1080

SITE NAME

CCL03716
MORGAN HILL
SPORTS CENTER

SITE ADDRESS

16500 CONDIT ROAD
MORGAN HILL, CA 9503'
SANTA CLARA COUNTY

SHEET TITLE

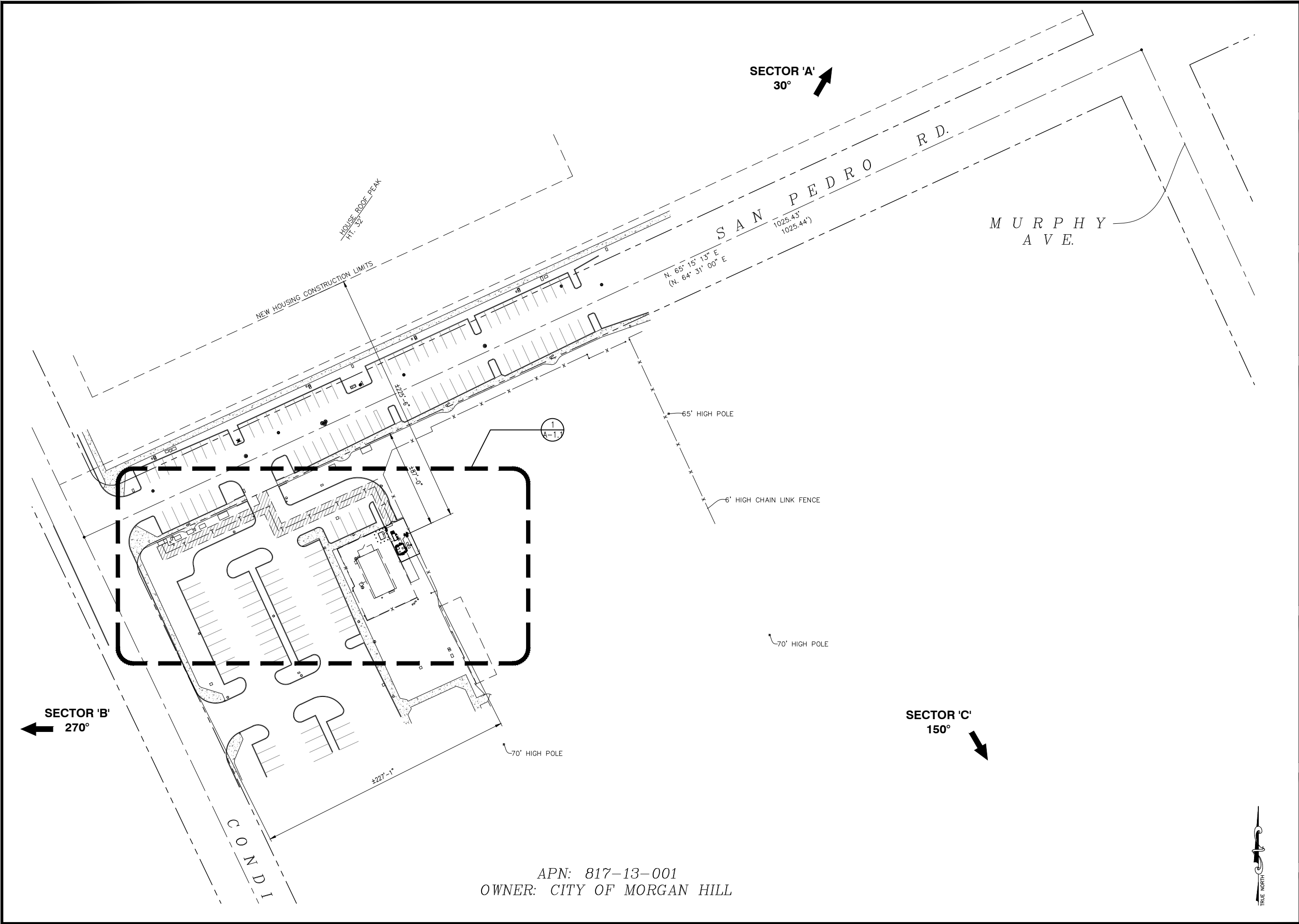
SITE SURVEY

FOR EXAMINATION ONLY

SHEET

C-1 Packet Pg. 44

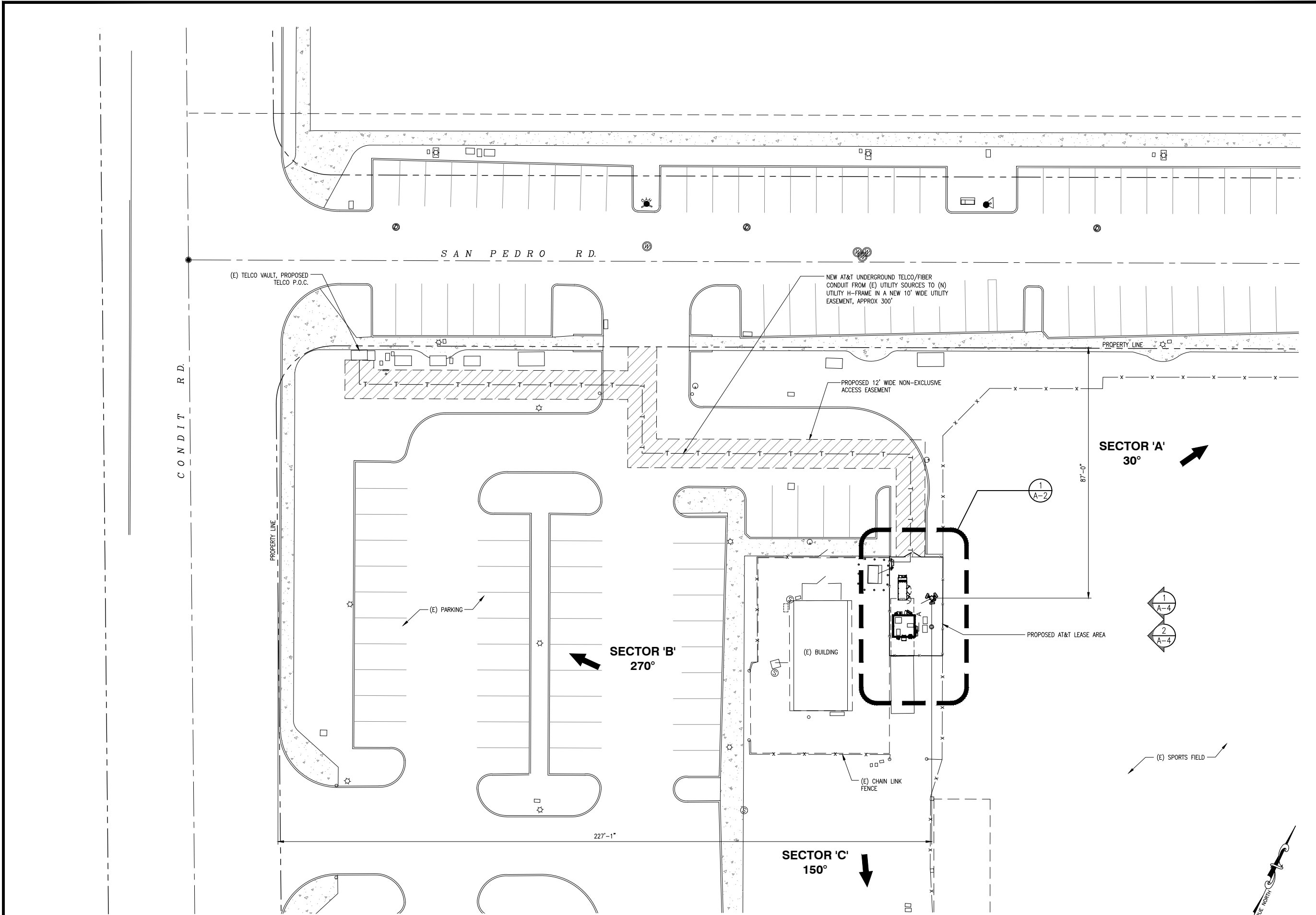
Attachment: Project plans (2902 : Condit AT&T)



APN: 817-13-001
OWNER: CITY OF MORGAN HILL

CONSULTANT	3.2  TSJ CONSULTING INC. 30767 GATEWAY PLACE #194 RANCHO MISSION VIEJO, CA. 92694												
APPLICANT	 at&t mobility corp.												
SITE INFORMATION	CCL03716B MORGAN HILL SPORTS CENTER 16500 CONDIT RD MORGAN HILL, CA 95037												
DESIGN RECORD	REVISIONS <table><tr><td>1</td><td>07/01/20</td><td>100% ZD</td><td>D</td></tr><tr><td>0</td><td>05/29/20</td><td>90% ZD</td><td>D</td></tr><tr><td>REV</td><td>DATE</td><td>DESCRIPTION</td><td>B</td></tr></table>	1	07/01/20	100% ZD	D	0	05/29/20	90% ZD	D	REV	DATE	DESCRIPTION	B
1	07/01/20	100% ZD	D										
0	05/29/20	90% ZD	D										
REV	DATE	DESCRIPTION	B										
PROFESSIONAL STAMP	 Date Signed 07/01/2020												
SHEET TITLE	SITE PLAN												
SHEET	A-1 Packet Pg. 45												

Attachment: Project plans (2902 : Condit AT&T)



ENLARGED SITE PLAN

SCALE: 1/16"=1'-0" 0 8' 16' 1

CONSULTANT

APPLICANT

SITE INFORMATION

DESIGN RECORD

PROFESSIONAL STAMP

SHEET TITLE

SHEET

TSJ

TSJ CONSULTING INC.
30767 GATEWAY PLACE #194
RANCHO MISSION VIEJO, CA. 92694

CCL03716B

MORGAN HILL SPORTS CENTER

16500 CONDIT RD
MORGAN HILL, CA 95037

REVISIONS			
REV	DATE	DESCRIPTION	BY
1	07/01/20	100% ZD	D
0	05/29/20	90% ZD	D

ENLARGED SITE PLAN

A-2

3.2

Attachment: Project plans (2902 : Condit AT&T)

Packet Pg. 46

TSJ

TSJ CONSULTING INC.
30767 GATEWAY PLACE #194
RANCHO MISSION VIEJO, CA. 92694



CCL03716B
MORGAN HILL SPORTS CENTER

16500 CONDIT RD
MORGAN HILL, CA 95037

REVISIONS

REV	DATE	DESCRIPTION	BY
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0	05/29/20	90% ZD	D

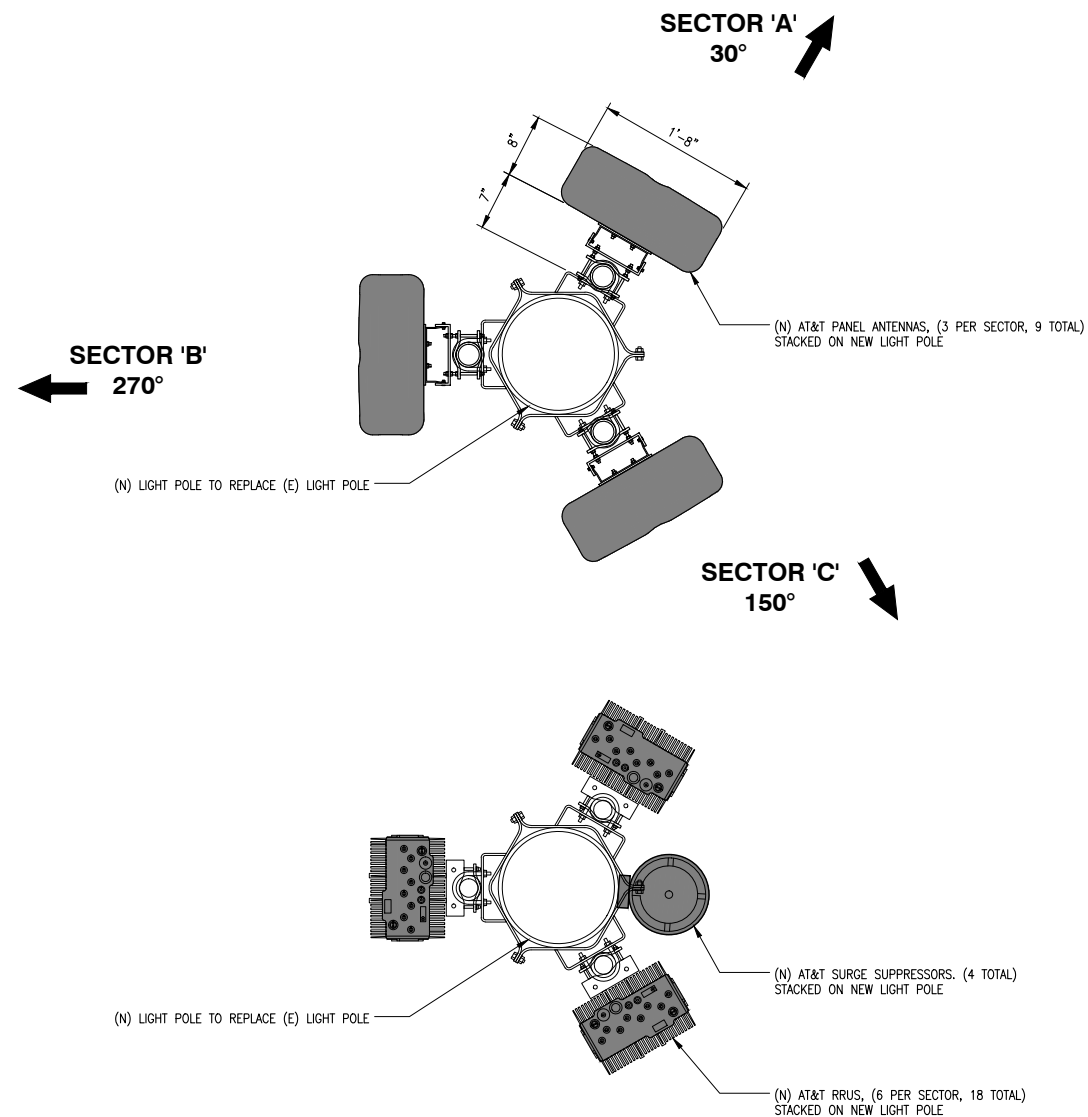


Date Signed 07/01/2020

EQUIPMENT AND ANTENNA LAYOUTS

A-3

Packet Pg. 47



ANTENNA SCHEDULE

ANTENNA SCHEDULE													
	ANTENNA POSITION	TECHNOLOGY	RAD CENTER	ANTENNA MAKE/MODEL	AZIMUTH	ANTENNA COUNT	FILTER/TMA MODEL	FILTER/TMA COUNT	TRANSMISSION LENGTH	TRANSMISSION TYPE(S)	RRUS MAKE/MODEL	RRUS COUNT	# OF DC POWER FEEDS REQUIRED
ALPHA SECTOR	A1	700 1900	61'-0"	NNH4-65A-R6H4	30°	1	-	-	±90'	DC AND FIBER TRUNKS	RRUS-4449 B5/B12 RRUS-8843 B2/B66A	1 1	2 2
	A2	700 1900	53'-6"	NNH4-65A-R6H4	30°	1	-	-	±85'		RRUS-4478 B14 RRUS-4415 B25	1 1	1 2
	A3	700 WCS	46'-0"	NNH4-65A-R6H4	30°	1	-	-	±80'		RRUS-E2 B29 RRUS-4415 B30	1 1	1 2
BETA SECTOR	B1	700 1900	61'-0"	NNH4-65A-R6H4	270°	1	-	-	±90'	DC AND FIBER TRUNKS	RRUS-4449 B5/B12 RRUS-8843 B2/B66A	1 1	2 2
	B2	700 1900	53'-6"	NNH4-65A-R6H4	270°	1	-	-	±85'		RRUS-4478 B14 RRUS-4415 B25	1 1	1 2
	B3	700 WCS	46'-0"	NNH4-65A-R6H4	270°	1	-	-	±80'		RRUS-E2 B29 RRUS-4415 B30	1 1	1 2
GAMMA SECTOR	C1	700 1900	61'-0"	NNH4-65A-R6H4	150°	1	-	-	±90'	DC AND FIBER TRUNKS	RRUS-4449 B5/B12 RRUS-8843 B2/B66A	1 1	2 2
	C2	700 1900	53'-6"	NNH4-65A-R6H4	150°	1	-	-	±85'		RRUS-4478 B14 RRUS-4415 B25	1 1	1 2
	C3	700 WCS	46'-0"	NNH4-65A-R6H4	150°	1	-	-	±80'		RRUS-E2 B29 RRUS-4415 B30	1 1	1 2
											TOTALS	18	30

ANTENNA LAYOUT

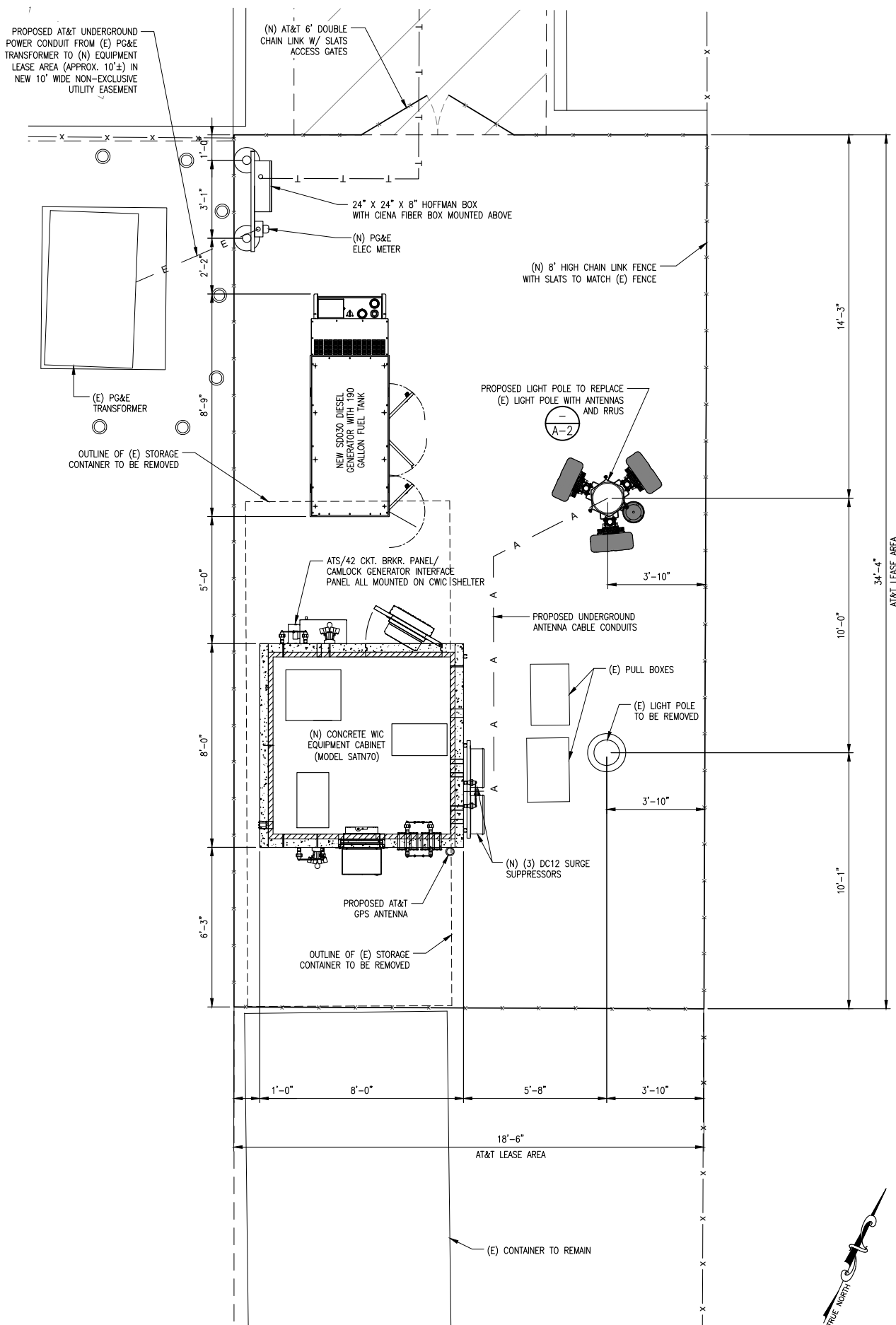
SCALE:
1"=1'-0"

2

EQUIPMENT LAYOUT

SCALE:
3/8"=1'-0"

1





TSJ CONSULTING INC.
30767 GATEWAY PLACE #194
RANCHO MISSION VIEJO, CA. 92694



CCL03716B
MORGAN HILL SPORTS CENTER
16500 CONDIT RD
MORGAN HILL, CA 95037

REVISIONS

REV	DATE	DESCRIPTION	BY
1	07/01/20	100% ZD	D
0	05/29/20	90% ZD	D

Attachment: Project plans (2902 : Condit AT&T)



Date Signed 07/01/2020

ELEVATIONS

A-4

CONSULTANT

APPLICANT

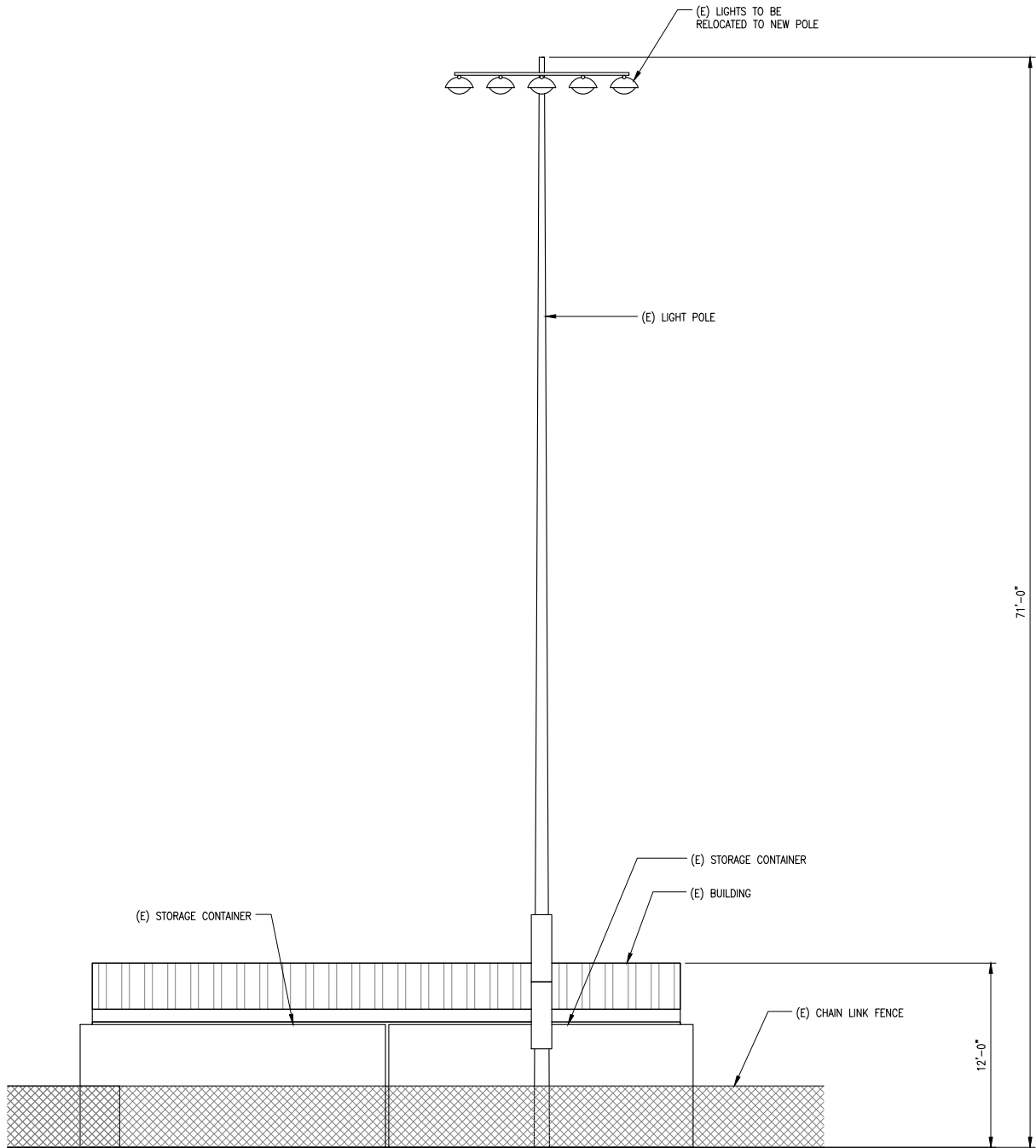
SITE INFORMATION

DESIGN RECORD

PROFESSIONAL STAMP

SHEET TITLE

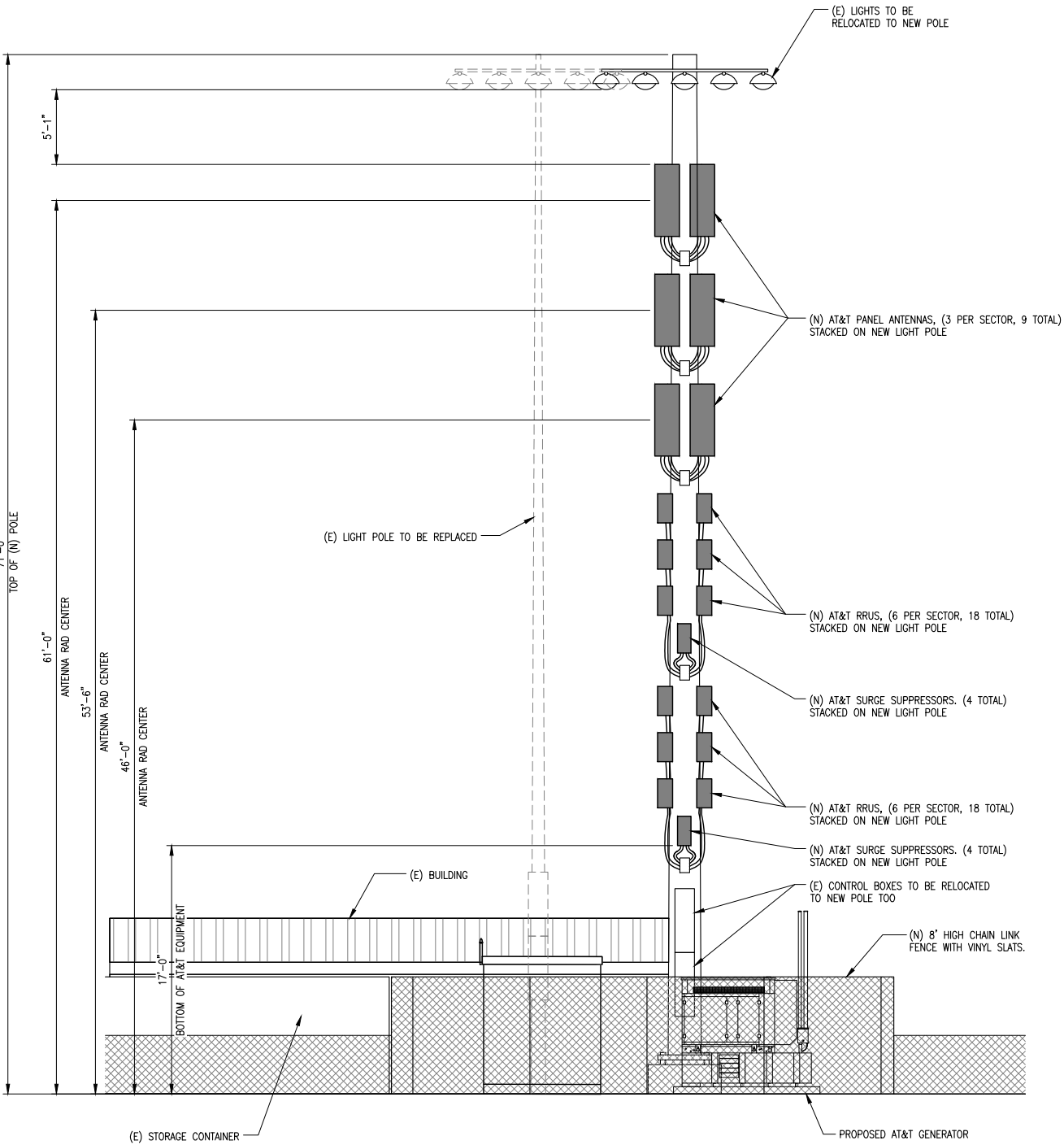
SHEET



EXISTING NORTH ELEVATION

SCALE: 1/8"=1'-0"

2



PROPOSED NORTH ELEVATION

SCALE: 1/8"=1'-0"

1



CCL03716B
MORGAN HILL SPORTS
CENTER

16500 CONDIT RD
MORGAN HILL, CA 95037

1	07/01/20	100% ZD	D
0	05/29/20	90% ZD	D
REV	DATE	DESCRIPTION	B

1	07/01/20	100% ZD	D
0	05/29/20	90% ZD	D
REV	DATE	DESCRIPTION	B

Attachment: Project plans (2902 : Condit AT&T)



Date Signed 07/01/2020

PRELIMINARY
ELECTRICAL
DESIGN

E-1

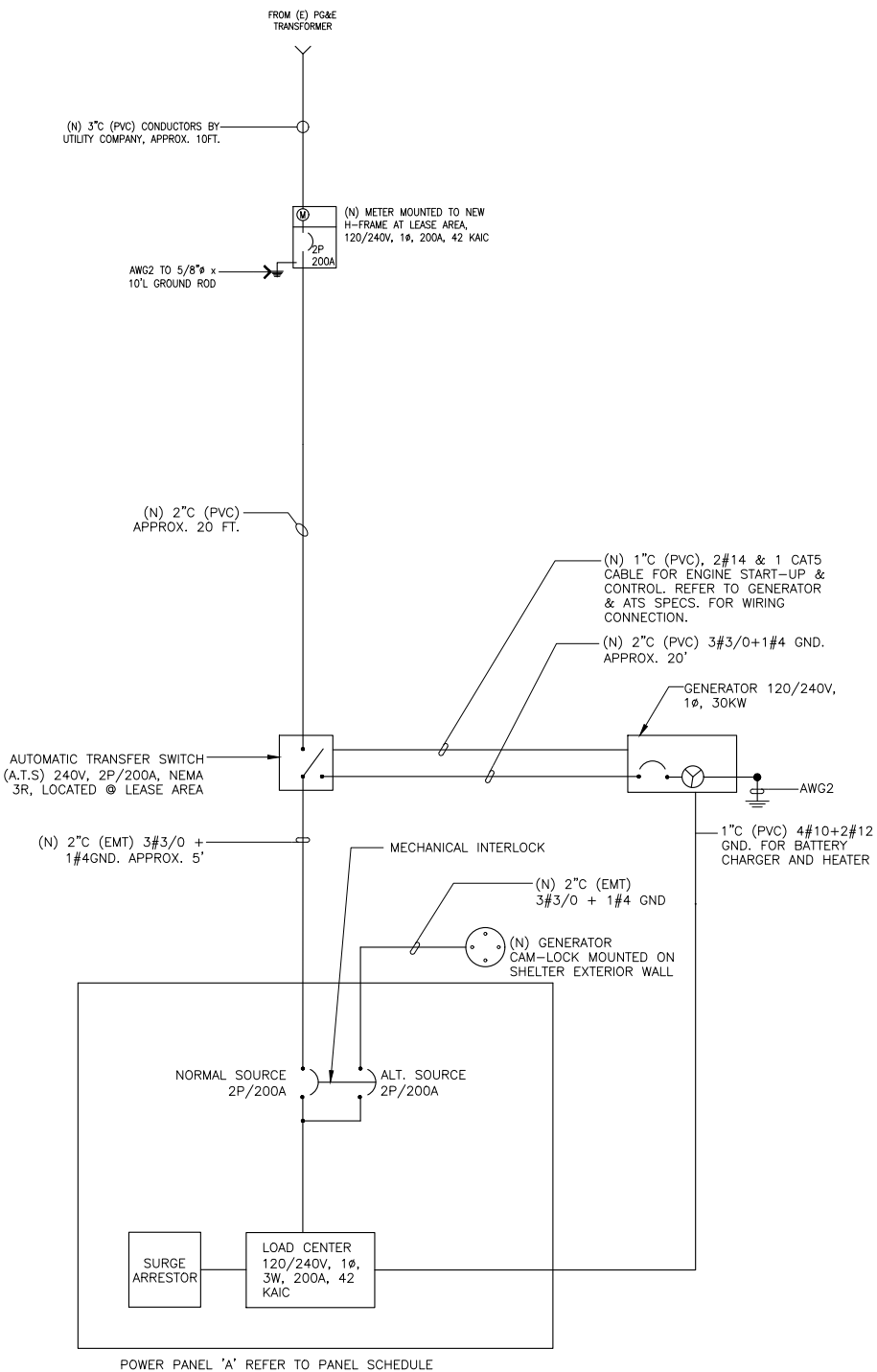
Packet Pg. 49

SHEET

5

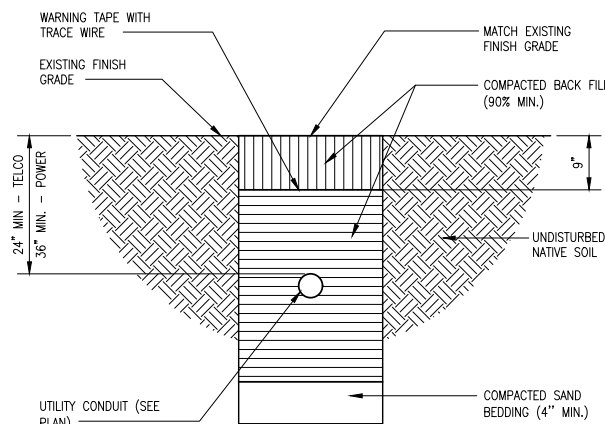
PANEL 'A' SCHEDULE											INTERSECT # MP1220042-3R-B	
120/240V, 1 PHASE, 3W					200A MAIN BKR (COMMERCIAL PWR) 42 KAIC SERIES RATED							
200A BUS, 42 KAIC					UL LISTED SERVICE ENTRANCE EQUIPMENT							
MAIN BREAKER RATING (A) :					200		SYSTEM VOLTAGE (V) :					240
DESCRIPTION	VA	chc	BKR	POSN	L1	L2	POSN	BKR	chc	VA	DESCRIPTION	
RECTIFIER #1	1752	NC	30	1	1802		2	15	C	50	SMOKE DETECTOR	
	1752	NC		3		1902	4	20	C	150	LIGHTING	
	1752	NC	30	5	2472		6	20	NC	720	CONV OUTLETS	
RECTIFIER #2	1752	NC		7		1902	8	15	NC	150	EMERGENCY LTG	
RECTIFIER #3	1752	NC	30	9	3496		10		NC	1744		
	1752	NC		11		3496	12		NC	1744	HVAC #1	
	RECTIFIER #4	1752	NC	30	13	2247		14	15	NC	495	
	1752	NC	15			2247	16	NC		495	FCU #1	
RECTIFIER #5	1752	NC	30	17	1752		18	40	NC	0	HVAC #2 (NOTE 2)	
	1752	NC		19		1752	20		NC	0		
RECTIFIER #6	1752	NC	30	21	1752		22	15	NC	0	FCU #2 (NOTE 2)	
	1752	NC		23		1752	24		NC	0		
RECTIFIER #7	1752	NC	30	25	1932		26	15	NC	180	G.F.I. (W.P.)	
	1752	NC		27		2232	28	20	NC	480	GEN BAT CHARGER	
	SPACE				29	600		30	20	NC	600	GENERATOR HEATER
↓				31		0	32				SPACE	
				33	0		34				↓	
				35		0	36					
				37	0		38					
	↓				39		0	40	30	NC	-	SURGE ARRESTOR
				41	0		42					
PHASE TOTALS (VA):					16053	15243						
CURRENT PER PHASE (A):					129	123	Amperes/phase cannot exceed main breaker rating					
PANEL TOTAL (VA):					30256		Legend: c = continuous, nc = non-continuous					
PANEL CAPACITY (kVA):					48.0		CONNECTED LOAD (kVA): 30.3					
PANEL LOADING (100% non-cont. load) (kVA):					30.1							
PANEL LOADING (125% continuous load) (kVA):					0.3							
PANEL LOADING (TOTAL) (kVA):					30.4							
SPARE CAPACITY (kVA):					17.6							
NOTES:												
1. MAIN (COMMERCIAL) BREAKER IS SQUARE D # QGL22200 WHICH IS RATED 65 KAIC. BRANCH BREAKERS SHALL BE SQUARE D TYPE QO RATED 10 KAIC. ALL BREAKERS PROVIDED BY GC.												
2. REDUNDANT A/Cs INTERLOCKED WITH LEAD-LAG CONTROLLER TO PREVENT SIMULTANEOUS OPERATION OF BOTH SYSTEMS. (OMIT FROM OPERATING LOAD)												
3. LIGHTING ARE DESIGNED & INSTALLED BY WUC MANUFACTURER												
4. PROVIDE ARC FLASHING WARNING MARKING PER CEC 110.16												

6

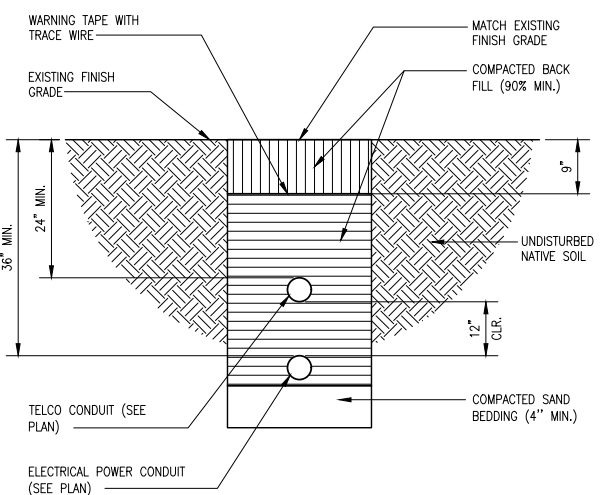


4

1



2

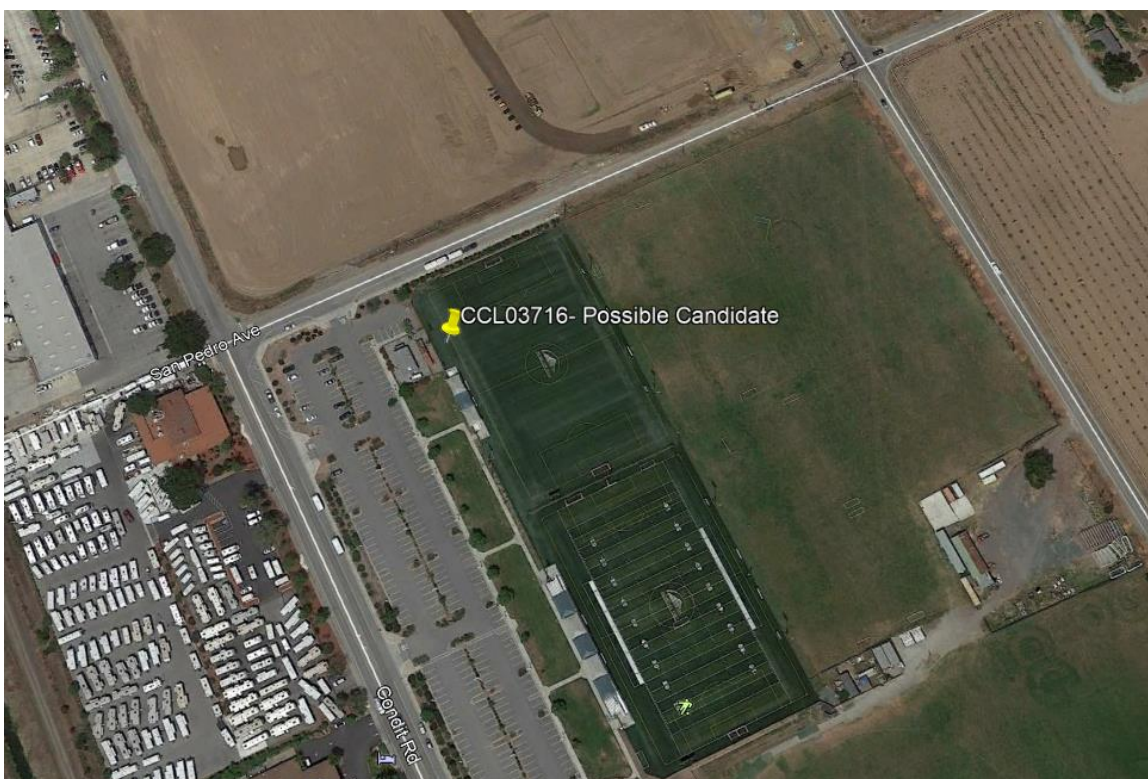


3

Wireless Telecommunication Facility

SITE:

**AT&T Site CCL03716
Morgan Hill Sports Center**



Address:

**16500 Condit Road
Morgan Hill, CA. 95037**

REPRESENTATIVE:

*Tom Johnson
TSJ Consulting Inc.
30767 Gateway Place #194
Rancho Mission Viejo, CA. 92694
Phone: 925-785-3727
tom@tsjconsultinginc.com*

Introduction:

New Cingular Wireless PCS, LLC, d/b/a AT&T Mobility (“AT&T”) is a registered public utility, licensed and regulated by the California Public Utilities Commission and the Federal Communications Commission (“FCC”). As a public utility, AT&T Mobility is mandated by the FCC to provide wireless communication services throughout California. AT&T is dedicated to providing customers with wireless technology designed to enrich their lives as their mobility is increasing. AT&T’s vision is to simplify the wireless experience for its consumer and business customers by offering easy-to-understand, affordable rate plans and excellent customer service. AT&T is bringing next-generation wireless data products - from corporate e-mail to downloadable ringtones - to customers nationwide through its advanced networks. The network performance goals include providing the best quality, lowest level of blocking, easy access to the network and continuous drop-free connections.

AT&T's wireless network is based on LTE technology. These technologies are wireless communication standards that require reusing specific frequencies across defined frequency bands. Due to the need for frequency reuse, LTE require numerous sites to provide customers with suitable signal strength to deliver services. These sites are typically built on existing buildings, lattice towers and freestanding poles in order to provide a network of sites that provide seamless coverage over an area.

In addition to these 4G wireless service gap issues; AT&T is in the process of deploying its 4G & 5G LTE service in the County of Santa Clara with the goal of providing the most advanced personal wireless experience available to residents of the Cities. AT&T holds a license with the FCC and has a responsibility to utilize this spectrum to provide personal wireless services in the City. 4G LTE is capable of delivering speeds up to 10 times faster than industry-average 3G speeds. LTE technology also offers lower latency, or the processing time it takes to move data through a network, such as how long it takes to start downloading a webpage or file once you’ve sent the request. Lower latency helps to improve the quality of personal wireless services. What's more, LTE uses spectrum more efficiently than other technologies, creating more space to carry data traffic and services and to deliver a better overall network experience. This is particularly important in the City of Morgan Hill because of the likely high penetration of the new 5G devices.

Efforts are currently underway in the County to establish the required infrastructure. AT&T is currently seeking the review and approval of a Conditional Use Permit to allow the construction, operation, and maintenance of an unmanned wireless telecommunications facility in this Public Facility zoned property (“Proposed Facility”).

Background:

AT&T serves millions of voice and data customers across the United States. Wireless communications continue to change the future of telecommunications with easy-to-use, lightweight and highly mobile communications devices including: smartphones, tablets, e-readers and notebook computers. Wireless communications provide voice, e-mail, texting and high-speed Internet access capabilities for customer's communications needs virtually anywhere and at any time.

The wireless network being developed by AT&T uses state of the art digital technology. The benefits include call privacy and security, improved voice quality, high-speed data, texting, video conferencing, visual voicemail, and an expanded menu of affordable products and services for personal and professional communications needs.

The Proposed Facility will enhance the area's public safety infrastructure by providing wireless communication services to the surrounding neighborhood and local community. The general public, police, fire fighters, and other emergency personnel rely heavily on wireless communications for fast and dependable communications at all times, but especially during natural disasters or other emergencies, such as earthquakes and fires.

Like other carriers in the industry, AT&T is working diligently to respond to the customer demand for mobile services, by expanding services to its customers from where they have historically used mobile phones, while traveling in the vehicle at their offices to where they are demanding more and more service in the residential communities, in-building coverage in their homes.

AT&T is requesting the review and the approval of a permit to allow the construction, operation, and maintenance of an unmanned wireless telecommunications facility ("WTF"). The project is proposed to close a significant service coverage gap and enhance personal wireless services in the area surrounding the site. AT&T's service coverage area in the city must be improved to handle the growing number of voice calls and wireless data usage. To remain competitive, AT&T must improve services in the areas where consumers are increasingly using their phones and data services.

The project consists of:

Installation of up to twelve (9) panel antennas which will be located on a replaced light pole of equal height. Also proposed are (18) remote radio units (RRUs), and (4) surge suppressors. As part of this installation there will be a new equipment shelter placed within a fenced compound adjacent to this tower. The subject site is located in an area of the ball field that is out of the daily use and will not be an impact to standard operations.

Once constructed and operational, the Proposed Facility will provide 24-hour service to customers seven (7) days a week. Apart from initial construction activity, an AT&T technician will service the facility on a periodic basis. It is reasonable to expect that routine maintenance/inspection of the facility will occur about once a month during normal working hours. Beyond this intermittent service, AT&T requires 24-hour access

to the Proposed Facility to ensure that technical support is immediately available if and when warranted.

Overview of Site Design/Location Criteria

The network of AT&T cell sites throughout the region is “location dependent,” meaning that there is a necessary and logical interrelationship between each proposed site. Eliminating or relocating a single cell site can lead to gaps in the system and prohibit AT&T from providing uninterrupted or reliable service to customers in a defined coverage area. Further, the elimination or relocation of a cell site will most often have a “domino” effect on other cell site locations and necessitate significant design changes or modifications to the network.

In identifying the proposed location, AT&T network deployment personnel have selected the Proposed Facility because it meets the technical objectives of RF engineering and provides the best site option with regard to other key criteria including, but not limited to, accessibility, utility connections, zoning compatibility, minimal or no visual impact, liability and risk assessment, site acquisition, maintenance and construction costs.

Description of Coverage Area

AT&T’s objective in locating a WCF at this site is to provide improved in-building and in-transit wireless coverage. The Proposed Facility is needed to close a significant service coverage gap in personal wireless service and provide improved coverage in an area along near E Main Ave and the surrounding residential community. The Proposed Facility will improve coverage to the surrounding residential areas, including the agricultural areas that are present within this zone.

Site Development Standards and General Plan

The location, size, design, and operating characteristics of the Proposed Facility will not create unusual noise, traffic or other conditions or situations that may be objectionable, detrimental or incompatible with the surrounding land uses. The proposed use is consistent with this finding in that:

The proposed equipment associated with the telecommunication structure operates quietly or virtually noise free.

The equipment does not emit fumes, smoke, or odors that could be considered objectionable.

The Proposed Facility will be unmanned and only requires periodic maintenance, which equates to approximately one trip per month. The Proposed Facility will not result in conditions or circumstances contrary to the public health, safety and the general welfare. The proposed use is consistent with this finding in that:

Unlike other land uses, which can be spatially determined through the General Plan or other land use plans, the location of WTFs are based on technical requirements such as network design criteria, service area, elevations, topography, heights of nearby structures, alignment with neighboring sites and customer demand.

The Proposed Facility will be unmanned, have no impact on circulation systems, and generate no noise, odor, smoke, or any other adverse impacts to adjacent land uses. The proposed facility will allow commuters and residents within the coverage area wireless access to the rapidly expanding communications infrastructure by providing voice and data transmission services not currently available. The installation of antenna sectors and transmission equipment will not result in any material changes to the character of the local community. This Proposed Facility will operate in full compliance with applicable state and federal laws, including the Telecommunications Act of 1996.

Regulating Agencies

AT&T is regulated by the FCC and is authorized to operate in the frequencies established for PCS operators. AT&T's WTFs operate at the lowest possible power levels and are well below established standards used by the FCC for safe human exposure to radio frequency electromagnetic fields. These standards have been tested and proved safe by the American National standards Institute (ANSI) and the Institute of Electrical and Electronics Engineers (IEEE). As explained in the RF engineering analysis provided by Hammett & Edison, Inc., Consulting Engineers, submitted with this Application, the Proposed Facility will operate well within all applicable FCC public exposure limits.

Alternative Analysis- The following locations were pursued prior to the selection of this current candidate. There was numerous attempts to obtain landlord interest and for varying reasons each location was either unresponsive or had no interest. Candidate 8 below was the only one that had prior interest and a zoning application was filed with the County of Santa Clara. Unfortunately AT&T and the Landlord were unable to comes to terms on a lease agreement and this location was cancelled.

Option	Address	Type of Build	Notes
1	1250 Condit Road	Stealth Tower	Unable to obtain interest from Landlord
2	16715 Condit Road	Stealth Tower	Unable to obtain interest from Landlord
3	16725 Condit Road	Stealth Tower	Unable to obtain interest from Landlord
4	16695 Condit Road	Stealth Tower	Unable to obtain interest from Landlord
5	1320 Diana Ave	Stealth Tower	Landlord was not interested.
6	1170 Diana Ave	Stealth Tower	Landlord was not interested.
7	17045 Condit Road	Stealth Tower	Landlord was not interested.
8	1480 E. Main Ave	Stealth Tower	This project had an application filed with the County of Santa Clara and was ultimately withdrawn as AT&T was unable to obtain a lease agreement with the landlord.
9	1155 Diana Ave	Stealth Tower	Unable to obtain interest from Landlord
10	17025 Condit Road	Stealth Tower	Unable to obtain interest from Landlord
11	17100 Laurel Road	Stealth Tower	Unable to obtain interest from Landlord

Attachment: Project Description (2902 : Condit AT&T)

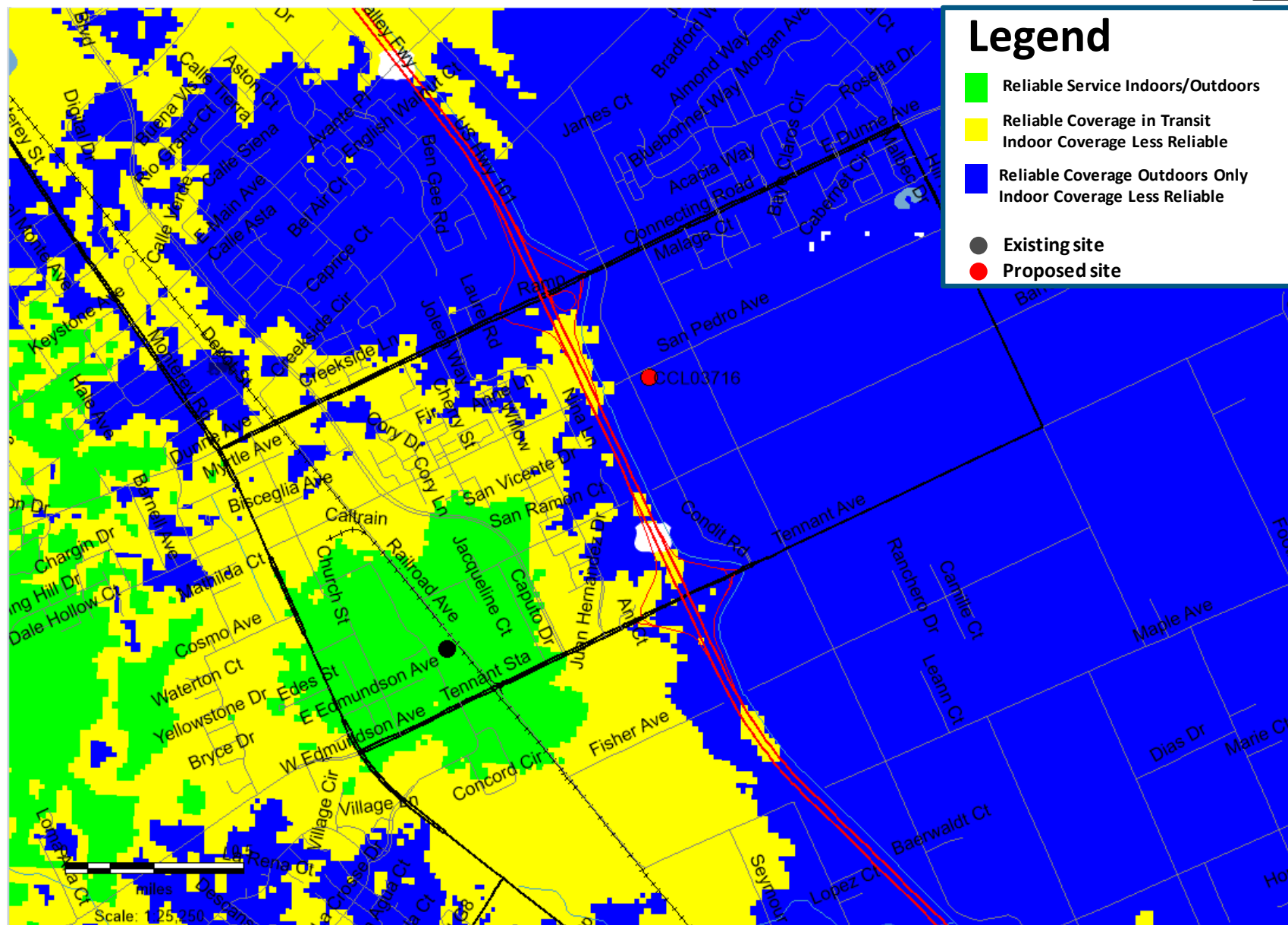
Please feel free to contact me if you have any questions.

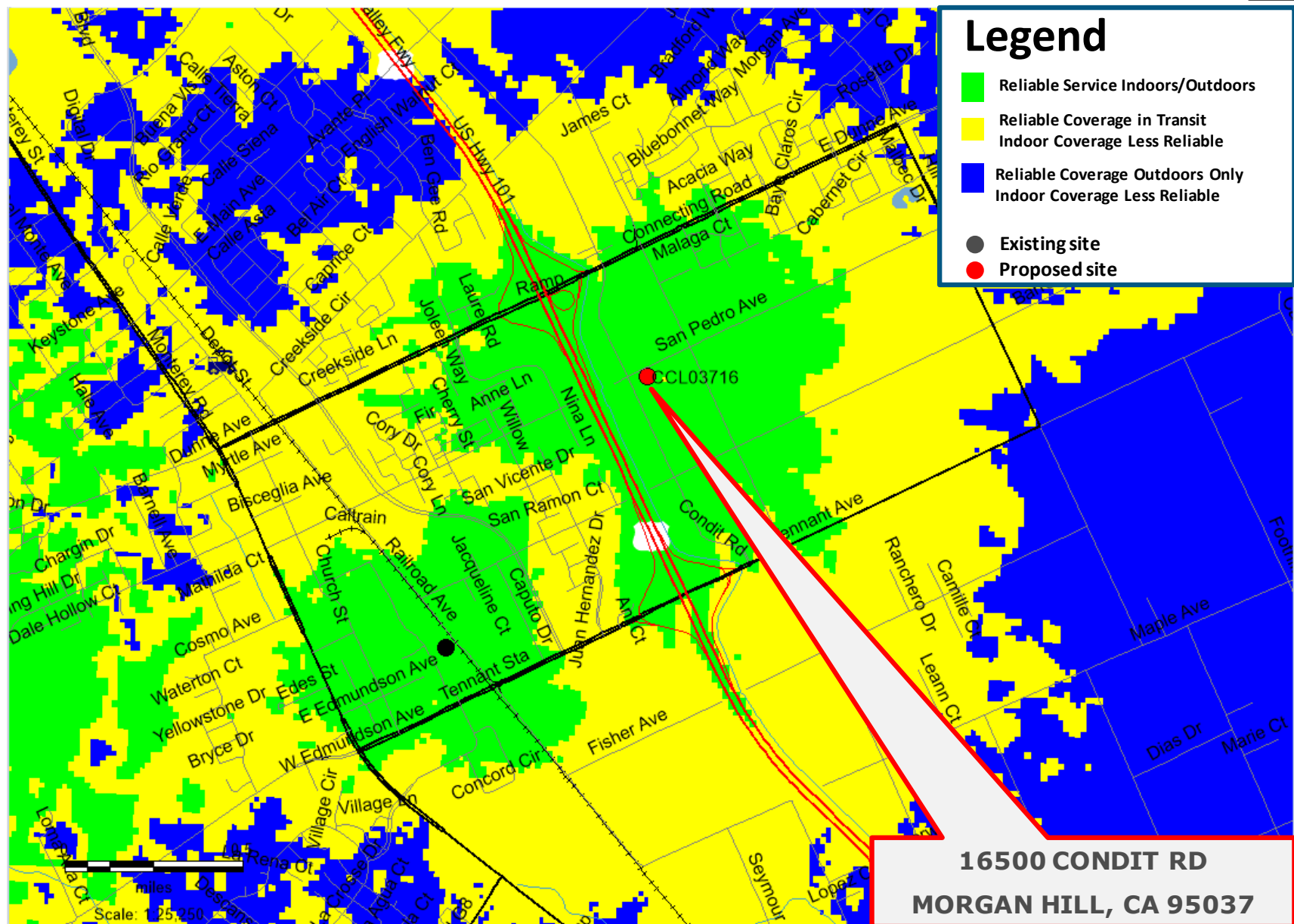
Regards,

Tom Johnson
 TSJ Consulting Inc.
 925-785-3727
 tom@tsjconsultinginc.com

CCL03716 Coverage Propagation Map

June 22nd , 2020



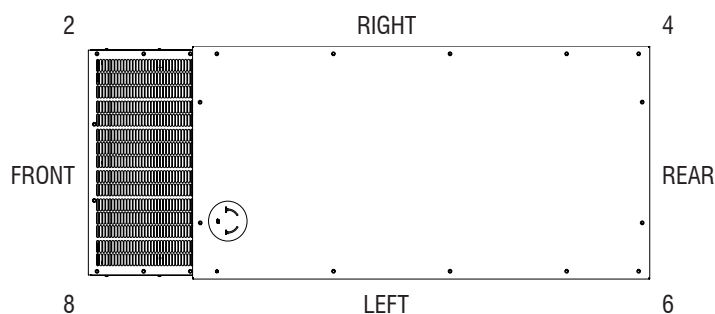


Attachment: Coverage Maps (2902 : Condit AT&T)

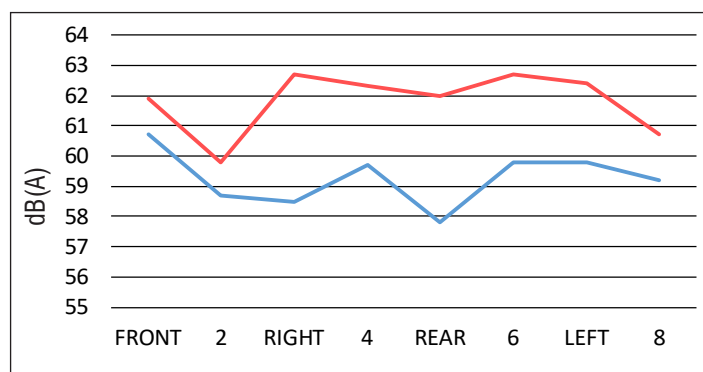
LEVEL 2 SOUND ATTENUATED ENCLOSURE SD030 2.2L GENERAC

60Hz FULL LOAD, dB(A)										DISTANCE: 7 METERS
MICROPHONE LOCATION	OCTAVE BAND CENTER FREQUENCY (Hz)									dB(A)
	31.5	63	125	250	500	1,000	2,000	4,000	8,000	
1, FRONT	25	46	49	57	55	53	50	46	36	60
2	24	46	48	56	54	53	49	44	36	59
3, RIGHT	20	38	51	56	51	51	49	46	36	58
4	17	44	48	57	53	51	48	44	34	59
5, REAR	21	47	49	52	53	50	48	43	31	57
6	21	48	47	57	53	53	50	45	38	60
7, LEFT	19	44	51	54	52	52	50	47	38	59
8	20	42	47	53	53	54	50	44	37	58
AVERAGE	21	44	49	55	53	52	49	45	36	59

60Hz FULL LOAD, dB(A)										DISTANCE: 7 METERS
MICROPHONE LOCATION	OCTAVE BAND CENTER FREQUENCY (Hz)									dB(A)
	31.5	63	125	250	500	1,000	2,000	4,000	8,000	
1, FRONT	26	49	59	60	54	53	49	46	37	63
2	28	45	54	57	57	53	50	44	37	61
3, RIGHT	28	52	62	59	54	51	50	48	36	64
4	25	59	61	58	54	51	49	45	35	64
5, REAR	26	59	63	55	55	51	48	44	33	65
6	24	60	62	58	53	52	50	45	38	65
7, LEFT	26	59	64	57	54	52	51	47	38	66
8	25	47	62	54	54	53	50	44	37	63
AVERAGE	26	54	61	57	54	52	50	45	36	64

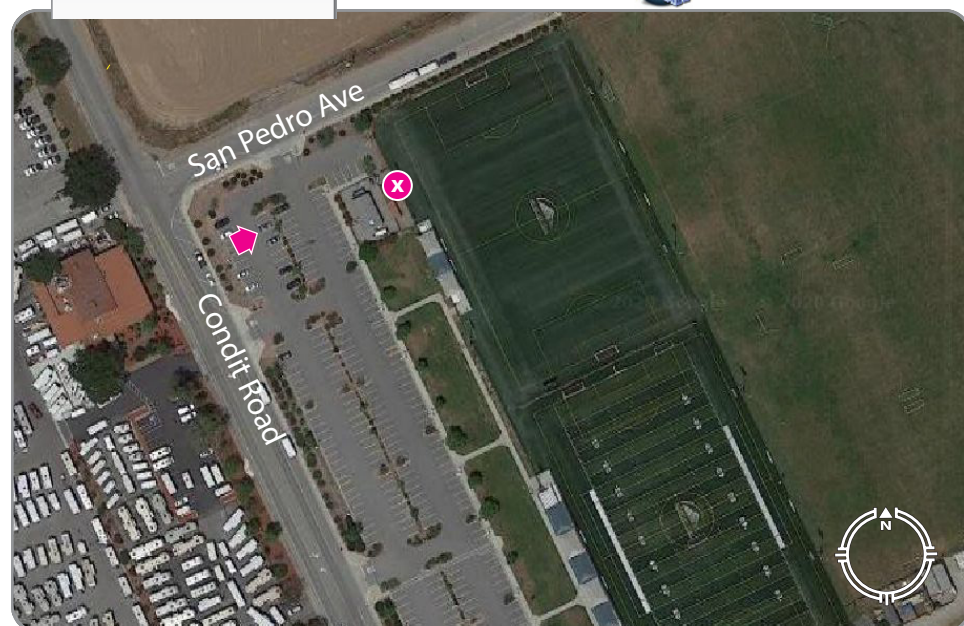


- All positions at 23 feet (7 meters) from side faces of generator set.
- Test conducted on a 100 foot diameter asphalt surface.
- Sound pressure levels are subject to instrumentation, installation and testing conditions.
- Sound levels are ± 2 dB(A)





LOCATION



View from the Southwest looking Northeast

EXISTING



PROPOSED



Completed July 23, 2020

CCL03716B
Morgan Hill Sports Center
 16500 Condit Road
 Morgan Hill, CA 95037

VIEW 1

APPLICANT

AT&T Mobility
 5001 Executive Parkway
 San Ramon, CA 94583

CONTACT

TSJ Consulting Inc.
 Tom Johnson
 30767 Gateway Place #194
 Rancho Mission Viejo, CA. 92694
 p 925.785.3727



BLUE WATER DESIGN

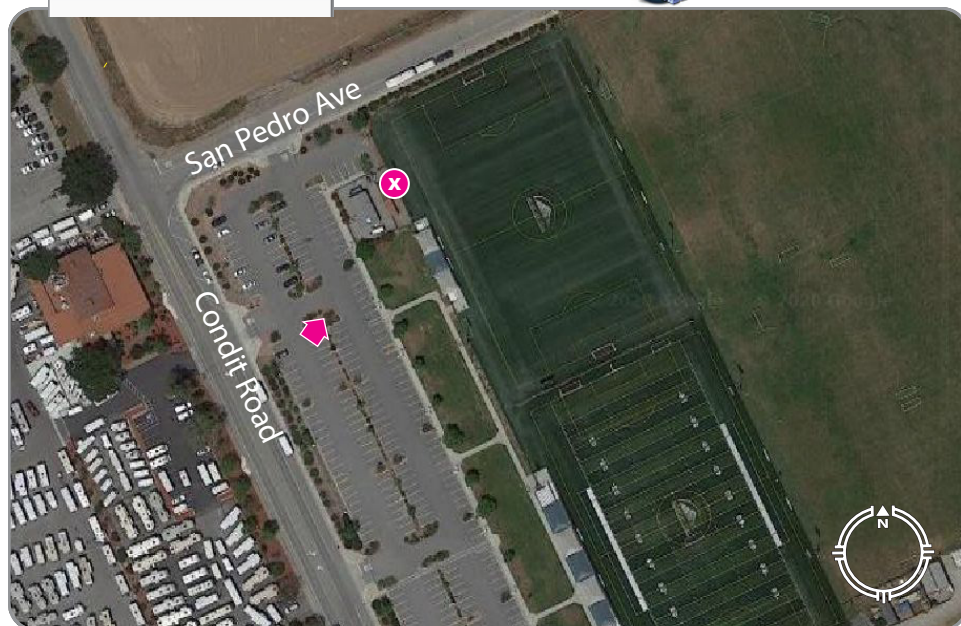
bluewater-design.net
michelle@bluewater-design.net
 p 425.615.0944

Photo simulation accuracy is based on information provided to Blue Water Design by the applicant.

Attachment: Simulation Photos (2902 : Condit AT&T)



LOCATION



View from the Southwest looking Northeast

EXISTING



PROPOSED



Completed July 23, 2020

CCL03716B
Morgan Hill Sports Center
 16500 Condit Road
 Morgan Hill, CA 95037

VIEW 2

APPLICANT

AT&T Mobility
 5001 Executive Parkway
 San Ramon, CA 94583

CONTACT

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 Tom Johnson
 30767 Gateway Place #194
 Rancho Mission Viejo, CA. 92694
 p 925.785.3727



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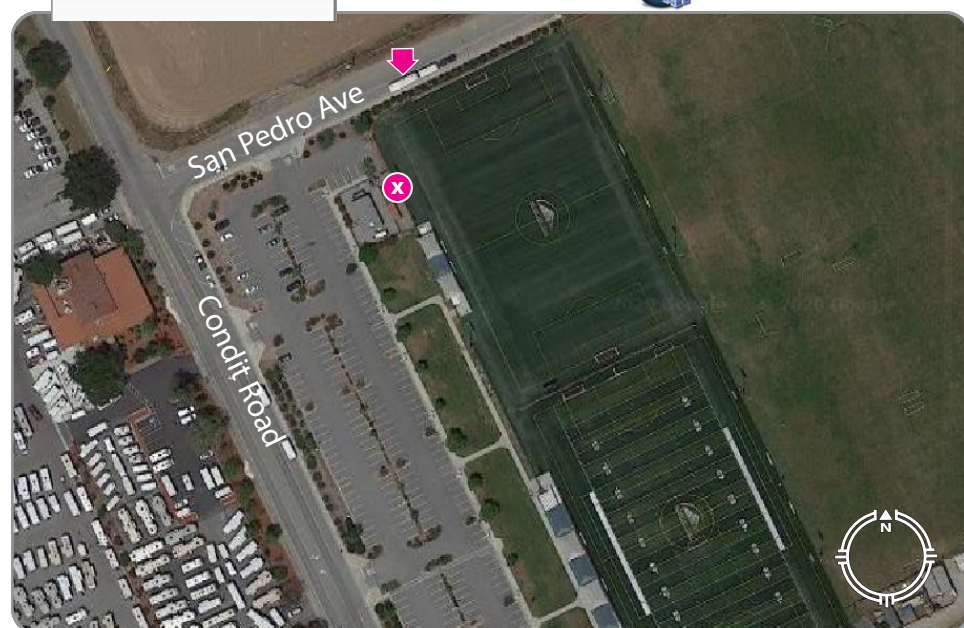
bluewater-design.net
michelle@bluewater-design.net
 p 425.615.0944

Photo simulation accuracy is based on information provided to Blue Water Design by the applicant.

Attachment: Simulation Photos (2902 : Condit AT&T)



LOCATION



View from the North looking South

EXISTING



PROPOSED



Completed July 23, 2020

CCL03716B
Morgan Hill Sports Center
 16500 Condit Road
 Morgan Hill, CA 95037

VIEW 3

APPLICANT

AT&T Mobility
 5001 Executive Parkway
 San Ramon, CA 94583

CONTACT

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BLUE WATER DESIGN

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 p 425.615.0944

Photo simulation accuracy is based on information provided to Blue Water Design by the applicant.

Attachment: Simulation Photos (2902 : Condit AT&T)

Radio Frequency – Electromagnetic Energy (RF-EME) Compliance Report

Site No. CCL03716
MRSFR003794
Morgan Hill Sports Center
16500 Condit Rd
Morgan Hill, California 95037
Santa Clara County
37.128199; -121.628221 NAD83
Pole

The proposed AT&T installation will be in compliance with FCC regulations upon proper installation of recommended signage.

EBI Project No. 6220003515
August 4, 2020



Prepared for:
AT&T Mobility, LLC
c/o Vinculums
10 Pasteur, Suite 100
Irvine, CA 92618

Prepared by:



Attachment: RF Emissions Predictions (2902 : Condit AT&T)

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6.0 LIMITATIONS	8

APPENDICES

- Appendix A Personnel Certifications**
Appendix B Compliance/Signage Plan

EXECUTIVE SUMMARY

Purpose of Report

EnviroBusiness Inc. (dba EBI Consulting) has been contracted by AT&T Mobility, LLC to conduct radio frequency electromagnetic (RF-EME) modeling for AT&T Site CCL03716 located at 16500 Condit Rd in Morgan Hill, California to determine RF-EME exposure levels from proposed AT&T wireless communications equipment at this site. As described in greater detail in Section 1.0 of this report, the Federal Communications Commission (FCC) has developed Maximum Permissible Exposure (MPE) Limits for general public exposures and occupational exposures. This report summarizes the results of RF-EME modeling in relation to relevant FCC RF-EME compliance standards for limiting human exposure to RF-EME fields.

This report contains the RF EME analysis for the site, including the following:

- Site Plan with antenna locations
- Graphical representation of theoretical MPE fields based on modeling
- Graphical representation of recommended signage and/or barriers

This document addresses the compliance of AT&T's transmitting facilities independently and in relation to all collocated facilities at the site.

Statement of Compliance

A site is considered out of compliance with FCC regulations if there are areas that exceed the FCC exposure limits and there are no RF hazard mitigation measures in place. Any carrier which has an installation that contributes more than 5% of the applicable MPE must participate in mitigating these RF hazards.

As presented in the sections below, based on worst-case predictive modeling, there are no modeled exposures on any accessible rooftop or ground walking/working surface related to ATT's proposed antennas that exceed the FCC's occupational and/or general public exposure limits at this site.

As such, the proposed AT&T installation is in compliance with FCC regulations upon proper installation of recommended signage and/or barriers.

AT&T Recommended Signage/Compliance Plan

AT&T's RF Exposure: Responsibilities, Procedures & Guidelines document, dated October 28, 2014, requires that:

1. All sites must be analyzed for RF exposure compliance;
2. All sites must have that analysis documented; and
3. All sites must have any necessary signage and barriers installed.

Site compliance recommendations have been developed based upon protocols presented in AT&T's RF Exposure: Responsibilities, Procedures & Guidelines document, dated October 28, 2014, additional guidance provided by AT&T, EBI's understanding of FCC and OSHA requirements, and common industry practice. Barrier locations have been identified (when required) based on guidance presented in AT&T's RF Exposure: Responsibilities, Procedures & Guidelines document, dated October 28, 2014.

The following signage is recommended at this site:

- Yellow CAUTION 2 signs posted at the base of the pole.

The signage proposed for installation at this site complies with AT&T's RF Exposure: Responsibilities, Procedures & Guidelines document and therefore complies with FCC and OSHA requirements. Barriers are not recommended on this site. To reduce the risk of exposure and/or injury, EBI recommends that access to the pole or areas associated with the active antenna installation be restricted and secured where possible. More detailed information concerning site compliance recommendations is presented in Section 4.0 and Appendix B of this report.

1.0 FEDERAL COMMUNICATIONS COMMISSION (FCC) REQUIREMENTS

The FCC has established Maximum Permissible Exposure (MPE) limits for human exposure to Radiofrequency Electromagnetic (RF-EME) energy fields, based on exposure limits recommended by the National Council on Radiation Protection and Measurements (NCRP) and, over a wide range of frequencies, the exposure limits developed by the Institute of Electrical and Electronics Engineers, Inc. (IEEE) and adopted by the American National Standards Institute (ANSI) to replace the 1982 ANSI guidelines. Limits for localized absorption are based on recommendations of both ANSI/IEEE and NCRP.

The FCC guidelines incorporate two separate tiers of exposure limits that are based upon occupational/controlled exposure limits (for workers) and general public/uncontrolled exposure limits for members of the general public.

Occupational/controlled exposure limits apply to situations in which persons are exposed as a consequence of their employment and in which those persons who are exposed have been made fully aware of the potential for exposure and can exercise control over their exposure. Occupational/controlled exposure limits also apply where exposure is of a transient nature as a result of incidental passage through a location where exposure levels may be above general public/uncontrolled limits (see below), as long as the exposed person has been made fully aware of the potential for exposure and can exercise control over his or her exposure by leaving the area or by some other appropriate means.

General public/uncontrolled exposure limits apply to situations in which the general public may be exposed or in which persons who are exposed as a consequence of their employment may not be made fully aware of the potential for exposure or cannot exercise control over their exposure. Therefore, members of the general public would always be considered under this category when exposure is not employment-related, for example, in the case of a telecommunications tower that exposes persons in a nearby residential area.

Table I and Figure I (below), which are included within the FCC's OET Bulletin 65, summarize the MPE limits for RF emissions. These limits are designed to provide a substantial margin of safety. They vary by frequency to take into account the different types of equipment that may be in operation at a particular facility and are "time-averaged" limits to reflect different durations resulting from controlled and uncontrolled exposures.

The FCC's MPEs are measured in terms of power (mW) over a unit surface area (cm²). Known as the power density, the FCC has established an occupational MPE of 5 milliwatts per square centimeter (mW/cm²) and an uncontrolled MPE of 1 mW/cm² for equipment operating in the 1900 MHz frequency range. For the AT&T equipment operating at 850 MHz, the FCC's occupational MPE is 2.83 mW/cm² and an uncontrolled MPE of 0.57 mW/cm². For the AT&T equipment operating at 700 MHz, the FCC's occupational MPE is 2.33 mW/cm² and an uncontrolled MPE of 0.47 mW/cm². These limits are considered protective of these populations.

Table I: Limits for Maximum Permissible Exposure (MPE)				
(A) Limits for Occupational/Controlled Exposure				
Frequency Range (MHz)	Electric Field Strength (E) (V/m)	Magnetic Field Strength (H) (A/m)	Power Density (S) (mW/cm ²)	Averaging Time [E] ² , [H] ² , or S (minutes)
0.3-3.0	614	1.63	(100)*	6
3.0-30	1842/f	4.89/f	(900/f ²)*	6
30-300	61.4	0.163	1.0	6
300-1,500	--	--	f/300	6
1,500-100,000	--	--	5	6

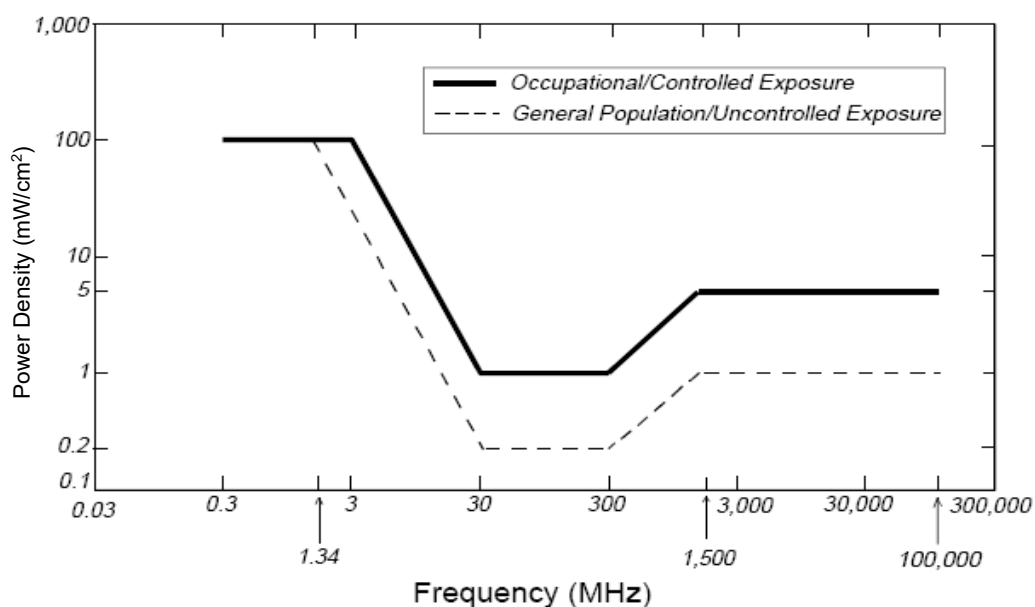
Table 1: Limits for Maximum Permissible Exposure (MPE)				
(A) Limits for Occupational/Controlled Exposure				
Frequency Range (MHz)	Electric Field Strength (E) (V/m)	Magnetic Field Strength (H) (A/m)	Power Density (S) (mW/cm ²)	Averaging Time [E] ² , [H] ² , or S (minutes)
(B) Limits for General Public/Uncontrolled Exposure				
Frequency Range (MHz)	Electric Field Strength (E) (V/m)	Magnetic Field Strength (H) (A/m)	Power Density (S) (mW/cm ²)	Averaging Time [E] ² , [H] ² , or S (minutes)
0.3-1.34	614	1.63	(100)*	30
1.34-30	824/f	2.19/f	(180/f ²)*	30
30-300	27.5	0.073	0.2	30
300-1,500	--	--	f/1,500	30
1,500-100,000	--	--	1.0	30

f = Frequency in (MHz)

* Plane-wave equivalent power density

Figure 1. FCC Limits for Maximum Permissible Exposure (MPE)

Plane-wave Equivalent Power Density



Based on the above, the most restrictive thresholds for exposures of unlimited duration to RF energy for several personal wireless services are summarized below:

Personal Wireless Service	Approximate Frequency	Occupational MPE	Public MPE
Microwave (Point-to-Point)	5,000 - 80,000 MHz	5.00 mW/cm ²	1.00 mW/cm ²
Broadband Radio (BRS)	2,600 MHz	5.00 mW/cm ²	1.00 mW/cm ²
Wireless Communication (WCS)	2,300 MHz	5.00 mW/cm ²	1.00 mW/cm ²
Advanced Wireless (AWS)	2,100 MHz	5.00 mW/cm ²	1.00 mW/cm ²
Personal Communication (PCS)	1,950 MHz	5.00 mW/cm ²	1.00 mW/cm ²
Cellular Telephone	870 MHz	2.90 mW/cm ²	0.58 mW/cm ²
Specialized Mobile Radio (SMR)	855 MHz	2.85 mW/cm ²	0.57 mW/cm ²

Personal Wireless Service	Approximate Frequency	Occupational MPE	Public MPE
Long Term Evolution (LTE)	700 MHz	2.33 mW/cm ²	0.47 mW/cm ²
Most Restrictive Frequency Range	30-300 MHz	1.00 mW/cm ²	0.20 mW/cm ²

MPE limits are designed to provide a substantial margin of safety. These limits apply for continuous exposures and are intended to provide a prudent margin of safety for all persons, regardless of age, gender, size, or health.

Personal Communication (PCS) facilities used by AT&T in this area operate within a frequency range of 700-1900 MHz. Facilities typically consist of: 1) electronic transceivers (the radios or cabinets) connected to wired telephone lines; and 2) antennas that send the wireless signals created by the transceivers to be received by individual subscriber units (PCS telephones). Transceivers are typically connected to antennas by coaxial cables.

Because of the short wavelength of PCS services, the antennas require line-of-site paths for good propagation, and are typically installed above ground level. Antennas are constructed to concentrate energy towards the horizon, with as little energy as possible scattered towards the ground or the sky. This design, combined with the low power of PCS facilities, generally results in no possibility for exposure to approach Maximum Permissible Exposure (MPE) levels, with the exception of areas directly in front of the antennas.

2.0 AT&T RF EXPOSURE POLICY REQUIREMENTS

AT&T's RF Exposure: Responsibilities, Procedures & Guidelines document, dated October 28, 2014, requires that:

1. All sites must be analyzed for RF exposure compliance;
2. All sites must have that analysis documented; and
3. All sites must have any necessary signage and barriers installed.

Pursuant to this guidance, worst-case predictive modeling was performed for the site. This modeling is described below in Section 3.0. Lastly, based on the modeling and survey data, EBI has produced a Compliance Plan for this site that outlines the recommended signage and barriers. The recommended Compliance Plan for this site is described in Section 4.0.

3.0 WORST-CASE PREDICTIVE MODELING

In accordance with AT&T's RF Exposure policy, EBI performed theoretical modeling using RoofMaster™ software to estimate the worst-case power density at the site rooftop and ground-level and/or nearby rooftops resulting from operation of the antennas. RoofMaster™ is a widely-used predictive modeling program that has been developed to predict RF power density values for rooftop and tower telecommunications sites produced by vertical collinear antennas that are typically used in the cellular, PCS, paging and other communications services. Using the computational methods set forth in Federal Communications (FCC) Office of Engineering & Technology (OET) Bulletin 65, "Evaluating Compliance with FCC Guidelines for Human Exposure to Radiofrequency Electromagnetic Fields" (OET-65), RoofMaster™ calculates predicted power density in a scalable grid based on the contributions of all RF sources characterized in the study scenario. At each grid location, the cumulative power density is expressed as a percentage of the FCC limits. Manufacturer antenna pattern data is utilized in these calculations. RoofMaster™ models consist of the Far Field model as specified in OET-65 and an implementation of the OET-65 Cylindrical Model (Sula9). The models utilize several operational specifications for different types of antennas to produce a plot of spatially-averaged power densities that can be expressed as a percentage of the applicable exposure limit.

For this report, EBI utilized antenna and power data provided by AT&T and compared the resultant worst-case MPE levels to the FCC's occupational/controlled exposure limits outlined in OET Bulletin 65.

The assumptions used in the modeling are based upon information provided by AT&T and information gathered from other sources. There are no other wireless carriers with equipment installed at this site.

Based on worst-case predictive modeling, there are no modeled exposures on any accessible rooftop or ground walking/working surface related to ATT's proposed antennas that exceed the FCC's occupational and/or general public exposure limits at this site.

Based on worst-case predictive modeling, the worst-case emitted power density may exceed the FCC's general public limit within approximately 37 feet of AT&T's Sectors A, B, and C antennas at the antenna level. Modeling also indicates that the worst-case emitted power density may exceed the FCC's occupational limit within approximately 16 feet of AT&T's Sectors A, B, and C antennas at the antenna

At the nearest walking/working surfaces to the AT&T antennas on the lower roof level, the maximum power density generated by the AT&T antennas is approximately 1.02 percent of the FCC's general public limit (0.20 percent of the FCC's occupational limit). The composite exposure level from all carriers on this site is approximately 1.02 percent of the FCC's general public limit (0.20 percent of the FCC's occupational limit) at the nearest walking/working surface to each antenna. Based on worst-case predictive modeling, there are no areas at ground/street level related to the proposed AT&T antennas that exceed the FCC's occupational or general public exposure limits at this site. At ground/street level, the maximum power density generated by the antennas is approximately 0.71 percent of the FCC's general public limit (0.142 percent of the FCC's occupational limit).

A graphical representation of the RoofMaster™ modeling results is presented in Appendix B.

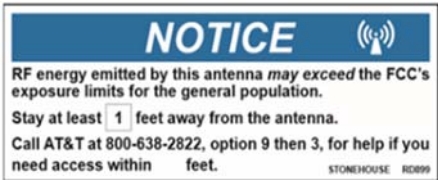
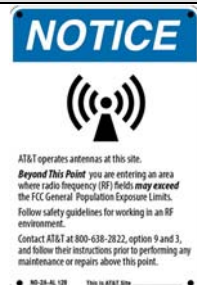
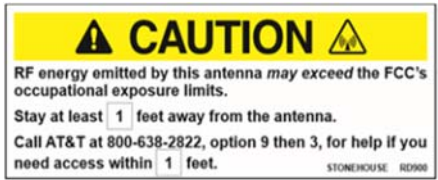
Microwave dish antennas are designed for point-to-point operations at the elevations of the installed equipment rather than ground-level coverage. Based on AT&T's RF Exposure: Responsibilities, Procedures & Guidelines document, dated October 28, 2014, microwave antennas are considered compliant if they are higher than 20 feet above any accessible walking/working surface. There are no microwaves installed at this site.

4.0 RECOMMENDED SIGNAGE/COMPLIANCE PLAN

Signs are the primary means for control of access to areas where RF exposure levels may potentially exceed the MPE. As presented in the AT&T guidance document, the signs must:

- Be posted at a conspicuous point;
- Be posted at the appropriate locations;
- Be readily visible; and
- Make the reader aware of the potential risks prior to entering the affected area.

The table below presents the signs that may be used for AT&T installations.

CRAN / HETNET Small Cell Decals / Signs		Alerting Signs	
	NOTICE DECAL		
	NOTICE SIGN		
	CAUTION DECAL		
	CAUTION SIGN		

Based upon protocols presented in AT&T's RF Exposure: Responsibilities, Procedures & Guidelines document, dated October 28, 2014, and additional guidance provided by AT&T, the following signage is recommended on the site:

- Yellow CAUTION 2 signs posted at the base of the pole.

No barriers are required for this site. Barriers should be constructed of weather-resistant plastic or wood fencing. Barriers may consist of railing, rope, chain, or weather-resistant plastic if no other types are permitted or are feasible. Painted stripes should only be used as a last resort and only in regions where there is little chance of snowfall. If painted stripes are selected as barriers, it is recommended that the stripes and signage be illuminated. The signage and any barriers are graphically represented in the Signage Plan presented in Appendix B.

5.0 SUMMARY AND CONCLUSIONS

EBI has prepared this Radiofrequency Emissions Compliance Report for the proposed AT&T telecommunications equipment at the site located at 16500 Condit Rd in Morgan Hill, California.

EBI has conducted theoretical modeling to estimate the worst-case power density from AT&T antennas to document potential MPE levels at this location and ensure that site control measures are adequate to meet FCC and OSHA requirements, as well as AT&T's corporate RF safety policies. As presented in the preceding sections, based on worst-case predictive modeling, there are no modeled exposures on any accessible rooftop or ground walking/working surface related to AT&T's proposed antennas that exceed the FCC's occupational and/or general public exposure limits at this site.

To reduce the risk of exposure and/or injury, EBI recommends that access to the pole or areas associated with the active antenna installation be restricted and secured where possible. Signage is recommended at the site as presented in Section 4.0 and Appendix B. Posting of the signage brings the site into compliance with FCC rules and regulations and AT&T's corporate RF safety policies.

6.0 LIMITATIONS

This report was prepared for the use of AT&T Mobility, LLC to meet requirements outlined in AT&T's corporate RF safety guidelines. It was performed in accordance with generally accepted practices of other consultants undertaking similar studies at the same time and in the same locale under like circumstances. The conclusions provided by EBI are based solely on the information provided by the client. The observations in this report are valid on the date of the investigation. Any additional information that becomes available concerning the site should be provided to EBI so that our conclusions may be revised and modified, if necessary. This report has been prepared in accordance with Standard Conditions for Engagement and authorized proposal, both of which are integral parts of this report. No other warranty, expressed or implied, is made.

Appendix A

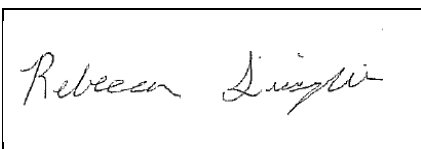
Personnel Certifications

Attachment: RF Emissions Predictions (2902 : Condit AT&T)

Preparer Certification

I, Rebecca Sinisgalli, state that:

- I am an employee of EnviroBusiness Inc. (d/b/a EBI Consulting), which provides RF-EME safety and compliance services to the wireless communications industry.
- I have successfully completed RF-EME safety training, and I am aware of the potential hazards from RF-EME and would be classified “occupational” under the FCC regulations.
- I am fully aware of and familiar with the Rules and Regulations of both the Federal Communications Commissions (FCC) and the Occupational Safety and Health Administration (OSHA) with regard to Human Exposure to Radio Frequency Radiation.
- I have been trained in on the procedures outlined in AT&T’s RF Exposure: Responsibilities, Procedures & Guidelines document (dated October 28, 2014) and on RF-EME modeling using RoofMaster™ modeling software.
- I have reviewed the data provided by the client and incorporated it into this Site Compliance Report such that the information contained in this report is true and accurate to the best of my knowledge.



Reviewed and Approved by:



sealed 5aug2020

Michael McGuire
Electrical Engineer
mike@h2dc.com

Note that EBI's scope of work is limited to an evaluation of the Radio Frequency – Electromagnetic Energy (RF-EME) field generated by the antennas and broadcast equipment noted in this report. The engineering and design of the building and related structures, as well as the impact of the antennas and broadcast equipment on the structural integrity of the building, are specifically excluded from EBI's scope of work.

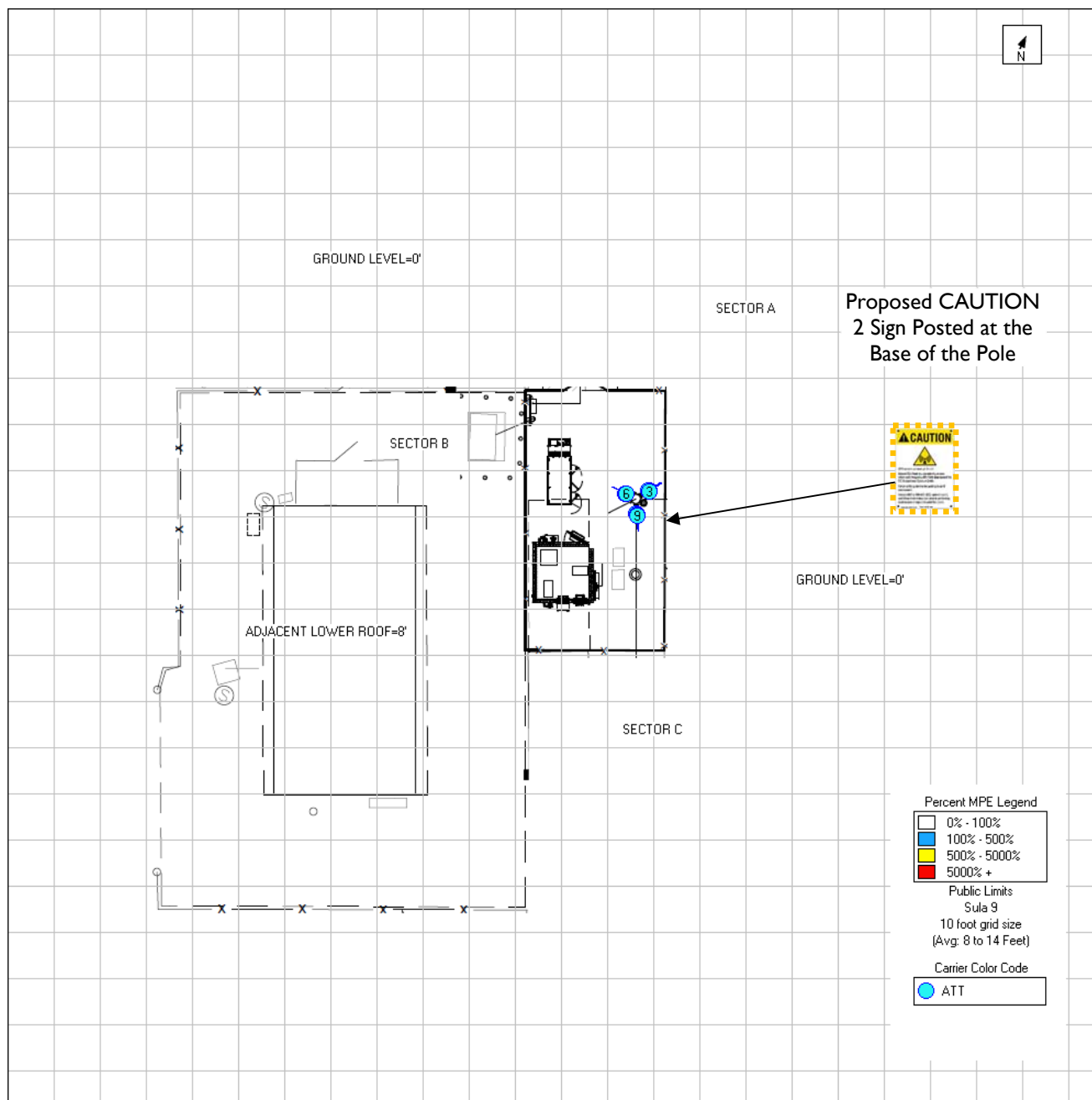
Attachment: RF Emissions Predictions (2902 : Condit AT&T)

Appendix B

Compliance/Signage Plan

Attachment: RF Emissions Predictions (2902 : Condit AT&T)

Nearest Walking Surface Simulation



Attachment: RF Emissions Predictions (2902 : Condit AT&T)

	Existing Sign
	Proposed Sign
	Installed Sign

SIGN IDENTIFICATION LEGEND			
	AT&T NOTICE 2 Sign		AT&T CAUTION 2 - Rooftop Sign
	AT&T WARNING 1B and 2A Signs		AT&T CAUTION 2B - Tower Sign
	AT&T NOTICE Small Cell Signs		AT&T CAUTION 2C - Parapet Sign
	AT&T CAUTION Small Cell Signs		AT&T TRILINGUAL NOTICE Sign



PLANNING COMMISSION STAFF REPORT

MEETING DATE: November 10, 2020

PREPARED BY: Adam Paszkowski, Principal Planner

APPROVED BY: Jennifer Carman, Community Development Director

ZA2020-0001: MUNICIPAL CODE AMENDMENT AMENDING SECTION 8.28.040 (ENUMERATION OF UNLAWFUL NOISES) OF CHAPTER 8.28 (NOISE) OF TITLE 8 (HEALTH AND SAFETY) AND AMENDING VARIOUS CODE PROVISIONS WITHIN TITLE 18 (ZONING) OF THE MUNICIPAL CODE OF THE CITY OF MORGAN HILL IMPLEMENTING MINOR AMENDMENTS DUE TO CLERICAL ERRORS AND INCONSISTENCIES; AMENDING CHAPTER 18.52 (FENCES AND WALLS) OF TITLE 18 (ZONING) TO CLARIFY AND ESTABLISH DESIGN AND SCREENING REQUIREMENTS OF FENCES AND WALLS; AND TO ESTABLISH CHAPTER 18.115 (GENERAL PLAN AMENDMENTS) OF TITLE 18 (ZONING) OF THE MUNICIPAL CODE OF THE CITY OF MORGAN HILL ESTABLISHING PROCEDURES FOR AMENDING THE GENERAL PLAN

RECOMMENDATION(S)

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

BACKGROUND:

On June 6, 2018, the City Council adopted Ordinance No. 2277 N.S., a comprehensive update of Title 18 – Zoning of the City of Morgan Hill Municipal Code. The update included an amendment to the City’s official zoning map consistent with the Morgan Hill 2035 General Plan.

On December 18, 2019, the City Council adopted Ordinance No. 2313 to update Chapter 18.84 (Accessory Dwelling Units) of Title 18 (Zoning) to implement changes to accessory dwelling units (ADUs) pursuant to Assembly Bill 68, Assembly Bill 881 and Senate Bill 13.

In addition, Subsection D of Section 8.28.040 (Enumeration of unlawful noises) within Chapter 8.28 (Noise) of Title 8 (Health and Safety) was last updated in 1998 by the adoption of Ordinance No. 1405 N.S.

Following the implementation of the above referenced ordinances, staff has found

several clerical errors, inconsistencies between sections, and the need to update certain portions of the Municipal Code as well as provide further clarification or to expand on certain topics within the Code. The purpose of the proposed Ordinance is to correct these issues. Staff regularly brings forward bundles of minor amendments as necessary to enhance, correct and/or refine the Code.

PROJECT DESCRIPTION:

The City proposes the following amendments to the Municipal Code with this update:

- a. The format of Subsection D of Section 8.28.040 (Enumeration of unlawful noises) within Chapter 8.28 (Noise) of Title 8 (Health and Safety) is proposed to be amended consistent with the rest of the Code. This section is also proposed to delete noise standards that were applicable up until November 30, 1998.
- b. Subsection A of Section 18.18.020 (Land Use Regulations) of Chapter 18.18 (Residential Attached Zoning Districts) is proposed to be amended to eliminate reference to a footnote pertaining to accessory dwelling units (ADUs) which states ADUs are permitted only on lots occupied by one existing or proposed detached single family home. That requirement is not consistent with State law.
- c. Chapter 18.22 (Mixed Use Zoning Districts) is proposed to be amended to eliminate the same footnote regarding ADUs listed in Section 18.18.020. A footnote is proposed to be added to Single-Family Detached Dwellings within Table 18.22-1 for the Neighborhood Mixed Use (MU-N) zoning district stating that Single-Family Detached Dwellings are permitted only on a lot of record existing prior to July 7, 2018. This change is proposed to be consistent with the residential attached zoning districts. Also, within Table 18.22-1 Large Home Day Care and Small Home Day Care are proposed to be combined and listed as permitted uses to be consistent with the residential zoning districts. Subsection C of Section 18.22.040 (Development Standards) is proposed to be moved to Table 18.22-3 (Setback Standards in Mixed Use Zoning Districts) as a footnote to the non-residential columns of the MU-N and Mixed Use Flex (MU-F) zoning districts indicating that if a property abuts a residential zoning district or residential land use designation, the property shall comply with increased setbacks and landscaping standards as specified in Section 18.92.130 (Residential Transition Standards).
- d. Table 18.24-2 (Development Standards in the Commercial Zoning Districts) within Section 18.24.030 (Development Standards) of Chapter 18.24 (Commercial Zoning Districts) is proposed to be amended to include a footnote for the minimum setback regarding increased setbacks and landscaping standards for properties adjacent to residential zoning districts or residential land use designations.
- e. Chapter 18.26 (Industrial Zoning Districts) is proposed to be amended to allow Outdoor Vehicle Storage as a Conditional Use within the IL (Light Industrial) and

IG (General Industrial) zoning districts within Table 18.26-1 (Permitted Land Uses in the Industrial Zoning Districts). (Note that Table 18.26-1 is independently under consideration by City Council to amend the Warehousing and Distribution uses. Each ordinance proposes to amend discrete sections of the Table, and do not affect the other ordinance.) Subsection B of Section 18.26.030 (Development Standards) is proposed to be moved to Table 18.26-2 (Industrial Zoning District Development Standards) to be consistent with other zoning districts. If a property abuts a residential zoning district or residential land use designation, the property shall comply with increased setbacks and landscaping standards as specified in Section 18.92.130 (Residential Transition Standards).

- f. Subsection 6 (One Dwelling Unit Allowed Per Lot) of Subsection C of Section 18.30.040 (Hillside Combining District) is proposed to be amended to allow accessory structures if no portion of a lot contains slopes of less than twenty percent, and the lot is a legally-established lot of record.
- g. Chapter 18.40 (Alternative Standards for Medium Density Residential Development) is an optional Chapter, not a requirement, available to developers and property owners of small lot developments. Within Table 18.40-2 (Medium Density Residential Development Standards) Single Family Attached Dwellings/Townhouses is the only housing product within the table that requires a shorter height than the base zoning district. Therefore, the height requirements for Single Family Attached Dwellings/Townhouses is proposed to be amended to correlate with the base zoning district, which is consistent with the other housing types (Duets, Courtyard Homes, Single Family Detached Dwellings, Duplexes and Multi-Family Dwellings) listed in Table 18.40-2.
- h. Table 18.44-2 (Minimum Accessory Structure Setbacks) of Section 18.44.030 (Accessory Structures in Residential Zoning Districts) of Chapter 18.44 (Accessory Structures and Uses) is proposed to be amended to clarify setbacks for decks since decks are listed twice in the table with different setback requirements.
- i. Chapter 18.52 (Fences and Walls) is proposed to be amended to clarify that the term "fence" includes fences and walls. Section 18.52.030 (Measurement of Fence and Wall Height) is proposed to be amended to clarify that if a fence is constructed on top of a retaining wall the height of the fence is measured from the top of the retaining wall. Section 18.52.060 (Materials) is proposed to be amended to provided consistency between the types of fencing and wall materials that are prohibited within residential, commercial and industrial zoning districts. A new section, Section 18.52.080 (Special Fence and Wall Requirements), is proposed to be established to set standards for fence and wall design; requirements to screen outdoor storage, loading docks, and refuse areas; and screen commercial and industrial uses from residential uses.
- j. Section 18.56.040 (Lot Coverage Exceptions) of Chapter 18.56 (Height, Setback and Lot Coverage Exceptions) is proposed to be amended to correct a clerical

error stating that the Community Development Director may increase (not decrease) the maximum lot coverage requirement by up to ten percent with the approval of a minor exception.

- k. Section 18.68.070 (Nonconforming Structures) of Chapter 18.68 (Nonconforming Uses and Structures) is proposed to be amended to require a Conditional Use Permit, not a Variance, for structural repairs, modifications, and additions that increase or exacerbate the nonconforming aspect of a structure.
- l. Subsection E of Section 18.84.050 (Site and Design Standards) of Chapter 18.84 (Accessory Dwelling Units) is proposed to be amended to clarify setbacks for detached and attached ADUs.
- m. Chapter 18.115 (General Plan Amendments) is proposed to be established to provide procedures for amending General Plan text and/or to change the General Plan land use designation of a parcel. In the development of this new Chapter, Chapter 18.114 (Zoning Code Amendments) was utilized as an outline. The new Chapter also proposes Section 18.115.100 (Preliminary Review) which requires a preliminary review application prior to the submittal of a General Plan Amendment application, similar to when a preliminary review application is required prior to the application for a Planned Development project.
- n. The term “Garage, Private”, as listed in Subsection G of Section 18.128.020 (Definitions) of Chapter 18.128 (General Terms), is proposed to be amended to correct the definition to be an attached or detached accessory structure, not a dwelling, for the storage of passenger vehicles.

Complete details of the proposed amendments are provided in the draft Ordinance (Attachment 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 as the amendments correct clerical errors and inconsistencies found in the Code, as well as provides clarity and establishes procedures for General Plan Amendments within the Zoning Code.

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 text amendments are consistent with the General Plan in that it corrects clerical errors and inconsistencies found in the Code, as well as provides clarity and establishes procedures for General Plan Amendments.

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

Consistent

The proposed text amendments consist of correcting clerical errors and inconsistencies found in the Code, as well as provide clarity and establishes procedures for General Plan Amendments, and, therefore, will not be detrimental to the City.

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

Consistent

The proposed revisions will correct existing minor inconsistencies in the Code, and, therefore, would be internally consistent with the overall zoning code.

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

This Ordinance is 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 consist of miscellaneous minor amendments to correct clerical errors and inconsistencies within the Municipal Code as well as establishing procedures for amending the General Plan.

Community Engagement

A 10-day public hearing notice was published in the Friday, October 30, 2020 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. Planning Commission Resolution
2. Draft Ordinance
3. Staff Presentation

RESOLUTION NO. 20-13

A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF MORGAN HILL RECOMMENDING APPROVAL OF ZONING AMENDMENT ZA2020-0001: MUNICIPAL CODE AMENDMENT AMENDING SECTION 8.28.040 (ENUMERATION OF UNLAWFUL NOISES) OF CHAPTER 8.28 (NOISE) OF TITLE 8 (HEALTH AND SAFETY) AND AMENDING VARIOUS CODE PROVISIONS WITHIN TITLE 18 (ZONING) OF THE MUNICIPAL CODE OF THE CITY OF MORGAN HILL IMPLEMENTING MINOR AMENDMENTS DUE TO CLERICAL ERRORS AND INCONSISTENCIES; AMENDING CHAPTER 18.52 (FENCES AND WALLS) OF TITLE 18 (ZONING) TO CLARIFY AND ESTABLISH DESIGN AND SCREENING REQUIREMENTS OF FENCES AND WALLS; AND TO ESTABLISH CHAPTER 18.115 (GENERAL PLAN AMENDMENTS) OF TITLE 18 (ZONING) OF THE MUNICIPAL CODE OF THE CITY OF MORGAN HILL ESTABLISHING PROCEDURES FOR AMENDING THE GENERAL PLAN

WHEREAS, this proposed Ordinance (Zoning Amendment ZA2020-0001) was considered by the Planning Commission of the City of Morgan Hill at its regular meeting of November 10, 2020;

WHEREAS, the Planning Commission has reviewed recommendations contained in the November 10, 2020, staff report on this item;

WHEREAS, the amendments proposed by this Ordinance are necessary to correct clerical errors and inconsistencies in the Municipal Code as well as provides clarity and establish procedures for amending the General Plan;

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; and

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

The proposed text amendment is consistent with the General Plan in that it corrects clerical errors and inconsistencies found in the Code, as well as provides clarity and establishes procedures for General Plan Amendments.

SECTION 2. The proposed amendments will not be detrimental to the public interest, health, safety, convenience, or welfare of the City.

The proposed text amendment consists of correcting clerical errors and inconsistencies found in the Code, as well as provides clarity and establishes procedures for General Plan Amendments, 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 will correct existing inconsistencies in the Code, and, therefore, would be 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 Section 8.28.040 (Enumeration of Unlawful Noises) of Chapter 8.28 (Noises) of Title 8 (Health and Safety) and amending various Code provisions within Title 18 (Zoning), amending Chapter 18.52 (Fences and Walls) of Title 18 (Zoning), as well as establishing Chapter 18.115 (General Plan Amendments) 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 of the staff report).

PASSED AND ADOPTED THIS 10th DAY OF NOVEMBER 2020, AT A REGULAR MEETING OF THE PLANNING COMMISSION BY THE FOLLOWING VOTE:

AYES: COMMISSIONERS:

NOES: COMMISSIONERS:

ABSTAIN: COMMISSIONERS:

ABSENT: COMMISSIONERS:

City of Morgan Hill
Resolution No. 20-13
Page 3 of 3

ATTEST:

JENNA LUNA, Deputy City Clerk

APPROVED:

MOHAMMAD HABIB, Chair

Date: _____

Attachment: Planning Commission Resolution [Revision 3] (2691 : 2020 Miscellaneous Code Amendments)

ORDINANCE NO. , NEW SERIES

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF MORGAN HILL AMENDING SECTION 8.28.040 (ENUMERATION OF UNLAWFUL NOISES) OF CHAPTER 8.28 (NOISE) OF TITLE 8 (HEALTH AND SAFETY) AND AMENDING VARIOUS CODE PROVISIONS WITHIN TITLE 18 (ZONING CODE) OF THE MUNICIPAL CODE OF THE CITY OF MORGAN HILL IMPLEMENTING MINOR AMENDMENTS DUE TO CLERICAL ERRORS AND INCONSISTENCIES; AMENDING CHAPTER 18.52 (FENCES AND WALLS) OF TITLE 18 (ZONING) TO CLARIFY AND ESTABLISH DESIGN AND SCREENING REQUIREMENTS OF FENCES AND WALLS; AND TO ESTABLISH CHAPTER 18.115 (GENERAL PLAN AMENDMENTS) OF TITLE 18 (ZONING CODE) OF THE MUNICIPAL CODE OF THE CITY OF MORGAN HILL ESTABLISHING PROCEDURES FOR AMENDING THE GENERAL PLAN

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

Section 1. Subsection D of Section 8.28.040 (Enumeration of Unlawful Noises) of Chapter 8.28 (Noise) of Title 8 (Health and Safety) is hereby amended to read as follows (additions in underline, deletions in ~~strikeout~~):

D. ~~1. —~~ Construction ~~a~~Activities ~~as limited below.~~

1. "Construction activities" are defined as including but not limited to excavation, grading, paving, demolition, construction, alteration or repair of any building, site, street or highway, delivery or removal of construction material to a site, or movement of construction materials on a site. Construction activities are prohibited other than between the hours of seven a.m. and eight p.m., Monday through Friday and between the hours of nine a.m. to six p.m. on Saturday. Construction activities may not occur on Sundays or federal holidays. No third person, including but not limited to landowners, construction company owners, contractors, subcontractors, or employers, shall permit or allow any person working on construction activities which are under their ownership, control or direction to violate this provision. Construction activities may occur in the following cases without violation of this provision:

- a. In the event of urgent necessity in the interests of the public health and safety, and then only with a permit from the chief building official, which permit may be granted for a period of not to exceed three days or less while the emergency continues and which permit may be renewed for periods of three days or less while the emergency continues.
 - b. If the chief building official determines that the public health and safety will not be impaired by the construction activities between the hours of eight p.m. and seven a.m., and that loss or inconvenience would result to any party in interest, the chief building official may grant permission for such work to be done between the hours of eight p.m. and seven a.m. upon an application being made at the time the permit for the work is issued or during the progress of the work.
 - c. The city council finds that construction by the resident of a single residence does not have the same magnitude or frequency of noise impacts as a larger construction project. Therefore, the resident of a single residence may perform construction activities on that home during the hours in this subsection, as well as on Sundays and federal holidays from nine a.m. to six p.m., provided that such activities are limited to the improvement or maintenance undertaken by the resident on a personal basis.
 - d. Public work projects are exempt from this section and the public works director shall determine the hours of construction for public works projects.
 - ~~e. Until November 30, 1998, construction activities shall be permitted between the hours of ten a.m. to six p.m. on Sundays, subject to the following conditions. No power-driven vehicles, equipment or tools may be used during construction activities, except on the interior of a building or other structure which is enclosed by exterior siding (including windows and doors) and roofing, and which windows and doors are closed during construction activities. Construction activities must be situated at least one hundred fifty feet from the nearest occupied dwelling. No delivery or removal of construction material to a site, or movement of construction materials on a site, is permitted. No activity, including but not limited to the playing of radios, tape players, compact disc players or other devices, which creates a loud or unusual noise which offends, disturbs or harasses the peace and quiet of the persons of ordinary sensibilities beyond the confines of the property from which the sound emanates is allowed.~~
2. If it is determined necessary in order to ensure compliance with this section, the chief building official may require fences, gates or other barriers prohibiting access to a construction site by construction crews during hours in which construction is prohibited by this subsection. The project manager of each project shall be responsible for ensuring the fences, gates or barriers are locked and/or in place during hours in which no construction is

allowed. This subsection shall apply to construction sites other than public works projects or single dwelling units which are not a part of larger projects.

Section 2. Subsection A of Section 18.18.020 (Land Use Regulations) of Chapter 18.18 (Residential Attached Zoning Districts) of Title 18 (Zoning) is hereby amended to read as follows (additions in underline, deletions in ~~strikeout~~):

- A. Permitted Land Uses. Table 18.18-1 identifies land uses permitted in the residential attached zoning districts.

Table 18.18-1: Permitted Land Uses — Residential Attached Zoning Districts

Key P Permitted Use A Administrative Use Permit required C Conditional Use Permit required — Use not allowed	Zoning District			Additional Regulations
	RAL	RAM	RAH	
Residential Uses				
Accessory Dwelling Units	P [2]	P [2]	P [2]	Chapter 18.84
Duets and Duplexes	P	P	P	
Group Housing	C [1]	C	C	
Multi-Family Dwellings	P	P	P	
Nursing Homes and Long-Term Care	C	C	C	
Residential Care Facilities	C	C	C	
Residential Care Facilities, Small	P	P	P	
Single-Family Attached Dwellings	P	P	P	
Single-Family Detached Dwellings	P [32] , 43]	P [43]	P [43]	

Public and Quasi-Public Uses				
Community Assembly	C	C	C	
Cultural Institutions	C	C	C	
Day Care Centers	C	C	C	
Home Day Care, Large and Small	P	P	P	
Parks and Recreational Facilities [54]	C	C	C	
Public Safety Facilities	C	C	C	
Schools, Public and Private	C	C	C	
Transportation, Communication, and Utility Uses				
Wireless Communication Facilities	See Chapter 18.96			
Other Uses				
Accessory Uses and Structures	See Chapter 18.44			
Home Occupations	See Section 18.92.060			
Temporary Uses and Structures	See Section 18.92.150			
Urban Agriculture				
Home Gardens	P	P	P	
Community Gardens	A	A	A	
Urban Farms	C	C	C	

Notes:

[1] Limited to no more than eight residents.

~~[2] Permitted only on lots occupied by one existing or proposed detached single-family home.~~

[32] Up to twenty-five percent of homes within a development project may be small-lot single family homes with a maximum lot area of three thousand five hundred square feet.

[43] Permitted only on a lot of record existing prior to July 7, 2018.

[54] Park and recreational facilities accessory to a residential use (e.g., a clubhouse serving a residential subdivision) are permitted by right.

Section 3. Chapter 18.22 (Mixed Use Zoning Districts) of Title 18 (Zoning) is hereby amended to read as follows (additions in underline, deletions in ~~strikeout~~):

Chapter 18.22 - MIXED USE ZONING DISTRICTS

18.22.010 - Purpose of the mixed use zoning districts.

- A. General. The purpose of the mixed use zoning districts is to provide for active and inviting destinations in Morgan Hill with a diversity of residential and commercial land uses. In the mixed use zoning districts the design of development supports a welcoming, pedestrian-friendly public realm. A diversity of local and independent businesses, recreational amenities, and public spaces meet the needs of residents, workers, and visitors. New development respects Morgan Hill's history and reflects its unique small-town feel. The diversity of land uses, pedestrian-friendly development, and general level of activity in the mixed use zoning districts supports a range of transportation choices, including walking, biking, and transit.
- B. Specific.
 1. Downtown Mixed Use (MU-D). The purpose of the Downtown Mixed Use (MU-D) zoning district is to preserve and enhance Downtown as the heart of Morgan Hill and the center of the community. New development supports a walkable Downtown district with active storefronts and a diversity of commercial, residential, and public uses. The intensity of residential uses enhances economic vitality, increases housing options for residents of all ages, and support a vibrant and diverse destination for residents and visitors. The MU-D zoning district implements the community's vision for Downtown Morgan Hill as described in the Downtown Specific Plan.
 2. Neighborhood Mixed Use (MU-N). The purpose of the Neighborhood Mixed Use (MU-N) zoning district accommodates a range of residential and

commercial land uses in close proximity to Downtown. A range of housing types provide residents with affordable housing options and increase opportunities to live close to stores, services, jobs, and transit. The MU-N zoning district provides a transition from the higher intensity uses in the Downtown Core to lower density residential neighborhoods.

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

18.22.020 - Land use regulations.

- A. **Permitted Land Uses.** Table 18.22-1 identifies land uses permitted in the MU-N and MU-F zoning districts. For permitted land uses in the MU-D zoning district, see Figure 8 in the Downtown Specific Plan.

Table 18.22-1: Permitted Land Uses — MU-N and MU-F Zoning Districts

Key P Permitted Use A Administrative Use Permit required C Conditional Use Permit required — Use not allowed	Zoning District		Additional Regulations
	MU-N	MU-F	
Residential Uses			Section 18.22.030
Accessory Dwelling Units	P- 1	P- 1	Chapter 18.84
Duets and Duplexes	P	C	
Group Housing	C	C	
Live/Work Unit	A	A	
Mixed Use Residential	P	P	
Multi-Family Dwellings	P	C	

Nursing Homes and Long-Term Care	C	C	
Residential Care Facilities	C	C	
Residential Care Facilities, Small	P	P	
Senior Housing, Independent Living	P	C	
Single-Family Attached Dwellings	P	C	
Single-Family Detached Dwellings	P <u>1</u>	C	
Public and Quasi-Public Uses			
College and Trade Schools	P	P	
Community Assembly	C	C	
Cultural Institutions	A	A	
Day Care Centers	C	C	
Emergency Shelters	—	C	Section 18.92.050
Government Offices	A	A	
Home Day Care, Large <u>and Small</u>	C <u>P</u>	C <u>P</u>	
Home Day Care, Small	P	P	
Hospitals	C	C	
Instructional Services	P	P	
Medical Offices and Clinics	P	P	
Parks and Recreational Facilities	P	P	
Public Safety Facilities	C	C	

Schools, Public and Private	C	C	
Social Services	—	C	
Commercial Uses			
Animal-Related Users			
Veterinarian Clinics and Hospitals	C	C	
Banks and Financial Institutions	P	P	
Business Support Services	P	P	
Cinemas and Theaters	A	A	
Commercial Recreation, Indoor			
≤ 15,000 sq. ft.	P	P	
> 15,000 sq. ft.	C	C	
Drive-Through Facilities	C	C	18.92.040
Eating and Drinking Uses			
Bars and Nightclubs	C	C	
Restaurant, Fast Food	P	P	
Restaurants, Sit Down	P	P	
Tasting Rooms	P	P	
Farmers Markets	A	A	
Lodging Facilities			
Bed and Breakfast	A	A	

Hotels and Motels	C	C	
Personal Services	P	P	
Professional Offices	P	P	
Retail			
Convenience Market	A	A	18.92.030
General Retail	P	P	
Vehicle-Related Uses			
Fuel and Service Stations	—	C	
Vehicle Rentals	—	C	
Vehicle Washing	—	C	
Industrial Uses			
Food and Beverage Production			
< 5,000 sq. ft. [3]	P	P	
5,000 sq. ft. to 10,000 sq. ft. [3]	C	C	
Transportation, Communication, and Utility Uses			
Parking Lots or Structures [2]	C	C	
Recycling Facilities			
Reverse Vending Machines	—	C	
Transportation Terminals	—	—	

Wireless Communications Facilities	See Chapter 18.96	
Other Uses		
Accessory Uses	See Chapter 18.44	
Home Occupations	See Section 18.92.060	
Temporary Uses	See Section 18.92.150	

Notes:

[1] ~~Permitted only on a lot of record existing prior to July 7, 2018. Permitted only on lots with one existing or proposed new detached single-family dwelling.~~

[2] When proposed as a primary use.

[3] On-site wholesale or retail sales required.

- B. Replacement Housing. Any proposed project that would replace existing rental housing occupied by a low or moderate-income household with commercial development or higher density residential uses shall comply with Municipal Code Chapter 15.30 (Replacement Housing).
- C. Additional Permits. In addition to permits identified in Table 18.22-1, development projects in the mixed use zoning districts may also require a design permit pursuant to Section 18.108.040 (Design Permits). Modifications to a historic resource may require a Historic Alteration pursuant to Chapter 18.60 (Historic Resources).
- D. Residential Building Allotments. All residential development must comply with the voter-approved residential development control system (RDCS) as established in Chapter 18.78 (Residential Development Control System). The RDCS requires proposed residential projects to first receive residential building allotments before applying for land use entitlements. Section 18.78.050.C (Exemptions from Allotments) identifies types of residential projects exempt from the requirement to obtain residential building allotments.

18.22.030 - Residential and mixed use in the MU-F zoning district.

Residential and residential mixed use is not allowed in the MU-F zoning district until the completion of a master plan for the Monterey Corridor.

18.22.040 - Development standards.

- A. General. Table 18.22-2 identifies development standards that apply in the mixed zoning districts.

Table 18.22-2: Development Standards in Mixed Use Zoning Districts

	MU-D	MU-N	MU-F	Additional Standards
Site Requirements				
Lot Area, Minimum	3,500 sq. ft.	6,000 sq. ft.	6,000 sq. ft.	
Lot Width, Minimum	40 ft.	60 ft.	60 ft.	
Lot Depth, Minimum	80 ft.	100 ft.	100 ft.	
Floor Area Ratio, Maximum	2.0 [1]	1.0	0.5	
Residential Density				
Minimum	None	8 du/acre	7 du/acre	
Maximum	None	20 du/acre	24 du/acre	
Building Coverage, Maximum	None	75%	50%	
Structure Requirements				
Setbacks	See Table 18.22-3			18.56.030
Height, Maximum	3 stories and 45 ft. [2]	35 ft. [3,4]	35 ft. [3]	18.56.020

Notes:

[1] 2.25 FAR permitted on sites 22,000 sq. ft. or more.

[2] Four stories and 55 ft. permitted on sites 22,000 sq. ft. or more.

[3] 45 ft. permitted with a minimum of 10 ft. devoted to a roof element.

[4] 40 ft. allowed for vertical mixed use, regardless of roof form.

- B. Setbacks. Table 18.22-3 identifies setback standards that apply in the mixed zoning districts. Within each zoning district, setback standards for residential uses are different from setback standards for non-residential and mixed use development. See Figure 18.24.

Table 18.22-3: Setback Standards in Mixed Use Zoning Districts

	MU-D		MU-N		MU-F	
Setback	Res.	Non-Res. [1]	Res.	Non-Res. [1] [5]	Res.	Non-Res. [1] [5]
Front	Min: 6 ft. [2] Max: 15 ft.	Min: 0 ft. Max: 10 ft.	Min: 6 ft. [2] Max: 15 ft.	Min: 0 ft. [3] Max: 10 ft.	Min: 15 ft. [2] Max: None	Min: 10 ft. [4] Max: None
Rear, Min.	0 ft.	10 ft.	0 ft.	10 ft.	20 ft.	10 ft.
Interior Side, Min.	5 ft.	0 ft.	5 ft.	0 ft.	5 ft.	0 ft.
Street Side, Min.	6 ft.	0 ft.	6 ft.	0 ft.	10 ft.	10 ft. [4]

Notes:

[1] Includes mixed use buildings with residential uses above ground floor commercial.

[2] Residential porches and similar entry features may project five feet into the front setback. See Figure 18.22-1.

[3] Building wall must be setback a minimum of ten feet from the edge of curb. See Figure 18.22-2.

[4] Outdoor seating, courtyards, and other publicly-accessible spaces may project five feet into the front setback.

~~[5]C. Residential Transition Standards — MU-N and MU-F.~~ Where a property ~~zoned MU-N or MU-F~~ abuts a residential zoning district or residential land use designation, ~~the property projects~~ shall comply with increased setbacks, upper story stepbacks, and landscaping standards as specified in Section 18.92.130 (Residential Transition Standards).

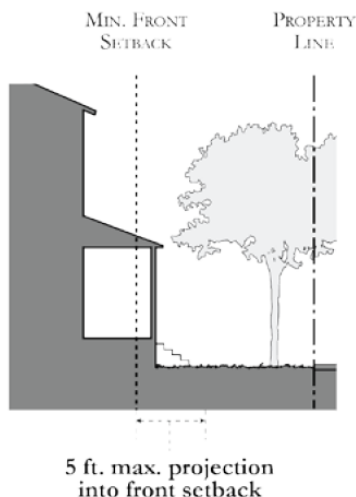


Figure 18.22-1: Permitted Projection Into Front Setback — Residential Uses

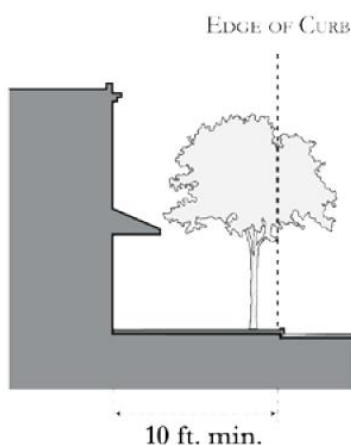


Figure 18.22-2: Minimum Setback From Curb — MU-N Zoning District

Section 4. Section 18.24.030 (Development Standards) of Chapter 18.24 (Commercial Zoning Districts) of Title 18 (Zoning) is hereby amended to read as follows (additions in underline, deletions in ~~strikeout~~):

- A. General. Table 18.24-2 identifies development standards that apply in the commercial zoning districts.
- B. Residential Transition Standards. Where a property zoned in a commercial zoning district abuts a residential zoning district, projects shall comply with increased setbacks, upper story stepbacks, and landscaping standards as specified in Section 18.92.130 (Residential Transition Standards).

Table 18.24-2: Development Standards in the Commercial Zoning Districts

	CO	CN	CG	CH	CS	Additional Standards
Site Requirements						
Lot Area, Minimum	6,000 sq. ft.	10,000 sq. ft.	10,000 sq. ft.	20,000 sq. ft.	10,000 sq. ft.	
Lot Width, Minimum	60 ft.	100 ft.	100 ft.	70 ft.	100 ft.	
Lot Depth, Minimum	100 ft.	100 ft.	100 ft.	125 ft.	100 ft.	
Building Coverage, Maximum	50%	50%	50%	40%	50%	
Structure Requirements						
Setbacks, Minimum [1]						18.56.030
Front	20 ft.	25 ft.	25 ft.	40 ft.	25 ft.	
Rear	20 ft.	20 ft.	20 ft.	20 ft.	20 ft.	
Interior Side	10 ft.	0 ft.	0 ft.	0 ft.	0 ft.	
Street Side	15 ft.	15 ft.	15 ft.	15 ft.	15 ft.	
Height, Maximum	3 stories or 30 ft., whichever is less	2½ stories or 30 ft., whichever is less	3 stories or 35 ft., whichever is less	4 stories or 55 ft., whichever is less	3 stories or 35 ft., whichever is less	18.24.030.B; 18.56.020

[\[1\] Where a property abuts a residential zoning district or residential land use designation, the property shall comply with increased setbacks, upper story](#)

stepbacks, and landscaping standards as specified in Section 18.92.130 (Residential Transition Standards).

Section 5. Chapter 18.26 (Industrial Zoning Districts) of Title 18 (Zoning) is hereby amended to read as follows (additions in underline, deletions in ~~strikeout~~):

18.26.010 - Purpose of the industrial zoning districts.

- A. General. The purpose of the industrial zoning districts is to provide locations to maintain and focus industrial development in economically and geographically strategic locations in Morgan Hill. Permitted land uses in the industrial zoning districts are limited to avoid potential conflicts that would adversely impact industrial activities. Development is designed to enhance the economic vitality of industrial areas and limit impacts on adjacent development.
- B. Specific.
 - 1. Commercial Industrial (CI). The purpose of the CI zoning district is to promote job-generating development of lands by allowing flexibility in the mix of industrial, office, and commercial uses that are compatible with existing development. Lodging uses (e.g., hotels) that support primary job generating uses within business districts are allowed.
 - 2. Light Office Industrial (IO). The purpose of the IO zoning district is to provide areas for mixed administrative and executive office uses in appropriate areas within the community.
 - 3. Campus Industrial (IC). The purpose of the IC zoning district is to provide an environment exclusively for and conducive to the development and protection of modern administrative facilities, research institutions and specialized manufacturing operations.
 - 4. Light Industrial (IL). The purpose of the IL zoning district is to provide areas for research, administrative, lighter manufacturing, wholesale and heavy service commercial uses not suitable in commercial districts.
 - 5. General Industrial (IG). The purpose of the IG zoning district is to provide areas for general industrial, manufacturing, wholesale and service uses needed by the city and region subject to regulations necessary to protect other nearby uses from hazards and noise and other disturbances.

18.26.020 - Land use regulations.

- A. Permitted Land Uses. Table 18.26-1 identifies land uses permitted in the industrial zoning districts.

Table 18.26-1 Permitted Land Uses in the Industrial Zoning Districts

Key P Permitted Use A Administrative Use Permit required C Conditional Use Permit required — Use not allowed	Zoning District					Additional Regulations
	CI	IO	IC	IL	IG	
Residential Uses						
Caretaker Quarters	—	—	—	C	C	
Public and Quasi-Public Uses						
Colleges and Trade Schools	C	C	C	C	C	
Community Assembly	C	—	—	C	C	
Instructional Services	A	—	—	—	—	
Medical Offices and Clinics	A	—	—	—	—	
Parks and Recreational Facilities	C	—	—	C	C	
Public Safety Facilities	C	—	—	C	C	
Commercial Uses						
Adult Businesses	—	—	P	P	P	18.92.020
Animal-Related Commercial Uses						
Animal Boarding	C	—	—	C	C	
Veterinarian Clinics and Hospitals	A	A	A	C	C	
Banks and Financial Institutions	C [4]	—	—	—	—	

Business Support Services	P	C	P	P	P	
Cinemas and Theaters	A	—	—	—	—	
Commercial Recreation, Indoor						
≤ 15,000 sq. ft.	P	C	C	C	C	
> 15,000 sq. ft.	C	C	C	C	C	
Eating and Drinking Uses						
Restaurants, Fast Food	C [4]	— [5]	— [5]	— [5]	— [5]	
Restaurants, Sit-Down	C [4]	— [5]	— [5]	— [5]	— [5]	
Tasting Rooms	P [6]	—	—	A [6]	A [6]	
Lodging Facilities						
Hotels and Motels	P	—	—	—	—	
Mini-Storage	—	—	—	C	C	18.92.100
Personal Service	C [4]	— [5]	— [5]	— [5]	— [5]	
Plant Nurseries	C	—	—	P	P	
Professional Offices	P	P	P	P	P	
Retail						
Building Materials	C	—	—	P	P	
Convenience Markets	C	—	—	— [5]	— [5]	

	[4]	[5]	[5]			
General Retail	C [4]	— [5]	— [5]	— [5]	— [5]	
Home Improvement Centers	C	—	—	C	C	
Large Commodity Retail	C	—	—	C	C	
Vehicle-Related Uses						
Towing and Impound	—	—	—	C	P	
Vehicle Repair and Maintenance, Major	—	—	—	C	P	
Vehicle Repair and Maintenance, Minor	—	—	—	P	P [1]	
Wholesaling	P	—	—	P	P	
Industrial Uses						
Construction and Material Yards	C	C	C	P	P	18.36.030.C
Food and Beverage Production						
< 5,000 sq. ft. [7]	A [2]	A [2]	A [2]	P [2]	P [2]	
5,000 sq. ft. to 10,000 sq. ft. [7]	C [2]	C [2]	C [2]	P [2]	P [2]	
> 10,000 sq. ft.	C	C	C	P [2,8]	P [2,8]	
Manufacturing, Light	P	C [3]	C	P	P	
Manufacturing, General	—	—	—	—	C	

Research and Development	P	P	P	P	P	
Salvage and Wrecking	—	—	—	—	C	
<u>Vehicle Storage, Outdoor</u>	<u>=</u>	<u>=</u>	<u>=</u>	<u>C</u>	<u>C</u>	<u>18.52.080.B</u>
Warehousing and Distribution						
Warehousing and Distribution, Large	C	C [3]	C [3]	C	P	
Warehousing and Distribution, Small	C	C [3]	C [3]	P	P	
Warehousing and Distribution with Outdoor Storage	C	—	—	C	C	
Transportation, Communication, and Utility Uses						
Freight Terminals and Transfer	—	—	—	—	C	
Light Fleet-Based Services	C	—	C	P	P	
Recycling Facilities						
Reverse Vending Machine	P	C	C	P	P	
Recycling Collection Facility	C	—	—	C	C	
Recycling Processing Facility	—	—	—	—	C	
Utilities, Major	—	—	—	C	C	
Wireless Communications Facilities	See Chapter 18.96					
Agriculture and Natural Resource Uses						
Crop Cultivation	—		—			

Other Uses						
Accessory Uses	See Chapter 18.44					
Temporary Uses	See Section 18.92.150					

Notes:

- [1] Retail sale of automotive products allowed only when ancillary to a vehicle repair and maintenance use. Retail display areas for automotive products may not exceed twenty-five percent of the building floor area.
 - [2] Must be one hundred fifty feet or more from a residential zoning district, otherwise requires a CUP.
 - [3] Permitted only when ancillary to another permitted use.
 - [4] Allowed as a primary use only when the planning commission finds that the use supports the primary job-generating uses within a business park setting.
 - [5] Allowed when accessory to a permitted primary use subject to the limitations in Section 18.26.020.D (Accessory Uses).
 - [6] Allowed only when accessory to a brewery, winery, or other alcoholic beverage production facility. Tasting rooms must be located within the building occupied by the primary use and may not exceed five thousand square feet or ten percent of the gross floor area of the building, whichever is less.
 - [7] On-site wholesale or retail sales required.
 - [8] Conditional use permit required when the type of food being produced will emit a generally offensive odor. Examples include primary processing of seafood, coffee roasting, pickled foods, or processes involving primarily fat and oils.
- B. Additional Permits. In addition to permits identified in Table 18.26-1, development projects in the industrial districts may also require a design permit pursuant to Section 18.108.040 (Design Permits). Modifications to a historic resource may require a Historic Alteration pursuant to Chapter 18.60 (Historic Resources).
- C. Outdoor Uses.
1. In the IO zoning district, all uses shall be conducted wholly within a completely enclosed building. Outdoor uses are prohibited.
 2. In all other industrial zoning districts, outdoor uses shall be screened from public view and the area containing the outdoor use shall meet the minimum design standards applicable to off-street parking facilities as specified in Section 18.72.060 (Parking Design and Development Standards).
- D. Accessory Uses.

1. In all industrial zoning districts, retail, personal service, recreation, restaurants, and other similar uses are permitted as an accessory use provided the following conditions are met:
 - a. The use is conducted within the building occupied by the primary use; and
 - b. The use is to serve only employees and guests of the primary use; and
 - c. The use is limited to no more than three thousand square feet or ten percent of the floor area of the primary use, whichever is less.
2. Tasting rooms associated with a brewery, winery, or other alcoholic beverage production facility are allowed in industrial zoning districts as specified in Table 18.26-1.

18.26.030 - Development standards.

- A. General. Table 18.26-2 identifies development standards that apply in the industrial zoning districts.

Table 18.26-2: Industrial Zoning District Development Standards

	CI	IO	IC	IL	IG	Additional Standards
Site Requirements						
Lot Area, Minimum	20,000 sq. ft.	40,000 sq. ft.	5 acres	20,000 sq. ft.	20,000 sq. ft.	
Lot Width, Minimum	100 ft.	100 ft.	300 ft.	100 ft.	150 ft.	
Lot Depth, Minimum	100 ft.	100 ft.	300 ft.	100 ft.	100 ft.	
Floor Area Ratio, Maximum	0.5/0.6 [1]	0.6	0.5	0.6	0.6	
Building Coverage, Maximum	60%	40%	40%	50%	60%	
Structure						

Requirements						
Setbacks, Minimum [2]						Chapter 18.56
Front	30 ft.	40 ft.	50 ft.	30 ft.	30 ft.	
Rear	20 ft.	20 ft.	20 ft.	20 ft.	20 ft.	
Interior Side	10 ft.	10 ft.	25 ft.	10 ft.	15 ft.	
Street Side	15 ft.	15 ft.	15 ft.	15 ft.	15 ft.	
Height, Maximum	4 stories or 55 ft., whichever is less	35 ft.	50 ft.	50 ft.	50 ft.	18.56 18.26.030.B

Notes:

[1] An FAR of 0.6 is allowed for industrial uses. An FAR of 0.5 is allowed for non-industrial land uses.

[\[2\] Where a property abuts a residential zoning district or residential land use designation, the property shall comply with increased setbacks, upper story setbacks, and landscaping standards as specified in Section 18.92.130 \(Residential Transition Standards\).](#)

~~B. Residential Transition Standards. Where a property in an industrial zoning district abuts a residential zoning district, projects shall comply with increased setbacks, upper story setbacks, and landscaping standards as specified in Section 18.92.130 (Residential Transition Standards).~~

~~CB.~~ Cul-De-Sac Lot Width. In all industrial zoning districts except for the IC zoning district, the minimum width of a cul-de-sac lot is eighty feet as measured along the radius of the front property line.

D. Joint Access Agreement — IL, IG Zoning Districts. For parcels of less than forty thousand square feet in area, a joint mutual access agreement between adjoining parcels shall be required for reasonable vehicular and pedestrian passage.

Section 6. Subsection C of Section 18.30.040 (Hillside Combining District) of Chapter 18.30 (Overlay Zones and Combining Districts) of Title 18 (Zoning) is hereby amended to read as follows (additions in underline, deletions in ~~strikeout~~):

C. Development Standards.

1. Building Restrictions on Steep Slopes.

- a. Buildings, private streets, and driveways may not be constructed on slopes greater than twenty percent except as allowed by subparagraph b below.
- b. Minor encroachments onto slopes greater than twenty percent may be allowed when the review authority finds that the proposed encroachment will not conflict with the purpose and intent of the H combining district.

2. Minimum Lot Area.

- a. The minimum lot size in the H combining district shall not be less than "A" as determined by the formula:

$$A = S \times 2,000$$

Where "S" is the average slope of the lot to be created in terms of percent.

- b. For lots with an average slope greater than fifty percent, the minimum lot size is five acres.
- c. Lots with an average slope of ten percent or greater may be created in exception to the slope/area formula above if the lots to be created contain an area of slope less than ten percent which is equal to or greater than the minimum lot size required by the underlying zone. In such a case, a deed restriction must be recorded for such lots which restrict building to the area in which the average slope is ten percent or less.

3. Calculating Ground Slope.

- a. The average ground slope shall be calculated using the following formula:

$$S = 0.00229IL/A$$

Where:

S = Average ground slope in percent

I = Contour interval in feet

L = Combined length of the contour lines in feet

A = The gross area in acres of the parcel or lot

- b. Measurements along contours shall be made at contour intervals not to exceed ten feet, and a horizontal map scale of one inch equals two hundred feet or larger.

4. Land Modification Restrictions.
 - a. Areas on a lot with a slope exceeding twenty percent may not be altered by grading, altering natural features, removing natural vegetation, or by any activity related to the preparation of the lot for development.
 - b. The planning commission may allow exceptions to the land modification restrictions above to protect the public health, safety, and welfare. Exceptions may be granted to:
 - (1) Install fire trails;
 - (2) Remove of poisonous or noxious vegetation;
 - (3) Remove or thin vegetation as part of a fire-protection program approved by the fire chief;
 - (4) Abate geologic or seismic hazard; or
 - (5) Protect public safety through other methods as approved by the planning commission.
5. Open Space Requirements. Table 18.30-1 identifies the minimum percentage of lot area to remain in open space with no grading or terrain alteration.

Table 18.30-1: Open Space Requirements

Average Ground Slope (Percent)	Minimum Percent of Lot Area to Remain in Open Space
12.5 to 14.9	32.5%
15.0 to 17.4	40.0%
17.5 to 19.9	47.5%
20.0 to 22.4	55.0%
22.5 to 24.9	62.5%
25.0 to 27.4	70.0%
27.5 to 29.9	77.5%
30.0 and above	85.0%

6. One Dwelling Unit Allowed Per Lot.
 - a. If no portion of a lot contains slopes of less than twenty percent, and the lot is a legally-established lot of record, one dwelling unit and accessory structures may be constructed on the lot.
 - b. Development when allowed by this section shall conform with the recommendations in the engineering geologic or geotechnical report prepared by a qualified engineer geologist as required by the provisions of Chapter 18.70 (Geologic Hazards) and any other conditions of approval or mitigation measures adopted for the proposed project.
7. Ridgeline Development. Buildings are prohibited within eighty feet of a ridgeline unless the review authority for the proposed project finds that:
 - a. There are no other feasible locations on the lot other than the proposed ridgeline building site which can accommodate the building;
 - b. The proposed development is consistent with all other requirements of the applicable zone;
 - c. The applicant has attempted a transfer of development credits (TDC) in accordance with Subsection F (Transfer of Development Credits) as an alternative to building on the proposed ridgeline site; and
 - d. The applicant has exhausted all possible avenues to accommodate development in area away from the proposed ridgeline building site.
8. Cut-and-Fill Slopes. Cut-and-fill slopes shall not be steeper than two horizontal to one vertical (2:1) unless stabilized by a retaining wall or cribbing, as approved by the building official.
9. Erosion-Control Plan. The city shall approve an erosion-control plan prior to any physical development within the H combining district. The plan shall meet the standards contained in Municipal Code Chapter 13.30 - Urban Storm Water Quality Management and Discharge Control.

Section 7. Section 18.40.050 (Development Standards) of Chapter 18.40 (Alternative Standards for Medium Density Residential Development) of Title 18 (Zoning) is hereby amended to read as follows (additions in underline, deletions in ~~strikeout~~):

- A. General. Minimum lot sizes and dimensions for specific housing types are shown in Table 18.40-2. Lot sizes, dimensions, coverage limits, and setback standards may vary based on the use within the specified zoning district.

Table 18.40-2: Medium Density Residential Development Standards

	Housing Type
--	--------------

	Duet	Courtyard	SFD	TH	Duplex	Multi
Lot Area (min sq. ft.) [1] [2]	3,000	1,920— 2,999	4,500— 5,500	1,440— 3,999	6,000	6,000
Lot Width (min)	30 ft.	24 ft.	40 ft.	24 ft.	60 ft.	60 ft.
Lot Depth (min)	85 ft.	60 ft.	80 ft.	60 ft.	85 ft.	85 ft.
Lot Coverage (max) [3]	50%	45%	N/A	55%	1 story: 40% 2+ story: 50%	60%
Floor Area Ratio (max)	N/A	N/A	52%	N/A	N/A	N/A
Height	See base zoning district See 18.40.050.B See base zoning district <u>See base zoning district</u>					
Setbacks						
Front [4]	10 ft.	N/A	15 feet	N/A	20 ft.	15
Interior Side	3 ft. [5]	5 ft. [7]	4 ft. [6]	N/A	5 ft. [7]	5 ft.
Street Side	6 ft.	5 ft.	8 ft.	5 ft.	10 ft.	15 ft.
Rear	10 ft.	N/A	15 ft.	N/A	15 ft.	20 ft.

Notes:

[1] Subject to the density requirements specified in the General Plan.

[2] Standards are for individual lots and not for the subdivision as a whole.

[3] Lot coverage limits apply to individual, subdivided parcels and to accessory structures as well as the primary residential structure on the site. Development in the RAL and RAM zoning districts is also subject to an aggregate lot coverage limit for the entire subdivision. See Section 18.18.060.A.

[4] Additional requirements apply for street-facing garages. See Section 18.40.070.H.7.

[5] A reduced setback (as low as zero feet) is acceptable on one side yard; provided, that the sum of both side yard setbacks is at least six feet and one setback is at least four feet.

[6] A reduced setback (as low as zero feet) is acceptable on one side yard; provided, that the sum of both side yard setbacks is at least eight feet.

[7] A reduced setback (as low as zero feet) is acceptable on one side yard; provided, that the sum of both side yard setbacks is at least ten feet.

~~B. Townhouse Height.~~

- ~~1. The maximum building plate height of a townhouse is thirty feet. Building plate height is measured as the vertical distance from the average contact ground level at the front wall of the building to the plate line of the exterior walls which is the horizontal plane where the exterior walls meet the roof rafters or trusses~~
- ~~2. Roof elements with a minimum 5:12 roof pitch may exceed the building plate height by up to eight feet.~~

Section 8. Table 18.44-2 (Minimum Accessory Structure Setbacks) of Section 18.44.030 (Accessory Structures in Residential Zoning Districts) of Chapter 18.44 (Accessory Structures and Uses) of Title 18 (Zoning) is hereby amended to read as follows (additions in underline, deletions in ~~strikeout~~):

Table 18.44-2: Minimum Accessory Structure Setbacks

Accessory Structure	Minimum Setbacks from Property Lines	
	Front	Side and Rear
Roofed structures such as detached garages and sheds and open, unroofed structures such as decks and trellises		
Height 12 ft. or less	Same as <u>minimum</u> primary structure <u>setback</u>	5 ft.
Height greater than 12 ft.		Same as <u>minimum</u> primary structure <u>setback</u>
Mechanical equipment and		50 percent of minimum primary structure

mechanical equipment enclosures		setback
Patios and Decks [2]		
Height 18 in. or less <u>(unroofed only)</u>	5 ft.	1 ft.
Height greater than 18 in. and less than 6 ft.	15 ft.	5 ft.
Height <u>greater than</u> 6 ft. to 12 ft.	20 ft. <u>or same as minimum primary structure setback, whichever is less</u>	12.5 ft. <u>or same as minimum primary structure setback, whichever is less</u>
In ground pools, spas and hot tubs	Same as <u>minimum primary structure setback</u>	4 ft.
Above ground pools, spas, hot tubs and related equipment, accessories, and improvements	Same as <u>minimum primary structure setback</u>	5 ft.
Ponds less than 18 in. in depth	10 ft.	1 ft.
Fireplaces, barbeque structures, statuary and fountains [1]		
Height 8 ft. or less	3 ft.	3 ft.
Height 8 ft. to 12 ft.	5 ft.	5 ft.

Notes:

[1] All openings for freestanding fireplaces and built-in barbeques shall meet all Uniform Building Code and Uniform Fire Code requirements.

[2] Height measured from ground to walking surface.

Section 9. Chapter 18.52 (Fences and Walls) of Title 18 (Zoning) is hereby amended

to read as follows (additions in underline, deletions in ~~strikeout~~):

Chapter 18.52 - FENCES AND WALLS

18.52.010 - Purpose and applicability.

This chapter establishes standards for fences and walls that apply in all zoning districts. For the purposes of this Title, the term “fence” includes fences or walls. Walls that are required by a mitigation measure and designed and approved through a discretionary permit for noise attenuation are exempt from this Chapter.

18.52.020 - Required permits and approvals.

- A. No Planning Permit Required. Fences and walls consistent with this chapter are permitted by-right without the requirement to obtain any planning permit unless otherwise stated.
- B. Building Permit. Fences and walls may require a building permit as required by California Building Code.
- C. Encroachment Permit. A fence or wall in the public right-of-way requires approval of an encroachment permit consistent with Municipal Code Chapter 12.08 (Excavation and Encroachment).
- D. Minor Exception. The community development director may grant a minor exception to increase the maximum permit height of a fence or wall as described in Section 18.52.050 (Exceptions to Height Limits).

18.52.030 - Measurement of fence and wall height.

- A. Measurement of Height. The height of a fence or wall is measured from the finished grade at the base of the fence or wall to the top edge of the fence or wall.
- B. Fences on Retaining Walls. If a fence or wall is atop a retaining wall, the height of the fence or wall shall be determined exclusive of the height of the retaining wall such that the top of the retaining wall is considered the finished grade~~the fence height is measured from the base of the fence.~~
- C. Different Finished Grades. If the adjacent finished grade is different on opposite sides of a fence or wall, the height is measured from the side with the lowest finished grade to the highest point on the fence or wall.

18.52.040 - Height limits.

- A. Maximum Height. Fences and walls may not exceed the maximum height shown in Table 18.52-1 and Figure 18.52-1 except as allowed by Section 18.52.050 (Exceptions to Fence Height Limit).

Table 18.52-1: Maximum Fence and Wall Height

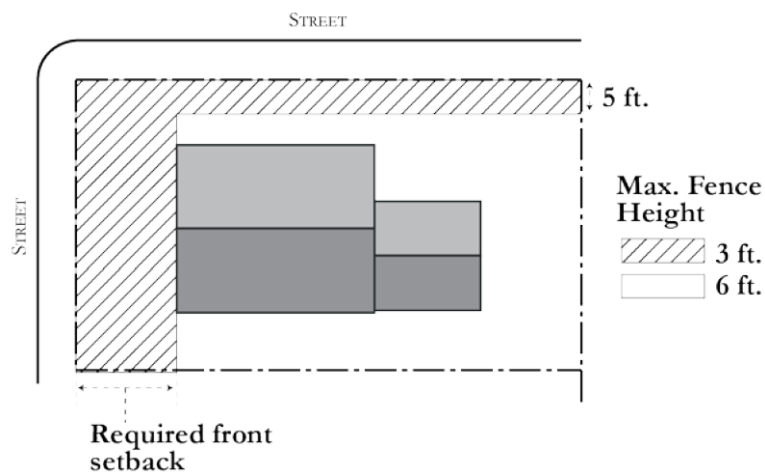
Fence and	Maximum
-----------	---------

Wall Height	Height
Fence in front setback area	3 ft.
Fence within 5 ft. of street side property line	3 ft.
Fence within all other areas of a lot	6 ft. [1]

Notes:

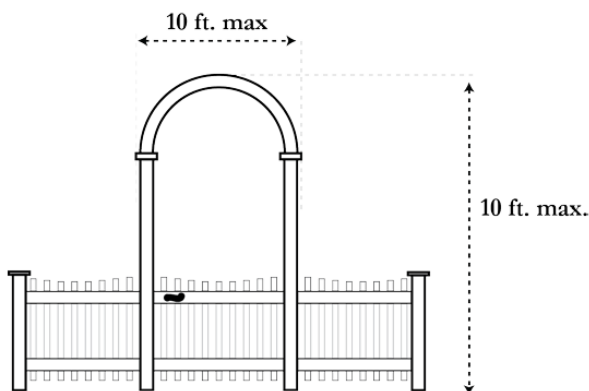
- [1] An additional one foot of fence height up to a maximum of seven feet is permitted for lattice work and other decorative features uniformly open to the passage of light and air.

Figure 18.52-1: Maximum Fence and Wall Height



- B. **Decorative Features.** A decorative arch, gate, trellis or other entry feature located along a street frontage may exceed the height limit shown in Table 18.52-1. Decorative features shall be limited to ten feet in width and ten feet in height. Only one decorative feature is permitted per street frontage. See Figure 18.52-2.
- C. **Clear Triangle.** Walls and fences shall comply with clear triangle requirements in Section 18.92.080 (Intersection Site Distance).

Figure 18.52-2: Decorative Entry Features



18.52.050 - Exceptions to height limits.

The community development director may approve a minor exception (Section 18.108.070) to allow an increase to the maximum permitted height of a fence or wall as described below.

A. Open Space and Residential Estate Zoning Districts.

1. Within the open space and residential estate zoning districts, the community development director may grant a minor exception to increase the maximum height of a fence in the front setback area to a maximum six feet in height.
2. This exception applies only to open, wrought iron or decorative fences that are at least seventy percent open to the passage of light and air.
3. Chain link, chain link with wood or vinyl slats, solid board fences, or any other type of view obstructing fencing may not exceed three feet in height in the front setback area.

B. All Zoning Districts. The community development director may grant a minor exception to increase the maximum height of a fence or wall by two feet in the front setback area and one foot behind the front setback line in the following cases:

1. The topography of sloping sites or a difference in grade between adjoining sites warrants such increase in height to maintain privacy, security, or effectiveness of screening.
2. A property is located adjacent to public parks, other public spaces or adjacent to private common area parks and open space where an increase in fence or wall height would not unreasonably affect desirable views or vistas or the open space value of abutting sites.

18.52.060 - Materials.

The following fence and wall materials and types are prohibited unless otherwise approved by the planning commission:

- A. Residential zoning districts: Barbed wire, razor wire, chain link, sheet metal, and electric fences.

- B. Commercial zoning districts: Chain link and sheet metal fences. Barbed wire, razor wire and electric fences within the front setback area or where a property abuts a residential zoning district or residential land use designation.
- C. Industrial zoning districts: Barbed wire, razor wire, chain link, sheet metal and electric fences within the front setback area.

18.52.070 - Nonconforming fences and walls.

See Chapter 18.68 (Nonconforming Uses and Structures).

18.52.080 – Special fence and wall requirements

- A. Fence and Wall Design. Fences and walls shall be constructed of attractive, long-lasting materials (e.g., masonry, wood, tubular steel, fiberglass, or stone). Walls shall consist of a decorative design and/or be screened with landscaping.
- B. Public Frontage Fencing of Nonresidential and Multi-Family Projects. Where fencing is proposed along public frontages of nonresidential and multi-family projects, such fencing shall be open view unless otherwise required to be solid for noise attenuation. Open view fencing shall also be required when located adjacent to open space areas.
- C. Screening of Outdoor Storage. Outdoor storage shall be fenced or screened from view. Such screening shall utilize enclosures including, but not limited to, fences, walls, landscaping, or earthen berms. Screening shall be visually compatible with the primary buildings and landscape on the property.
- D. Screening for Commercial or Industrial Uses Adjacent to Residential Zones. Commercial and industrial uses shall be screened from adjacent residential zones by a decorative or landscaped masonry wall with a minimum height of seven (7) feet to screen the commercial or industrial use. This requirement is not intended to preclude the development of pedestrian/bicycle access points between commercial and residential.
- E. Screening of Loading Docks and Refuse Areas. Loading docks and refuse storage areas shall be screened from public view, adjoining public streets and rights-of-way, and residentially zoned areas. The method of screening shall be architecturally compatible with other on-site development in terms of colors and materials.
- F. Maintenance. Fences and walls shall be continuously maintained in an orderly and good condition.

Section 10. Section 18.56.040 (Lot Coverage Exceptions) of Chapter 18.56 (Height, Setback and Lot Coverage Exceptions) of Title 18 (Zoning) is hereby amended to read as follows (additions in underline, deletions in ~~strikeout~~):

The community development director may ~~decrease~~increase the maximum lot coverage requirement by up to ten percent with the approval of a minor exception. See Section 18.108.070 (Minor Exception).

Section 11. Section 18.68.070 (Nonconforming Structures) of Chapter 18.68 (Nonconforming Uses and Structures) of Title 18 (Zoning) is hereby amended to read as follows (additions in underline, deletions in ~~strikeout~~):

This section identifies allowed modifications to nonconforming structures, summarized in Table 18.68-1.

Table 18.68-1: Allowed Modifications to Nonconforming Structures

Project Affecting a Nonconforming Structure	Permit Required [1]
Nonstructural repairs, maintenance, and interior alterations	None
Structural repairs, modifications, and additions that do not alter or affect the nonconforming aspect of the structure	None
Structural repairs, modifications, and additions that alter or affect the nonconforming aspect of the structure	Design Permit
Structural repairs, modifications, and additions that increase or exacerbate the nonconforming aspect of the structure	Variance <u>Conditional Use Permit</u>
Reconstruction of an involuntarily damaged or destroyed residential structure	Design Permit

Notes:

[1] The proposed project may require permits and approvals for other reasons not related to its nonconforming status. For example, additions or enlargements to a single-family dwelling often requires a design permit.

A. Alterations Permitted By-Right.

1. Maintenance, nonstructural repairs, and nonstructural interior alterations to any portion of a nonconforming structure are permitted if the changes and improvements do not enlarge or extend the structure.
2. Structural modifications to a nonconforming structure that do not alter or affect the nonconforming aspect of the structure are permitted. For example, an

addition to a structure with a non-conforming setback is permitted if no structural changes are made to the portion of the structure projecting into the required setback, and if the addition complies with all setback, height, floor area ratio, and other applicable development standards.

B. Alterations Requiring a Design Permit.

1. Structural repairs and improvements that affect the nonconforming aspect of a nonconforming structure are allowed with a design permit if the improvement does not increase or exacerbate the nonconformity. For example, structural repairs to a building wall within a required setback are permitted with a design permit if the wall is not moved closer to the property line and the length of the wall within the required setback is not increased.
2. To approve such an alteration, the community development director shall make all design permit findings (Section 18.108.040) in addition to the findings in Section 18.68.080 (Findings).

C. Alterations Requiring a ~~Variance~~ Conditional Use Permit

1. Alterations to a non-conforming structure that increase or exacerbate the nonconformity requires a ~~variance~~ conditional use permit. For example, a remodel that increases the length of an existing building wall located within a required setback is allowed only with the approval of a ~~variance~~ conditional use permit.
2. To approve such an alteration, the planning commission shall make all variance findings (Section 18.108.100) in addition to the findings in Section 18.68.080 (Findings).

D. Damage or Destruction. Except as allowed by Subsection E below, a nonconforming structure damaged or destroyed for any reason shall be brought into full compliance with the requirements of the zoning code if the cost of reconstruction exceeds fifty percent of its market value as determined by the county assessor on the last equalized assessment roll at the time of its destruction.

E. Involuntary Damage or Destruction — Residential Structures.

1. If a legally established nonconforming building occupied by a residential use is damaged or destroyed by earthquake, fire, flood, or other calamity, the structure may be reconstructed as it existed and may be continued as a legal nonconforming structure with the approval of a design permit.
2. "Reconstructed" means rebuilding a damaged or destroyed structure in a manner similar but not identical to the original structure. A reconstructed structure generally recreates the original building footprint, mass, and height, but may deviate from design details such as architectural design and the arrangement of doors, windows, and rooflines.
3. The city may attach conditions of approval as necessary to protect the public health, safety and welfare, including requirements to reduce or eliminate previously existing nonconformities.

4. Reconstruction of damaged or destroyed buildings may not increase or exacerbate previously existing nonconformities or create new nonconformities.
 5. The construction of the replacement structure must begin within twenty-four months of the date of the calamity which damaged or destroyed the structure.
- F. Moved Structures. A nonconforming structure that is moved to a new location shall conform to all standards of the applicable zoning district.
- G. Nonconforming Screening, Fences, and Landscaping.
1. Legally established nonconforming screening, fences, and landscaping may continue and remain except as required by Paragraph 2 below.
 2. For additions or renovations that increase by twenty-five percent or more the floor area or market value of one or more buildings on a property, any nonconforming screening, fences, and landscaping shall be brought into compliance with the requirements of the applicable zoning district.

Section 12. Subsection E of Section 18.84.050 (Site and Design Standards) of Chapter 18.84 (Accessory Dwelling Units) of Title 18 (Zoning) is hereby amended to read as follows (additions in underline, deletions in ~~strikeout~~):

E. Property Line Setbacks.

1. No setback is required for an existing accessory structure or living area as defined by Government Code Section 65852.2 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.
3. A minimum setback of four feet from the side and rear property lines is required for an-a detached accessory dwelling unit sixteen feet in height or less. ~~An-A detached~~ accessory dwelling unit in excess of sixteen feet or an attached accessory dwelling unit shall comply with setback requirements of the applicable zoning district.

Section 13. Chapter 18.115 (General Plan Amendments) of Title 18 (Zoning) is hereby to read as follows (additions in underline, deletions in ~~strikeout~~):

Chapter 18.115 – GENERAL PLAN AMENDMENTS

18.115.010 – Purpose.

This chapter establishes procedures for amending the General Plan text (e.g., goals, policies, or implementation programs) or to change the General Plan land use designation on any parcel(s).

18.115.020 – Initiation.

A General Plan Amendment may be initiated by motion of the Planning Commission or City Council, by application of property owner(s) of parcel(s) to be affected by the General Plan Amendment, or by recommendation of the Development Services Director to clarify text, address changes mandated by state law, maintain internal General Plan consistency, address boundary adjustments affecting land use designation(s), or for any other reason beneficial to the city.

18.115.030 Application.

An application for a general plan amendment shall be filed and reviewed in compliance with Chapter 18.104 (Common Permit Requirements). The application shall include the information and materials required by the development services department, together with all required application fees. For amendments submitted by a resident, property owner, or business owner it is the responsibility of the applicant to provide evidence in support of the findings required by Section 18.115.060 (Findings for Approval).

18.115.040 – Planning commission hearing and action.

- A. General. The planning commission shall hold a public hearing on a proposed general plan amendment in compliance with Section 18.104.090 (Notice of Hearings).
- B. Recommendation of Approval. The planning commission may recommend to the city council the approval or conditional approval of the proposed general plan amendment, based upon the findings specified in Section 18.115.060 (Findings for Approval). The planning commission shall forward a written recommendation, and the reasons for the recommendation, to the city council within 90 days after the date the hearing was closed to the public. A recommendation for approval shall be made by a majority vote of the total membership of the planning commission.
- C. Denial. The planning commission may deny the proposed general plan amendment based upon the findings specified in Section 18.118.060 (Findings for Approval). For a land use diagram amendment, if the action of the planning commission is to recommend denial, the city council is not required to take further action on the proposed amendment unless an interested party requests a hearing in writing with the city clerk within ten days after the planning commission recommendation is filed with the city council.

18.115.050 – City council hearing and action.

- A. General. After receipt of the planning commission's recommendation to approve a proposed general plan amendment, the city council shall hold a public hearing on the proposal in compliance with Section 18.104.090 (Notice of Hearing).

- B. Approval or Denial. The city council may approve, conditionally approve, or deny the proposed general plan amendment based upon the findings specified in Section 18.115.060 (Findings for Approval).
- C. Finality of Action. The action by the city council shall be made by a majority vote of the total membership of the city council and shall be final and conclusive.
- D. Referral to Planning Commission. If the city council proposes to adopt a substantial modification to the general plan amendment not previously considered by the planning commission, the proposed modification shall be first referred to the planning commission for its recommendation.
- E. Failure to Report. The failure of the planning commission to report back to the city council within forty days after the reference, or within the time set by the city council, shall be deemed a recommendation of approval.

18.115.060 – Findings for approval.

The city council may approve a general plan amendment only if all of the following findings are made:

- A. The city council must find that the proposed amendment meets the letter and intent of the General Plan goals and policies.

18.115.070 – Effective date.

A General Plan Amendment becomes effective immediately following the approval of the resolution by the city council.

18.115.080 – Limitations on resubmittal after denial.

If the city denies a general plan amendment, the city may not accept an application for the same or substantially similar general plan amendment for one year following such denial, except in the following cases:

- A. Upon initiation by the city council or planning commission; or
- B. The application requests a different general plan land use designation than that previously requested.

18.115.090 – Frequency of amendment.

Pursuant to Government Code Section 65358, no mandatory element of the General Plan may be amended more frequently than four times during any calendar year. Subject to that limitation, an amendment may be made at any time and may include more than one change to the General Plan.

18.115.100 – Preliminary review.

- A. When Required. Prior to submittal of an application for a General Plan Amendment, an application must receive preliminary input from the planning commission on the proposed general plan amendment.
- B. Application. A preliminary review application for a proposed general plan amendment shall be submitted with the development services department in accordance with Chapter 18.104 (Common Permit Requirements). The application shall include, at a minimum, the following information and materials:
 - 1. A statement describing the proposed project and how it complies with the findings required for the approval of a general plan amendment in Section 18.115.060 (Findings for Approval).
 - 2. Project plans, diagrams, and graphics as needed to illustrate the overall development concept, including proposed land uses, buildings, circulation, open space, and any other significant elements in the project.
- C. Public Hearing. The planning commission shall consider the preliminary review application and a public hearing noticed in accordance with Section 18.104.090 (Notice of Hearing).
- D. Preliminary input.
 - 1. The planning commission shall provide preliminary input on project compliance with findings required for the approval of a General Plan Amendment in Section 18.115.060 (Findings for Approval).
 - 2. Planning commission input shall not be construed as a recommendation for approval or denial of the project. Any recommendation to the applicant is advisory only and shall not be binding on either the applicant or the city.

Section 14. Subsection G of Section 18.128.020 (Definitions) of Chapter 18.128 (General Terms) of Title 18 (Zoning) is hereby amended to read as follows (additions in underline, deletions in ~~strikeout~~):

G. "G" Terms.

- 1. Garage, Private. An attached or detached accessory ~~dwelling-structure~~ on a lot developed with a residential dwelling used by residents for the storage of passenger vehicles, and other vehicles and equipment permitted on the lot.
- 2. Garage, Public. A structure other than a private garage used for the storage, sale, hire, or care of motor vehicles.
- 3. General Plan. The general plan of the city of Morgan Hill, California.
- 4. Guest House. A building containing living space that is heated/cooled, with a full bath, without kitchen facilities, and used to house occasional visitors or

nonpaying guests of the occupant of the primary dwelling unit. A guest house with a kitchen facility is considered a secondary dwelling unit.

Section 15. 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 16. Effective Date; Posting. This Ordinance shall take effect on _____, 20____. 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 _____, 2020.

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

DATE: _____

IRMA TORREZ, City Clerk



ZA2020-0001

Miscellaneous Code Amendments



Miscellaneous Code Amendments

Project:

Zoning Amendment Amending

- Section 8.28.040.D within Chapter 8.28 (Noise)
- Title 18 (Zoning)

Request:

Adopt Resolution recommending City Council approval of the Zoning Amendment

Miscellaneous Code Amendments

Section 8.28.040.D (Enumeration of unlawful noises), Chapter 8.28 (Noises)

- Fix format
- Remove noise standards applicable until November 30, 1998

Section 18.18.020.A (Land Use Regulations), Chapter 18.18 (Residential Attached Zoning Districts)

- Remove footnote associated with ADUs

Miscellaneous Code Amendments

Chapter 18.22 (Mixed Use Zoning Districts)

- Remove footnote associated with ADUs
- Add footnote to Single-Family Detached Dwellings (permitted on lot existing prior to July 7, 2018)
- List Large and Small Home Day Care uses as permitted
- List Section 18.22.040.C as a footnote instead of a subsection, requiring increased setbacks and landscaping when adjacent to residential

Miscellaneous Code Amendments

Table 18.24-2 (Development Standards in the Commercial Zoning District)

- Add footnote requiring increased setbacks and landscaping when adjacent to residential

Chapter 18.26 (Industrial Zoning Districts)

- Allow Outdoor Vehicle Storage as a Conditional Use Permit within IL and IG zoning districts
- List Section 18.26.030.B as a footnote instead of a subsection, requiring increased setbacks and landscaping when adjacent to residential

Miscellaneous Code Amendments

Section 18.30.040.C.6 (One Dwelling Unit Allowed Per Lot), Hillside Combining District

- Allow accessory structures on 20% slopes if lot does not have any areas less than 20% grade

Table 18.40-2 (Medium Density Residential Development Standards)

- Allow the height of Single Family Attached Dwellings/Townhouses to correlate with the base zoning district

Miscellaneous Code Amendments

Table 18.44-2 (Minimum Accessory Structure Setbacks)

Accessory Structure	Minimum Setbacks from Property Lines	
	Front	Side and Rear
Roofed structures such as detached garages and sheds and open, unroofed structures such as decks and trellises		
Height 12 ft. or less		5 ft.
Height greater than 12 ft.	Same as <u>minimum</u> primary structure <u>setback</u>	Same as <u>minimum</u> primary structure <u>setback</u>
Mechanical equipment and mechanical equipment enclosures		50 percent of minimum primary structure setback
Patios and Decks [2]		
Height 18 in. or less (unroofed only)	5 ft.	1 ft.
Height greater than 18 in. and less than 6 ft.	15 ft.	5 ft.
Height <u>greater than 6 ft. to 12 ft.</u>	20 ft. <u>or same as minimum primary structure setback, whichever is less</u>	12.5 ft. <u>or same as minimum primary structure setback, whichever is less</u>
In ground pools, spas and hot tubs	Same as <u>minimum</u> primary structure <u>setback</u>	4 ft.
Above ground pools, spas, hot tubs and related equipment, accessories, and improvements	Same as <u>minimum</u> primary structure <u>setback</u>	5 ft.
Ponds less than 18 in. in depth	10 ft.	1 ft.
Fireplaces, barbeque structures, statuary and fountains [1]		
Height 8 ft. or less	3 ft.	3 ft.
Height 8 ft. to 12 ft.	5 ft.	5 ft.

Miscellaneous Code Amendments

Chapter 18.52 (Fences and Walls)

- Clarify “Fence” means fences and walls
- Clarify when a fence is constructed on a retaining wall, the top of the retaining wall is considered the grade
- Provide consistency on types of prohibited fencing and wall materials
- Add Section 18.52.080 (Special Fence and Wall Requirements) establishing standards for design and screening

Miscellaneous Code Amendments

Section 18.56.040 (Lot Coverage Exceptions)

- Replace the word “Decrease” with “Increase”, allowing director to increase the maximum lot coverage by up to 10%

Section 18.68.070 (Nonconforming Structures)

- Replace Variance with Conditional Use Permit for repairs, modifications, and additions that increase or exacerbate a nonconforming aspect

Section 18.84.050.E (Site and Design Standards), Accessory Dwelling Units

- Clarify setbacks for detached (4-foot setback) and attached (base zoning district setback) ADUs

Miscellaneous Code Amendments

Chapter 18.115 (General Plan Amendments)

- Establish procedures for General Plan Amendments (text and land use diagram)
- Require Preliminary Review application prior to General Plan Amendment

Section 18.128.020.G (Definitions)

- Correct the definition for the term “Garage, Private” to mean an attached or detached accessory ‘structure’, not a ‘dwelling’, for the storage of passenger vehicles

Miscellaneous Code Amendments

Recommendation

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

Questions?

