



Special Meeting Agenda

City Council

Rich Constantine - Mayor
Rene Spring - Mayor Pro Tem
Yvonne Martinez Beltran - Council Member
Larry Carr - Council Member
John McKay - Council Member

Wednesday, October 9, 2019 7:00 p.m.

Council Chamber
17555 Peak Avenue, Morgan Hill, CA 95037

SPECIAL MEETING

A Special Meeting of the City Council is called at 7:00 p.m. for the purpose of receiving an Update on Housing Legislation.

CALL TO ORDER

Mayor Constantine

ROLL CALL ATTENDANCE

Minutes Clerk Angie Gonzalez

DECLARATION OF POSTING OF AGENDA

Per Government Code 54954.2
Minutes Clerk Angie Gonzalez

SILENT INVOCATION

PLEDGE OF ALLEGIANCE

PUBLIC COMMENT

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ADOPTION OF AGENDA

OTHER BUSINESS

1. UPDATE REGARDING 2019 STATE HOUSING LEGISLATION/IMPACTS

Recommendation:

Receive information regarding 2019 State Housing Legislation and Impacts to Morgan Hill Housing Development Guidelines and Enforcement, Residential Development Control System, Development Processing and Work Program.

Estimated Time: 120 Minutes

FUTURE COUNCIL INITIATED AGENDA ITEMS

Note: in accordance with Government Code Section 54954.2(a), there shall be no discussion, debate and/or action taken on any request other than providing direction to staff to place the matter of business on a future agenda.

ADJOURNMENT

NOTICE

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The time within which judicial review must be sought of the action by the City Council, 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 City Council 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.

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- Protecting the Environment
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- Supporting our Youth, Seniors, and Entire Community
- Fostering a Positive Organizational Culture
- Preserving and Cultivating Public Trust
- Preserving our Community History
- Enhancing Diversity and Inclusiveness
- Advancing Regional Initiatives

2019-2020 Strategic Priorities

- Agricultural Preservation
- Cannabis Policy
- Community Engagement and Messaging
- Economic Development
- Financial Stewardship
- High Speed Rail
- Homelessness
- Housing
- Infrastructure
- Telecommunications
- Traffic/Transportation





CITY COUNCIL STAFF REPORT

MEETING DATE: October 9, 2019

PREPARED BY: Leslie Little, Assistant City Manager for Community Development
APPROVED BY: City Manager

UPDATE REGARDING 2019 STATE HOUSING LEGISLATION/IMPACTS

RECOMMENDATION(S)

Receive information regarding 2019 State Housing Legislation and Impacts to Morgan Hill Housing Development Guidelines and Enforcement, Residential Development Control System, Development Processing and Work Program.

COUNCIL PRIORITIES, GOALS & STRATEGIES

Ongoing Priorities

Maintaining Fiscal Responsibility
Preserving and Cultivating Public Trust

2019 Strategic Priorities

Community Engagement and Messaging
Housing

REPORT NARRATIVE:

This item is intended to transmit a PowerPoint presentation which will discuss pending State legislative changes and the impacts the new legislation will have upon Morgan Hill. Each of the bills highlighted have been approved by the full Legislature and are on the Governor's desk for signature. The Governor has indicated he will sign Senate Bill (SB) 330 – Housing Crisis Act of 2019, Assembly Bill (AB) 1482 – Tenant Protection Act of 2019, and Senate Bill (SB) 329 Discrimination: housing: source of income. The 2019 State Housing Legislation will require numerous changes to Morgan Hill permitting and processing of all residential development projects, including accessory dwelling units. The effective date of any new rule change is January 1, 2020.

Much of the presentation is dedicated to SB 330 (Skinner) "The Housing Crisis Act of 2019" which significantly amends the California Housing Accountability Act. Other bills to be discussed include AB 1763 (Chiu) amending density bonus law, SB 13 (Wieckowski), AB 881 (Bloom), AB 670 (Friedman), and AB 68 (Ting), related to Accessory Dwelling Units (ADU's), AB 1487 (Chiu) creating authority for a 9 county regional agency to raise funds for and provide tools for housing protection, preservation and production, and AB 1482 (Chiu et al) anti-rent gouging and "just cause" eviction law. The Governor has 30 days from the passage of legislation to sign or veto a bill. By October 13, the state should know the status of all legislation passed this session.

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A PowerPoint presentation is attached to this report.

COMMUNITY ENGAGEMENT:

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PRIOR CITY COUNCIL AND COMMISSION ACTIONS:

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FISCAL AND RESOURCE IMPACT:

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CEQA (California Environmental Quality Act):

Not a project, as this is an administrative activity of government that will not result in direct or indirect physical changes in the environment.

LINKS/ATTACHMENTS:

1. Housing Update Presentation



2019 Housing Legislation Update



Housing Crisis



- Housing growth not keeping up with population growth
- Current shortage of 2,000,000 units in CA increasing to 3,500,000 units by 2025
- Strategies suggest building on vacant urban land, intensifying housing around transit, adding density to multifamily development, increasing supply of affordable housing through various methods



Housing Accountability Act

The Housing Accountability Act, among other requirements, prohibits a local agency from **disapproving, or conditioning approval** in a manner that renders infeasible, a housing development project for **very low, low, or moderate-income households** or an emergency shelter

Sets policy for all cities having a “fair share” of housing development obligations

City RHNA Accomplishments



Current 5th Cycle (2015 - 2023) Summary with Pledged Affordable Units

Morgan Hill	RHNA	Units Permitted	Units Pledged	Remaining / (Surplus)	% Complete
VLI (very low income)	273	80	78	115	29%
LI (low income)	154	178	14	(38)	116%
Mod (Moderate Income)	185	385	320	(520)	208%
Above Mod (Above Moderate Income)	316	1,251	TBD	(935)	396%
TOTAL	928	1,894	412	(1,378)	204%



New Compliance Pending

- SB 166 No net loss zoning density – 180 days
- No net loss development unit accountability
- AB 1397 Site Inventory changes
- Replacement housing
- Housing Element – new minimum density for sites
- SB 828 Identification of 125% of RHNA need
- New RHNA rules & numbers: + 47% - + 300%

SB 330 – Housing Crisis Act of 2019



Suspended for 5 years:

1. Imposed growth caps
2. Limitations on annual permits or allocations
3. Referendum and initiative
4. Moratorium unless approved for all land use and reviewed by HCD



SB 330 - Limitations

Prohibits City from imposing any condition which would cause project to be developed at lower density unless:

1. Specific adverse impact upon public health and safety
2. No satisfactory way to mitigate adverse impact
 - Use of Density Bonus not valid basis to find a project inconsistent or not in compliance
 - Limits public meetings/hearings to 5 per project



SB 330 – Development

- Allows all housing (affordable & market rate) development to proceed even if zoning inconsistent with General Plan:
 - No Zoning Amendment requirement
 - Mixed-Use Flex – no Block Level Master Plan, or PD unless Developer requested

SB 330 – Fees Fixed



- At time prelim application deemed complete, plus:
 1. Annual COLA
 2. Costs necessary to mitigate under CEQA
- Term: 2 ½ years



SB 330 – Processing - 2025

- Requires objective criteria, no subjective judgements
- Within 30 days of submission of pre-application, agency determines whether complete (60 days > 150 units)
- If not complete, provide exhaustive list of required submittals per Gov. Code Section 65941.1(a)
- After that, agency not allowed subsequent request of any item NOT on list.

SB 330 – Project Review



Approve or Disapprove

1. 60-180 days from certification of EIR
2. 60 days of Negative Declaration
3. 60 days if 49% of units are affordable to very low and low, restricted for 30 years, and tax credit project
4. 60 days from exempt project determination
 - Residential project
 - Mixed use if 50% residential – “Neighborhood Commercial”

SB 330 - Tenant Protections for redevelopment of sites



- No net loss of units at lower income
- New project must increase density
- Relocation
- Long term notice (6 months)
- Right of first refusal
 - o Agricultural Land and Historic protected from conversion



SB 330 - Enforcement

- Applicant
- A person eligible to reside in dwelling or emergency shelter
- A housing organization
- Court ordered Judgement to compel within 60 days
- Award attorney fees to petitioner
- Fine up to \$10,000 per unit - from General Fund
- x5 if bad faith actions apply



SB 330 – Policies/Standards

Does not prohibit adoption of new policies/standards which:

- Allow greater density
- Facilitate development of housing
- Reduce costs of housing development
- Imposes/implements CEQA mitigation measures

Rent/Tenant Protections



- Single family units exempt
- 15 years old and younger - exempt
- 2 units or more
- 10-year term
- 5% + CPI (inflation)
- No discrimination regarding source of income (section 8 vouchers) (SB 329)

ADU's



- City must update local ADU Ordinance
- No lot size/FAR requirement; 4 ft side/rear yard
- 2 ADU's per single family lot occupied with a home and multifamily
- Must permit up to 1,200 sq. ft (attached if 2,400 sq. ft)
- 16' height permitted

ADU's - (continued)



- No replacement parking for converted garage or carport or new unit within ½ mile of transit
- No owner-occupancy requirement
- 60-day ministerial review on SF & MF sites
- Ministerial review of multiple ADU's inside multifamily structure
- No impact fees <750 sq. ft; 25% >750 sq. ft.
- HOA's restricted from permitting (signed); design only

AB 1763 - Density Bonus



- Defines affordable projects as 100% affordable with 20% affordable to lower income
- 100% affordable receives 80% density bonus; 4 incentives/concessions
- Within a ½ mile transit stop or transit corridor, unlimited density and 3 additional stories or 33 feet height increases

AB 1763 – Density Bonus & Parking



- Shall not impose any new more restrictive parking requirements
- New parking requirement near transit as follows:
- $\frac{1}{4}$ mile of rail/bus corridor - 0 per unit
- $\frac{1}{2}$ mile of rail/bus corridor - .5 per unit

AB 1487 – SF Bay Area: Housing Development Financing Agency



- Leadership: Executive Board MTC/ABAG
- Direct allocations to Big 3 cities and any city without 30% of total county housing allocation
- No sales tax
- Commercial linkage, business tax etc. - 50% to County of origin

Questions?



CITY OF MORGAN HILL



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AMENDED AGENDA

Please note that this agenda has been amended to add an emergency City Council action item.

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ADOPTION OF AGENDA

EMERGENCY ACTION

1. RESOLUTION RATIFYING THE ACTION OF THE DIRECTOR OF EMERGENCY SERVICES PROCLAIMING THE EXISTENCE OF A LOCAL EMERGENCY AND CONTINUING SUCH EMERGENCY

Recommendation:

Adopt resolution ratifying the action of the Director of Emergency Services proclaiming a local emergency and continuing such emergency.

OTHER BUSINESS

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- Infrastructure
- Telecommunications
- Traffic/Transportation





CITY COUNCIL STAFF REPORT

MEETING DATE: October 9, 2019

PREPARED BY: Donald Larkin, City Attorney
APPROVED BY: City Manager

RESOLUTION RATIFYING THE ACTION OF THE DIRECTOR OF EMERGENCY SERVICES PROCLAIMING THE EXISTENCE OF A LOCAL EMERGENCY AND CONTINUING SUCH EMERGENCY

RECOMMENDATION(S)

Adopt resolution ratifying the action of the Director of Emergency Services proclaiming a local emergency and continuing such emergency.

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Ongoing Priorities

Enhancing Public Safety
Protecting the Environment
Supporting Our Youth
Seniors
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2019 Strategic Priorities

Community Engagement and Messaging

REPORT NARRATIVE:

Pursuant to Government Code Section 54954.2, the City Council may take action on items of business not appearing on the posted agenda under specified conditions, including upon a determination by a majority vote of the City Council that an emergency situation exists, defined as an activity that severely impairs public health, safety, or both, as determined by a majority of the members of the legislative body.

On October 8, 2019 the City Manager, as Director of Emergency Services, was apprised by PG&E of a planned public safety power shutoff that was scheduled for 11:00 a.m. on October 9, 2019 that jeopardized the health, safety, and welfare of the people of the City and exceeded the ability of City resources alone to respond to these conditions. The Director of Emergency Services, pursuant to Morgan Hill Municipal Code Section 2.44.070, proclaimed the existence of a local emergency within the City at 10:00 a.m. on October 8, 2019. (Attachment 1) Pursuant to Government Code Section 8630, whenever a local emergency is proclaimed by an official designated by ordinance, the local emergency shall not remain in effect for a period in excess of seven days unless it has been ratified by the governing body.

The City Council is requested to find that this is an emergency situation to add this item to the agenda on an emergency basis, and to ratify the actions taken by the Director of Emergency Services by adopting the attached resolution. (Attachment 2)

COMMUNITY ENGAGEMENT: Inform**ALTERNATIVE ACTIONS:**

The local emergency shall not remain in effect if City Council chooses not to ratify the actions taken by the Director of Emergency Services, which severely impact the ability of the City to respond to this emergency situation.

FISCAL AND RESOURCE IMPACT:

Fiscal and resource impacts are unknown at this time.

CEQA (California Environmental Quality Act):

Actions taken during an emergency are Categorically Exempt pursuant to CEQA Guidelines section 15269.

LINKS/ATTACHMENTS:

1. MHPGEPSPS100919-Resolution
2. Proclamation of Emerg. 10-8-19

RESOLUTION NO.

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF MORGAN HILL RATIFYING THE ACTION OF THE DIRECTOR OF EMERGENCY SERVICES PROCLAIMING THE EXISTENCE OF A LOCAL EMERGENCY AND CONTINUING SUCH EMERGENCY

WHEREAS, Chapter 2.44 of the Morgan Hill Municipal Code provides for a Civil Disaster and Emergency Organization; and

WHEREAS, the declared purposes of Chapter 2.44 are to provide for the preparation and carrying out of plans for the protection of persons and property within the City of Morgan Hill (the "City") in the event of an emergency; and

WHEREAS, on October 8, 2019 the City Manager, as Director of Emergency Services, was apprised of a planned public safety power shutoff that was scheduled for 11:00 a.m. on October 9, 2019 that jeopardized the health, safety, and welfare of the people of the City and exceeded the ability of City resources alone to respond to these conditions; and

WHEREAS, at 10:00 a.m. on October 8, 2019, the Director of Emergency Services, pursuant to Morgan Hill Municipal Code Section 2.44.070, proclaimed the existence of a local emergency within the City; and

WHEREAS, these emergency conditions are expected to continue into the near future.

NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF MORGAN HILL DOES HEREBY FIND, DETERMINE, RESOLVE, AND ORDER AS FOLLOWS:

Section 1. Recitals. The City Council does hereby find, determine, and resolve that all of the foregoing recitals are true and correct.

Section 2. Approval and Authorization. The City Council does further resolve, order, and/or direct as follows:

- a. That the Proclamation of existence of a local emergency, as issued by the Director of Emergency Services, is hereby ratified and confirmed as well as all actions, including, but not limited to, the entering into of contracts by the City pursuant to the proclamation of local emergency; and
- b. That the local emergency is hereby continued and that during the existence of said local emergency, the powers, functions, and duties of the Director of Emergency Services and the emergency organization of the City shall be those prescribed by

state law, ordinances, and resolutions of the City Council and by the City's Emergency Operations Plan; and

- c. That the Emergency Services Coordinator, or his/her designee, continues to be designated as the authorized representative of the City for public and individual assistance of the City of Morgan Hill for the purpose of receipt, processing, and coordination of all inquiries and requirements necessary to obtain available state and federal assistance.

Section 3. This Resolution shall take effect immediately upon adoption and remain in effect until such time as it is terminated by the City Council of the City of Morgan Hill.

PASSED AND ADOPTED by the City Council of the City of Morgan Hill at its meeting held on this ____ day of _____, 20__ by the following vote:

AYES:	COUNCIL MEMBERS:
NOES:	COUNCIL MEMBERS:
ABSENT:	COUNCIL MEMBERS:
ABSTAIN:	COUNCIL MEMBERS:

DATE: _____

Richard Constantine, MAYOR

APPROVED AS TO FORM AND LEGALITY:

Donald A. Larkin, CITY ATTORNEY

∞ CERTIFICATION ∞

I, Irma Torrez, City Clerk of the City of Morgan Hill, California, do hereby certify that the foregoing is a true and correct copy of Resolution No. _____, adopted by the City Council at the meeting held on _____, 20__.

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

DATE: _____

Irma Torrez, CITY CLERK

**A PROCLAMATION BY THE DIRECTOR OF EMERGENCY SERVICES
OF THE CITY OF MORGAN HILL PROCLAIMING
THE EXISTENCE OF A LOCAL EMERGENCY**

WHEREAS, Morgan Hill Municipal Code Chapter 2.44 empowers the City Manager, as Director of Emergency Services, to proclaim, subject to ratification by the City Council within seven (7) days, the existence or threatened existence of a local emergency when the City of Morgan Hill (the "City") is affected or likely to be affected by a public calamity and the City Council is not in session; and

WHEREAS, conditions of extreme peril to the safety of persons and property have arisen within the City, commencing at or about 10:00 a.m. on October 8, 2019 caused by a public safety power shutoff scheduled for 11:00 a.m. on October 9, 2019; and

WHEREAS, the Director of Emergency Services finds that the aforesaid conditions of extreme peril warrant and necessitate the proclamation of the existence of a local emergency.

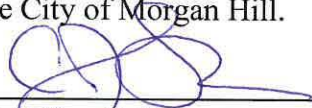
NOW, THEREFORE, THE DIRECTOR OF EMERGENCY SERVICES DOES HEREBY FIND, DETERMINE, RESOLVE, AND ORDER AS FOLLOWS:

Section 1. That the existence of a local emergency is hereby proclaimed; and

Section 2. That the Emergency Services Coordinator, or his/her designee, is hereby designated as the authorized representative of the City of Morgan Hill for public and individual assistance for the purpose of receipt, processing, and coordination of all inquiries and requirements necessary to obtain available state and federal assistance; and

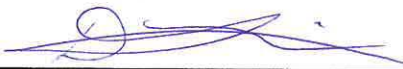
Section 3. This Proclamation shall remain in effect until such time as it is continued or terminated by the City Council of the City of Morgan Hill.

DATE: 10/8/19



Christina J. Turner
Director of Emergency Services

APPROVED AS TO FORM AND LEGALITY



Donald A. Larkin
City Attorney

Attachment: Proclamation of Emerg. 10-8-19 (2504 : Local Emergency Proclamation)



CITY COUNCIL STAFF REPORT

MEETING DATE: October 9, 2019

PREPARED BY: Leslie Little, Assistant City Manager for Community Development
APPROVED BY: City Manager

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Housing Accountability Act

The Housing Accountability Act, among other requirements, prohibits a local agency from **disapproving, or conditioning approval** in a manner that renders infeasible, a housing development project for **very low, low, or moderate-income households** or an emergency shelter

Sets policy for all cities having a “fair share” of housing development obligations

City RHNA Accomplishments



Current 5th Cycle (2015 - 2023) Summary with Pledged Affordable Units

Morgan Hill	RHNA	Units Permitted	Units Pledged	Remaining / (Surplus)	% Complete
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Above Mod (Above Moderate Income)	316	1,251	TBD	(935)	396%
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New Compliance Pending

- SB 166 No net loss zoning density – 180 days
- No net loss development unit accountability
- AB 1397 Site Inventory changes
- Replacement housing
- Housing Element – new minimum density for sites
- SB 828 Identification of 125% of RHNA need
- New RHNA rules & numbers: + 47% - + 300%

SB 330 – Housing Crisis Act of 2019



Suspended for 5 years:

1. Imposed growth caps
2. Limitations on annual permits or allocations
3. Referendum and initiative
4. Moratorium unless approved for all land use and reviewed by HCD



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Prohibits City from imposing any condition which would cause project to be developed at lower density unless:

1. Specific adverse impact upon public health and safety
2. No satisfactory way to mitigate adverse impact
 - Use of Density Bonus not valid basis to find a project inconsistent or not in compliance
 - Limits public meetings/hearings to 5 per project

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- Allows all housing (affordable & market rate) development to proceed even if zoning inconsistent with General Plan:
 - No Zoning Amendment requirement
 - Mixed-Use Flex – no Block Level Master Plan, or PD unless Developer requested

SB 330 – Fees Fixed



- At time prelim application deemed complete, plus:
 1. Annual COLA
 2. Costs necessary to mitigate under CEQA
- Term: 2 ½ years



SB 330 – Processing - 2025

- Requires objective criteria, no subjective judgements
- Within 30 days of submission of pre-application, agency determines whether complete (60 days > 150 units)
- If not complete, provide exhaustive list of required submittals per Gov. Code Section 65941.1(a)
- After that, agency not allowed subsequent request of any item NOT on list.

SB 330 – Project Review



Approve or Disapprove

1. 60-180 days from certification of EIR
2. 60 days of Negative Declaration
3. 60 days if 49% of units are affordable to very low and low, restricted for 30 years, and tax credit project
4. 60 days from exempt project determination
 - Residential project
 - Mixed use if 50% residential – “Neighborhood Commercial”

SB 330 - Tenant Protections for redevelopment of sites



- No net loss of units at lower income
- New project must increase density
- Relocation
- Long term notice (6 months)
- Right of first refusal
 - o Agricultural Land and Historic protected from conversion

SB 330 - Enforcement



- Applicant
- A person eligible to reside in dwelling or emergency shelter
- A housing organization
- Court ordered Judgement to compel within 60 days
- Award attorney fees to petitioner
- Fine up to \$10,000 per unit - from General Fund
- x5 if bad faith actions apply



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Does not prohibit adoption of new policies/standards which:

- Allow greater density
- Facilitate development of housing
- Reduce costs of housing development
- Imposes/implements CEQA mitigation measures

Rent/Tenant Protections



- Single family units exempt
- 15 years old and younger - exempt
- 2 units or more
- 10-year term
- 5% + CPI (inflation)
- No discrimination regarding source of income (section 8 vouchers) (SB 329)

ADU's



- City must update local ADU Ordinance
- No lot size/FAR requirement; 4 ft side/rear yard
- 2 ADU's per single family lot occupied with a home and multifamily
- Must permit up to 1,200 sq. ft (attached if 2,400 sq. ft)
- 16' height permitted

ADU's - (continued)



- No replacement parking for converted garage or carport or new unit within ½ mile of transit
- No owner-occupancy requirement
- 60-day ministerial review on SF & MF sites
- Ministerial review of multiple ADU's inside multifamily structure
- No impact fees <750 sq. ft; 25% >750 sq. ft.
- HOA's restricted from permitting (signed); design only

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- 100% affordable receives 80% density bonus; 4 incentives/concessions
- Within a ½ mile transit stop or transit corridor, unlimited density and 3 additional stories or 33 feet height increases

AB 1763 – Density Bonus & Parking



- Shall not impose any new more restrictive parking requirements
- New parking requirement near transit as follows:
- $\frac{1}{4}$ mile of rail/bus corridor - 0 per unit
- $\frac{1}{2}$ mile of rail/bus corridor - .5 per unit

AB 1487 – SF Bay Area: Housing Development Financing Agency



- Leadership: Executive Board MTC/ABAG
- Direct allocations to Big 3 cities and any city without 30% of total county housing allocation
- No sales tax
- Commercial linkage, business tax etc. - 50% to County of origin

Questions?



CITY OF MORGAN HILL



CITY COUNCIL STAFF REPORT

MEETING DATE: October 9, 2019

PREPARED BY: Donald Larkin, City Attorney
APPROVED BY: City Manager

RESOLUTION RATIFYING THE ACTION OF THE DIRECTOR OF EMERGENCY SERVICES PROCLAIMING THE EXISTENCE OF A LOCAL EMERGENCY AND CONTINUING SUCH EMERGENCY

RECOMMENDATION(S)

Adopt resolution ratifying the action of the Director of Emergency Services proclaiming a local emergency and continuing such emergency.

COUNCIL PRIORITIES, GOALS & STRATEGIES

Ongoing Priorities

Enhancing Public Safety
Protecting the Environment
Supporting Our Youth
Seniors
and Entire Community

2019 Strategic Priorities

Community Engagement and Messaging

REPORT NARRATIVE:

Pursuant to Government Code Section 54954.2, the City Council may take action on items of business not appearing on the posted agenda under specified conditions, including upon a determination by a majority vote of the City Council that an emergency situation exists, defined as an activity that severely impairs public health, safety, or both, as determined by a majority of the members of the legislative body.

On October 8, 2019 the City Manager, as Director of Emergency Services, was apprised by PG&E of a planned public safety power shutoff that was scheduled for 11:00 a.m. on October 9, 2019 that jeopardized the health, safety, and welfare of the people of the City and exceeded the ability of City resources alone to respond to these conditions. The Director of Emergency Services, pursuant to Morgan Hill Municipal Code Section 2.44.070, proclaimed the existence of a local emergency within the City at 10:00 a.m. on October 8, 2019. (Attachment 1) Pursuant to Government Code Section 8630, whenever a local emergency is proclaimed by an official designated by ordinance, the local emergency shall not remain in effect for a period in excess of seven days unless it has been ratified by the governing body.

The City Council is requested to find that this is an emergency situation to add this item to the agenda on an emergency basis, and to ratify the actions taken by the Director of Emergency Services by adopting the attached resolution. (Attachment 2)

COMMUNITY ENGAGEMENT: Inform**ALTERNATIVE ACTIONS:**

The local emergency shall not remain in effect if City Council chooses not to ratify the actions taken by the Director of Emergency Services, which severely impact the ability of the City to respond to this emergency situation.

FISCAL AND RESOURCE IMPACT:

Fiscal and resource impacts are unknown at this time.

CEQA (California Environmental Quality Act):

Actions taken during an emergency are Categorically Exempt pursuant to CEQA Guidelines section 15269.

LINKS/ATTACHMENTS:

1. MHPGEPSPS100919-Resolution
2. Proclamation of Emerg. 10-8-19

RESOLUTION NO.

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF MORGAN HILL RATIFYING THE ACTION OF THE DIRECTOR OF EMERGENCY SERVICES PROCLAIMING THE EXISTENCE OF A LOCAL EMERGENCY AND CONTINUING SUCH EMERGENCY

WHEREAS, Chapter 2.44 of the Morgan Hill Municipal Code provides for a Civil Disaster and Emergency Organization; and

WHEREAS, the declared purposes of Chapter 2.44 are to provide for the preparation and carrying out of plans for the protection of persons and property within the City of Morgan Hill (the "City") in the event of an emergency; and

WHEREAS, on October 8, 2019 the City Manager, as Director of Emergency Services, was apprised of a planned public safety power shutoff that was scheduled for 11:00 a.m. on October 9, 2019 that jeopardized the health, safety, and welfare of the people of the City and exceeded the ability of City resources alone to respond to these conditions; and

WHEREAS, at 10:00 a.m. on October 8, 2019, the Director of Emergency Services, pursuant to Morgan Hill Municipal Code Section 2.44.070, proclaimed the existence of a local emergency within the City; and

WHEREAS, these emergency conditions are expected to continue into the near future.

NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF MORGAN HILL DOES HEREBY FIND, DETERMINE, RESOLVE, AND ORDER AS FOLLOWS:

Section 1. Recitals. The City Council does hereby find, determine, and resolve that all of the foregoing recitals are true and correct.

Section 2. Approval and Authorization. The City Council does further resolve, order, and/or direct as follows:

- a. That the Proclamation of existence of a local emergency, as issued by the Director of Emergency Services, is hereby ratified and confirmed as well as all actions, including, but not limited to, the entering into of contracts by the City pursuant to the proclamation of local emergency; and
- b. That the local emergency is hereby continued and that during the existence of said local emergency, the powers, functions, and duties of the Director of Emergency Services and the emergency organization of the City shall be those prescribed by

state law, ordinances, and resolutions of the City Council and by the City's Emergency Operations Plan; and

- c. That the Emergency Services Coordinator, or his/her designee, continues to be designated as the authorized representative of the City for public and individual assistance of the City of Morgan Hill for the purpose of receipt, processing, and coordination of all inquiries and requirements necessary to obtain available state and federal assistance.

Section 3. This Resolution shall take effect immediately upon adoption and remain in effect until such time as it is terminated by the City Council of the City of Morgan Hill.

PASSED AND ADOPTED by the City Council of the City of Morgan Hill at its meeting held on this ____ day of _____, 20__ by the following vote:

AYES:	COUNCIL MEMBERS:
NOES:	COUNCIL MEMBERS:
ABSENT:	COUNCIL MEMBERS:
ABSTAIN:	COUNCIL MEMBERS:

DATE: _____

Richard Constantine, MAYOR

APPROVED AS TO FORM AND LEGALITY:

Donald A. Larkin, CITY ATTORNEY

∞ CERTIFICATION ∞

I, Irma Torrez, City Clerk of the City of Morgan Hill, California, do hereby certify that the foregoing is a true and correct copy of Resolution No. _____, adopted by the City Council at the meeting held on _____, 20__.

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

DATE: _____

Irma Torrez, CITY CLERK

**A PROCLAMATION BY THE DIRECTOR OF EMERGENCY SERVICES
OF THE CITY OF MORGAN HILL PROCLAIMING
THE EXISTENCE OF A LOCAL EMERGENCY**

WHEREAS, Morgan Hill Municipal Code Chapter 2.44 empowers the City Manager, as Director of Emergency Services, to proclaim, subject to ratification by the City Council within seven (7) days, the existence or threatened existence of a local emergency when the City of Morgan Hill (the "City") is affected or likely to be affected by a public calamity and the City Council is not in session; and

WHEREAS, conditions of extreme peril to the safety of persons and property have arisen within the City, commencing at or about 10:00 a.m. on October 8, 2019 caused by a public safety power shutoff scheduled for 11:00 a.m. on October 9, 2019; and

WHEREAS, the Director of Emergency Services finds that the aforesaid conditions of extreme peril warrant and necessitate the proclamation of the existence of a local emergency.

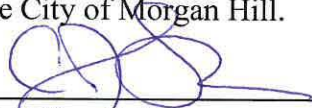
NOW, THEREFORE, THE DIRECTOR OF EMERGENCY SERVICES DOES HEREBY FIND, DETERMINE, RESOLVE, AND ORDER AS FOLLOWS:

Section 1. That the existence of a local emergency is hereby proclaimed; and

Section 2. That the Emergency Services Coordinator, or his/her designee, is hereby designated as the authorized representative of the City of Morgan Hill for public and individual assistance for the purpose of receipt, processing, and coordination of all inquiries and requirements necessary to obtain available state and federal assistance; and

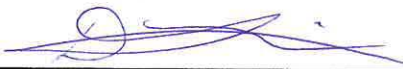
Section 3. This Proclamation shall remain in effect until such time as it is continued or terminated by the City Council of the City of Morgan Hill.

DATE: 10/8/19



Christina J. Turner
Director of Emergency Services

APPROVED AS TO FORM AND LEGALITY



Donald A. Larkin
City Attorney

Attachment: Proclamation of Emerg. 10-8-19 (2504 : Local Emergency Proclamation)



CITY COUNCIL STAFF REPORT

MEETING DATE: October 9, 2019

PREPARED BY: Leslie Little, Assistant City Manager for Community Development
APPROVED BY: City Manager

UPDATE REGARDING 2019 STATE HOUSING LEGISLATION/IMPACTS

RECOMMENDATION(S)

Receive information regarding 2019 State Housing Legislation and Impacts to Morgan Hill Housing Development Guidelines and Enforcement, Residential Development Control System, Development Processing and Work Program.

COUNCIL PRIORITIES, GOALS & STRATEGIES

Ongoing Priorities

Maintaining Fiscal Responsibility
Preserving and Cultivating Public Trust

2019 Strategic Priorities

Community Engagement and Messaging
Housing

REPORT NARRATIVE:

This item is intended to transmit a PowerPoint presentation which will discuss pending State legislative changes and the impacts the new legislation will have upon Morgan Hill. Each of the bills highlighted have been approved by the full Legislature and are on the Governor's desk for signature. The Governor has indicated he will sign Senate Bill (SB) 330 – Housing Crisis Act of 2019, Assembly Bill (AB) 1482 – Tenant Protection Act of 2019, and Senate Bill (SB) 329 Discrimination: housing: source of income. The 2019 State Housing Legislation will require numerous changes to Morgan Hill permitting and processing of all residential development projects, including accessory dwelling units. The effective date of any new rule change is January 1, 2020.

Much of the presentation is dedicated to SB 330 (Skinner) “The Housing Crisis Act of 2019” which significantly amends the California Housing Accountability Act. Other bills to be discussed include AB 1763 (Chiu) amending density bonus law, SB 13 (Wieckowski), AB 881 (Bloom), AB 670 (Friedman), and AB 68 (Ting), related to Accessory Dwelling Units (ADU's), AB 1487 (Chiu) creating authority for a 9 county regional agency to raise funds for and provide tools for housing protection, preservation and production, and AB 1482 (Chiu et al) anti-rent gouging and “just cause” eviction law. The Governor has 30 days from the passage of legislation to sign or veto a bill. By October 13, the state should know the status of all legislation passed this session.

The presentation will also include a discussion regarding the upcoming Development Services work program for the balance of the calendar year.

A PowerPoint presentation is attached to this report.

COMMUNITY ENGAGEMENT:

This presentation is intended to inform the City Council and Community. Once legislation is signed, presentations will be made to the Realtors Association, Rotary, Kiwanis, AAUW, and potentially other groups.

PRIOR CITY COUNCIL AND COMMISSION ACTIONS:

A legislative update presentation was also held at the Planning Commission on September 24, 2019.

FISCAL AND RESOURCE IMPACT:

There is no significant fiscal impact to receiving this report. Tracking legislation and updating the Council and the Community on such legislation is part of the City staff's annual workplan.

CEQA (California Environmental Quality Act):

Not a project, as this is an administrative activity of government that will not result in direct or indirect physical changes in the environment.

LINKS/ATTACHMENTS:

1. Housing Update Presentation



2019 Housing Legislation Update



Housing Crisis



- Housing growth not keeping up with population growth
- Current shortage of 2,000,000 units in CA increasing to 3,500,000 units by 2025
- Strategies suggest building on vacant urban land, intensifying housing around transit, adding density to multifamily development, increasing supply of affordable housing through various methods



Housing Accountability Act

The Housing Accountability Act, among other requirements, prohibits a local agency from **disapproving, or conditioning approval** in a manner that renders infeasible, a housing development project for **very low, low, or moderate-income households** or an emergency shelter

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ADU's



- City must update local ADU Ordinance
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ADU's - (continued)



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- Leadership: Executive Board MTC/ABAG
- Direct allocations to Big 3 cities and any city without 30% of total county housing allocation
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- Commercial linkage, business tax etc. - 50% to County of origin

Questions?



CITY OF MORGAN HILL



Special Meeting Agenda

City Council

Rich Constantine - Mayor
Rene Spring - Mayor Pro Tem
Yvonne Martinez Beltran - Council Member
Larry Carr - Council Member
John McKay - Council Member

Wednesday, October 9, 2019 7:00 p.m.

Council Chamber
17555 Peak Avenue, Morgan Hill, CA 95037

AMENDED AGENDA

Please note that this agenda has been amended to add an emergency City Council action item.

SPECIAL MEETING

A Special Meeting of the City Council is called at 7:00 p.m. for the purpose of receiving an Update on Housing Legislation.

CALL TO ORDER

Mayor Constantine

ROLL CALL ATTENDANCE

Minutes Clerk Angie Gonzalez

DECLARATION OF POSTING OF AGENDA

Per Government Code 54954.2
Minutes Clerk Angie Gonzalez

SILENT INVOCATION

PLEDGE OF ALLEGIANCE

PUBLIC COMMENT

Members of the public are entitled to address the City Council concerning any item within the Morgan Hill City Council's subject matter jurisdiction. Public comments are limited to no more than three minutes.

Except for certain specific exceptions, the City Council 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)

ADOPTION OF AGENDA

EMERGENCY ACTION

1. RESOLUTION RATIFYING THE ACTION OF THE DIRECTOR OF EMERGENCY SERVICES PROCLAIMING THE EXISTENCE OF A LOCAL EMERGENCY AND CONTINUING SUCH EMERGENCY

Recommendation:

Adopt resolution ratifying the action of the Director of Emergency Services proclaiming a local emergency and continuing such emergency.

OTHER BUSINESS

2. UPDATE REGARDING 2019 STATE HOUSING LEGISLATION/IMPACTS

Recommendation:

Receive information regarding 2019 State Housing Legislation and Impacts to Morgan Hill Housing Development Guidelines and Enforcement, Residential Development Control System, Development Processing and Work Program.

Estimated Time: 120 Minutes

FUTURE COUNCIL INITIATED AGENDA ITEMS

Note: in accordance with Government Code Section 54954.2(a), there shall be no discussion, debate and/or action taken on any request other than providing direction to staff to place the matter of business on a future agenda.

ADJOURNMENT

NOTICE

Any documents produced by the City and distributed to the majority of the City Council less than 72 hours prior to an open meeting, will be made available for public inspection at the City Clerk's Counter at City Hall located at 17575 Peak Avenue, Morgan Hill, CA, 95037 and at the Morgan Hill Public Library located at 660 West Main Avenue, Morgan Hill, California, 95037 during normal business hours. (Pursuant to Government Code 54957.5)

PUBLIC COMMENT

Members of the Public are entitled to directly address the City Council 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 Council on any issue that is on this agenda, please complete a speaker request card located in the foyer of the Council 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 Council, 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 City Council 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 City Council.

Persons interested in proposing an item for the City Council agenda should contact a member of the City Council who may plan an item on the agenda for a future City Council meeting. Should your comments require Council action, your request may be placed on the next appropriate agenda. Council 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 City Council at, or prior to the Public Hearing on these matters.

The time within which judicial review must be sought of the action by the City Council, 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 City Council 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.

SUSTAINABLE MORGAN HILL



VISION

To sustain a safe, inclusive, socially responsible, environmentally conscious, and economically sound community

Choose Morgan Hill

The City of Morgan Hill is the best community for people to live, work, visit, and operate their businesses.

City Council Ongoing Priorities

- Enhancing Public Safety
- Protecting the Environment
- Maintaining Fiscal Responsibility
- Supporting our Youth, Seniors, and Entire Community
- Fostering a Positive Organizational Culture
- Preserving and Cultivating Public Trust
- Preserving our Community History
- Enhancing Diversity and Inclusiveness
- Advancing Regional Initiatives

2019-2020 Strategic Priorities

- Agricultural Preservation
- Cannabis Policy
- Community Engagement and Messaging
- Economic Development
- Financial Stewardship
- High Speed Rail
- Homelessness
- Housing
- Infrastructure
- Telecommunications
- Traffic/Transportation





Special Meeting Agenda

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ADOPTION OF AGENDA

OTHER BUSINESS

1. UPDATE REGARDING 2019 STATE HOUSING LEGISLATION/IMPACTS

Recommendation:

Receive information regarding 2019 State Housing Legislation and Impacts to Morgan Hill Housing Development Guidelines and Enforcement, Residential Development Control System, Development Processing and Work Program.

Estimated Time: 120 Minutes

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PUBLIC COMMENT

Members of the Public are entitled to directly address the City Council 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 Council on any issue that is on this agenda, please complete a speaker request card located in the foyer of the Council 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 Council, 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 City Council 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 City Council.

Persons interested in proposing an item for the City Council agenda should contact a member of the City Council who may plan an item on the agenda for a future City Council meeting. Should your comments require Council action, your request may be placed on the next appropriate agenda. Council 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 City Council at, or prior to the Public Hearing on these matters.

The time within which judicial review must be sought of the action by the City Council, 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 City Council 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.

SUSTAINABLE MORGAN HILL



VISION

To sustain a safe, inclusive, socially responsible, environmentally conscious, and economically sound community

Choose Morgan Hill

The City of Morgan Hill is the best community for people to live, work, visit, and operate their businesses.

City Council Ongoing Priorities

- Enhancing Public Safety
- Protecting the Environment
- Maintaining Fiscal Responsibility
- Supporting our Youth, Seniors, and Entire Community
- Fostering a Positive Organizational Culture
- Preserving and Cultivating Public Trust
- Preserving our Community History
- Enhancing Diversity and Inclusiveness
- Advancing Regional Initiatives

2019-2020 Strategic Priorities

- Agricultural Preservation
- Cannabis Policy
- Community Engagement and Messaging
- Economic Development
- Financial Stewardship
- High Speed Rail
- Homelessness
- Housing
- Infrastructure
- Telecommunications
- Traffic/Transportation

