



Regular Meeting Agenda
Planning Commission

John McKay - Chairman
Liam Downey - Vice Chairman
Joseph Mueller - Planning Commissioner
Wayne Tanda - Planning Commissioner
Yvonne Martinez Beltran - Planning Commissioner
Mohammad Habib - Planning Commissioner
Juan Miguel Munoz Morris - Planning Commissioner

Tuesday, October 10, 2017 7:00 PM

Council Chamber
17555 Peak Avenue, Morgan Hill, CA 95037

CALL TO ORDER

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

These are items of a routine or generally uncontested nature. Any member of the Planning Commission or member of the public may request to have an item pulled from the Consent Calendar and acted on

individually by the Planning Commission. Items pulled will be discussed after action is taken on the balance of the Consent Calendar and before moving on to the public hearings.

1. APPROVE THE SEPTEMBER 12, 2017 MEETING MINUTES

Recommendation:

Approve Minutes.

2. APPROVE THE SEPTEMBER 26, 2017 MEETING MINUTES

Recommendation:

Approve Minutes.

PUBLIC HEARINGS

3. ZONING AMENDMENT, ZA2017-0004: DEL MONTE - CARUSO: REQUEST FOR A ZONING AMENDMENT TO CHANGE THE ZONING MAP DESIGNATION FOR TWO PARCELS FROM THE RE-100,000 RESIDENTIAL ESTATE DISTRICT TO R-1 7,000 SINGLE FAMILY MEDIUM DENSITY ON A 1.745-ACRE SITE. THE PROPERTIES, IDENTIFIED BY ASSESSOR PARCEL NUMBER(S) 767-16-013 AND -043, ARE LOCATED ON THE WEST SIDE OF DEL MONTE AVENUE, OPPOSITE MATHILDA COURT (SALVATORE AND LUCAS CARUSO OWNERS). CEQA: PROJECT COMPLIES WITH SECTION 15183 (CONSISTENT WITH COMMUNITY PLAN, GENERAL PLAN OR ZONING)

Recommendation:

1. Adopt Resolution Recommending City Council approval of the Zoning Amendment.
2. No further CEQA action is required.

OTHER BUSINESS

4. DISCUSS THE 2017 RESIDENTIAL DEVELOPMENT CONTROL SYSTEM COMPETITION PROCESS

Recommendation:

No action necessary.

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 by during the public comment portion of the meeting following the same procedure described above. Please limit your comments to three (3) minutes or less.

Please submit written correspondence to the Minutes Clerk, who will distribute correspondence to the Commission.

Persons interested in proposing an item for the Commission agenda should contact a member of the Commission who may plan an item on the agenda for a future Commission meeting. Should your comments require Commission action, your request may be placed on the next appropriate agenda. Commission discussion or action may not be taken until your item appears on an agenda. This procedure is in compliance with the California Public Meeting Law (Brown Act) Government Code §54950.

City Council Policies and Procedures (CP 03-01) outlines the procedure for the conduct of public hearings. Notice is given, pursuant to Government Code Section 65009, that any challenge of Public Hearing Agenda items in court, may be limited to raising only those issues raised by you or on your behalf at the Public Hearing described in this notice, or in written correspondence delivered to the Commission at, or prior to the Public Hearing on these matters.

The time within which judicial review must be sought of the action by the Commission, which acted upon any matter appearing on this agenda is governed by the provisions of Section 1094.6 of the California Code of Civil Procedure.

For a copy of Commission Policies and Procedures CP 97-01, please contact the City Clerk's office (408) 779-7259, (408) 779-3117 (fax) or by email michelle.wilson@morganhill.ca.gov.

AMERICANS WITH DISABILITIES ACT (ADA)

In compliance with the Americans with Disabilities Act, if you are a disabled person and you need a disability-related modification or accommodation to participate in this meeting, please contact the City Clerk's Office at (408)779-7259, (408)779-3117 (fax) or by email michelle.wilson@morganhill.ca.gov. Requests must be made as early as possible and at least two-full business days before the start of the meeting.



Sustainable Morgan Hill Vision

Morgan Hill is a socially responsible, environmentally conscious, and economically sound community that embraces inclusiveness with participation by all.

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 Cultural Heritage

2017 STRATEGIC PRIORITIES

High Speed Rail

Inclusiveness

Infrastructure

Regional Initiatives

Telecommunications

2017 STRATEGIC PRIORITIES:



High Speed Rail

The City of Morgan Hill will directly advocate for our community's needs through our communications, discussions, and decisions. We will continue to engage the community, the High Speed Rail Authority, our state and federal legislators, and other regional agencies to mitigate negative impacts and convey our position that the High Speed Rail Authority should only use the existing Highway 101 right-of-way to avoid all impacts to residents, schools, and businesses. Should the Authority decide the 101 right-of-way is not feasible, we will strongly advocate for the route with the least impact on Morgan Hill.



Inclusiveness

We will celebrate the diversity, history, and culture of our community. Through City Council workshops, community meetings, and researching successes in other communities, the City will listen to and collaborate with the community to define how inclusiveness will be further woven into our community's fabric and to increase public participation. The City's communications, services, public spaces, and projects will embrace all community members as partners, advancing our vision of being a socially responsible community.



Infrastructure

The City will review its streets, parks, and public facilities infrastructure needs initially by updating its 2014 infrastructure study to quantify the funding gap. We will identify potential funding options as ongoing revenue is insufficient to fund our vital community assets at a sustainable level without significantly impacting existing service levels that our community has come to expect. Morgan Hill will actively work with the Valley Transportation Agency, the County, and the State to secure funding for the Santa Teresa extension and road maintenance. We will continue to work closely with our community to inform them of the needs and engage them to find an affordable and sustainable solution.



Regional Initiatives

City Council and staff will focus on influencing regional decisions that benefit Morgan Hill. This regional involvement will include, but not be limited to, partnering with the League of California Cities, Valley Transportation Authority, Santa Clara Valley Water District, Cities Association of Santa Clara County, the City of Gilroy, Santa Clara County, Morgan Hill Unified School District, the Local Agency Formation Commission, the Open Space Authority, and Silicon Valley Clean Energy to advance projects that further Sustainable Morgan Hill.



Telecommunications

The City will collaborate with the private sector to explore ways to provide fast, reliable access and wireless connectivity for residents and businesses. The 2016 Telecommunications Infrastructure and Economic Development Blueprint reports will be the foundation for continuing discussions with broadband providers, public utilities, and other infrastructure service providers in developing an implementation plan for growing our telecommunications infrastructure. The plan will be used to signal Morgan Hill's support for business expansion.

DRAFT



Meeting Minutes Planning Commission

John McKay - *Chairman*
Liam Downey - *Vice Chairman*
Joseph Mueller - *Planning Commissioner*
Wayne Tanda - *Planning Commissioner*
Yvonne Martinez Beltran - *Planning Commissioner*
Mohammad Habib - *Planning Commissioner*
Juan Miguel Munoz Morris - *Planning Commissioner*

Tuesday, September 12, 2017 7:00 PM

Council Chamber
17555 Peak Avenue, Morgan Hill, CA 95037

CALL TO ORDER

Attendee Name	Title	Status	Arrived
John McKay	Chairman	Present	
Liam Downey	Vice Chairman	Late	7:03 PM
Joseph Mueller	Planning Commissioner	Present	
Wayne Tanda	Planning Commissioner	Present	
Yvonne Martinez Beltran	Planning Commissioner	Present	
Mohammad Habib	Planning Commissioner	Present	
Juan Miguel Miguel Munoz Morris	Planning Commissioner	Present	

DECLARATION OF POSTING AGENDA

Minutes Clerk Luna declared the posting of the agenda.

OPEN PUBLIC COMMENT PERIOD

None.

Minutes Acceptance: Minutes of Sep 12, 2017 7:00 PM (CONSENT AGENDA)

ORDERS OF THE DAY

CONSENT AGENDA

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APPROVE THE AUGUST 8, 2017 MEETING MINUTES

Recommendation:

Approve Minutes.

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

MINUTES OF AUG 22, 2017 7:00 PM

Item pulled for discussion.

ITEMS PULLED FOR DISCUSSION

APPROVE THE AUGUST 22, 2017 MEETING MINUTES

Recommendation:

Approve Minutes.

Commissioner Martinez Beltran made a request to amend the August 22, 2017 minutes to include a brief summary of what was discussed during the meeting.

RESULT:	CONTINUED [UNANIMOUS]
MOVER:	Joseph Mueller, Planning Commissioner
SECONDER:	Yvonne Martinez Beltran, Planning Commissioner
AYES:	McKay, Downey, Mueller, Tanda, Martinez Beltran, Habib, Munoz Morris

PUBLIC HEARINGS

1. **ZONING AMENDMENT, ZA2017-0001: NINA – BOTROS: REQUEST FOR ZONING AMENDMENT TO CHANGE THE ZONING MAP DESIGNATION FOR THREE PROPERTIES FROM R-1 12, 000/RPD TO R-1 7,000. THE PROPERTIES IDENTIFIED BY ASSESSOR PARCEL NUMBERS 817-60-019, -026 AND -027 ARE LOCATED ON THE SOUTH WEST CORNER OF THE INTERSECTION OF SAN PEDRO AVE (ADEL AND AMAL BOTROS, GUY AND NICOLE BRAULT TRUSTEE, AND LISA VARNEY, OWNERS). CEQA: PROJECT COMPLIES WITH SECTION 15183 (CONSISTENT WITH COMMUNITY PLAN, GENERAL PLAN OR ZONING)**

Recommendation:

1. Approve resolution recommending City Council approval of the Zoning Amendment;
2. No further CEQA action is required.

Interim Planning Manager Terry Linder presented the staff report.

Chair McKay opened the public hearing at 7:32 p.m.

Fran Weiss was called to speak.

Bill McClintock was called to speak.

Hearing no further requests to speak, the public hearing was closed.

Motion to approve the resolution recommend to City Council to change the zoning from R-1 12,000 to R-1 7,000 Single Family Medium Density Residential District.

RESULT:	ADOPTED [6 TO 1]
MOVER:	Liam Downey, Vice Chairman
SECONDER:	Wayne Tanda, Planning Commissioner
AYES:	McKay, Downey, Tanda, Martinez Beltran, Habib, Munoz Morris
NAYS:	Mueller

OTHER BUSINESS

2. LEGAL PRESENTATION

Recommendation:

No action necessary.

Assistant City Attorney Cynthia Hasson presented the presentation/discussion of regulations and laws that guide the Planning Commission in their work.

ANNOUNCEMENTS

None.

ADJOURNMENT

There being no further business Chair McKay adjourned the meeting at 8:57 p.m.

Minutes Prepared By:

Jenna Luna, Minutes Clerk

DRAFT



Meeting Minutes Planning Commission

John McKay - *Chairman*
Liam Downey - *Vice Chairman*
Joseph Mueller - *Planning Commissioner*
Wayne Tanda - *Planning Commissioner*
Yvonne Martinez Beltran - *Planning Commissioner*
Mohammad Habib - *Planning Commissioner*
Juan Miguel Munoz Morris - *Planning Commissioner*

Tuesday, September 26, 2017 7:00 PM

Council Chamber
17555 Peak Avenue, Morgan Hill, CA 95037

CALL TO ORDER

ROLL CALL ATTENDANCE

Attendee Name	Title	Status	Arrived
John McKay	Chairman	Present	
Liam Downey	Vice Chairman	Absent	
Joseph Mueller	Planning Commissioner	Present	
Wayne Tanda	Planning Commissioner	Present	
Yvonne Martinez Beltran	Planning Commissioner	Present	
Mohammad Habib	Planning Commissioner	Absent	
Juan Miguel Miguel Munoz Morris	Planning Commissioner	Present	

DECLARATION OF POSTING AGENDA

Community Development Director Jennifer Carman declared the posting of the agenda.

OPEN PUBLIC COMMENT PERIOD

None.

ORDERS OF THE DAY

CONSENT AGENDA

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1. APPROVE THE AUGUST 22, 2017 MEETING MINUTES

Recommendation:

Approve Minutes.

Item pulled for discussion.

Commissioner Martinez Beltran would like to thank staff for including the brief discussion of the conversation that took place on item number 3.

RESULT:	ACCEPTED [6 TO 0]
MOVER:	Joseph Mueller, Planning Commissioner
SECONDER:	Wayne Tanda, Planning Commissioner
AYES:	Downey, Mueller, Tanda, Martinez Beltran, Habib, Munoz Morris
ABSTAIN:	McKay

PUBLIC HEARINGS

2. ZONING AMENDMENT, ZA2017-0004: DEL MONTE - CARUSO: REQUEST FOR A ZONING AMENDMENT TO CHANGE THE ZONING MAP DESIGNATION FOR TWO PARCELS FROM THE RE-100,000 RESIDENTIAL ESTATE DISTRICT TO R-1 7,000 SINGLE FAMILY MEDIUM DENSITY ZONE DISTRICT ON A 1.745-ACRE SITE. THE PROPERTIES, IDENTIFIED BY ASSESSOR PARCEL NUMBER(S) 767-16-013 AND -043, ARE LOCATED ON THE WEST SIDE OF DEL MONTE AVENUE, OPPOSITE MATHILDA COURT (SALVATORE AND LUCAS CARUSO OWNERS). CEQA: PROJECT COMPLIES WITH SECTION 15183 (CONSISTENT WITH COMMUNITY PLAN, GENERAL PLAN OR ZONING)

Recommendation:

Open the Public Hearing and continue consideration of the Zoning Amendment to change the Zoning Map land use designation for two parcels to the October 10, 2017 Planning Commission meeting.

Community Development Director Jennifer Carman presented the staff report.

Chair McKay opened the public hearing.

Hearing no requests to speak, the public hearing was closed.

RESULT:	CONTINUED [UNANIMOUS]	Next: 10/10/2017 7:00 PM
MOVER:	Joseph Mueller, Planning Commissioner	
SECONDER:	Yvonne Martinez Beltran, Planning Commissioner	
AYES:	McKay, Mueller, Tanda, Martinez Beltran, Munoz Morris	
ABSENT:	Downey, Habib	

OTHER BUSINESS

3. STATION AREA MASTER PLAN - STUDY SESSION

Recommendation:

Review and provide comments on the draft Station Area Master Plan (SAMP).

Associate Planner Tiffany Brown presented the staff report.

Chair McKay opened the public comment period.

Hearing no requests to speak, the public comment period was closed.

The Planning Commission reviewed and discussed the contents of the Station Area Master Plan. Each Commissioner provided their comments to staff.

RESULT:	NO ACTION TAKEN
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ANNOUNCEMENTS

None.

ADJOURNMENT

There being no further business Chair McKay adjourned the meeting at 9:18 p.m.

MINUTES PREPARED BY:

Jenna Luna, Minutes Clerk



PLANNING COMMISSION STAFF REPORT

MEETING DATE: October 10, 2017

PREPARED BY: Jim Rowe, Contract Planner

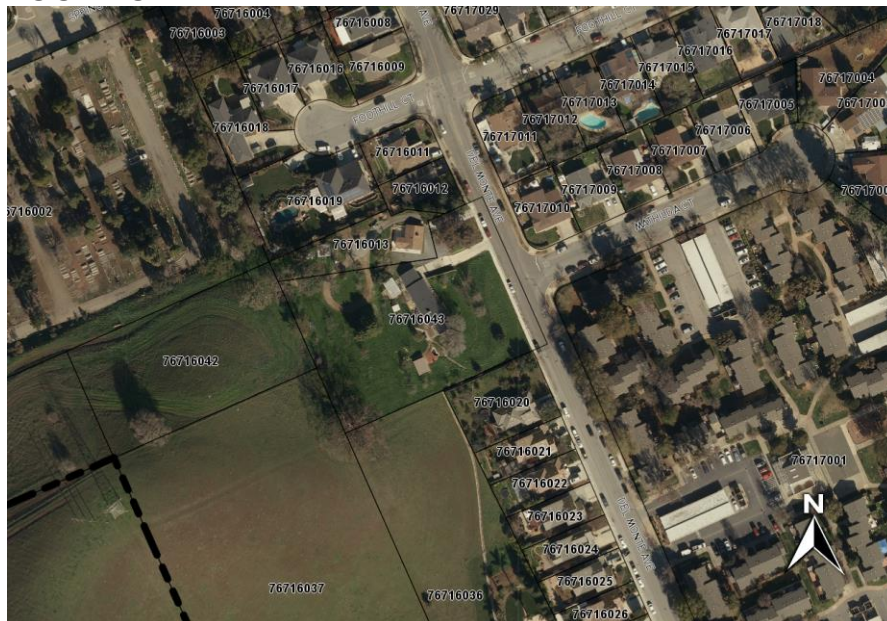
APPROVED BY: Jennifer Carman, Community Development Director

ZONING AMENDMENT, ZA2017-0004: DEL MONTE - CARUSO: REQUEST FOR A ZONING AMENDMENT TO CHANGE THE ZONING MAP DESIGNATION FOR TWO PARCELS FROM THE RE-100,000 RESIDENTIAL ESTATE DISTRICT TO R-1 7,000 SINGLE FAMILY MEDIUM DENSITY ON A 1.745-ACRE SITE. THE PROPERTIES, IDENTIFIED BY ASSESSOR PARCEL NUMBER(S) 767-16-013 AND - 043, ARE LOCATED ON THE WEST SIDE OF DEL MONTE AVENUE, OPPOSITE MATHILDA COURT (SALVATORE AND LUCAS CARUSO OWNERS). CEQA: PROJECT COMPLIES WITH SECTION 15183 (CONSISTENT WITH COMMUNITY PLAN, GENERAL PLAN OR ZONING)

RECOMMENDATION(S)

1. Adopt Resolution Recommending City Council approval of the Zoning Amendment.
2. No further CEQA action is required.

LOCATION MAP



PROJECT SUMMARY:

1. Location: West side of Del Monte Avenue opposite Mathilda Court.
(APN 767-16-013, 043)
2. Site Area: 1.745 Acres
3. General Plan: Residential Medium Detached (up to 7 du/ac)
4. Zoning: RE-100,000 Residential Estate District

BACKGROUND:

In July 2016, the City of Morgan Hill adopted the 2035 General Plan. The 2035 General Plan Land Use Map amended the land use designation on the two properties (APNs 767-16-013 and -043) located on the west side of Del Monte Avenue, south of Spring Avenue, opposite Mathilda Court from Residential Estate (up to 1 unit per acre) to Residential Detached Medium (up to 7 units per acre). The applicant is requesting to amend the zoning of the 1.745-acre site from RE 100,000 to R-1 7,000 to be consistent with the General Plan land use designation.

The public hearing legal notice submitted to the Morgan Hill Times for the September 26, 2017 Planning Commission meeting was not published as required by Government Code Section 65090 (Notice of Hearing). The required hearing notices were mailed to property owners within 300-feet of the subject property; therefore, the Planning Commission opened the public hearing to provide an opportunity for the public to speak, if in attendance.

The Planning Commission was unable to take action on the project at the September 26, 2017 meeting until a legal notice was published. The Zoning Amendment application was continued to the October 10, 2017 Planning Commission meeting to allow for the required noticing. The City has confirmed that the legal notice has been published in the Morgan Hill Times for the October 10, 2017 meeting.

PROJECT DESCRIPTION

A rezone is being initiated for the two parcels on the west side of Del Monte Avenue by the applicant Salvatore Caruso. A letter of justification has been provided (Attachment 1). The proposed amendment would change the zoning map designation from RE-100,000 to R-1 7,000 to be consistent with the General Plan Land Use Designation of Residential Detached Medium.

Site Description

Each of the two parcels is currently developed:

1. APN 767-16-013 (Lucas Caruso): The 0.283-acre property located at 16625 Del Monte Avenue is developed with a single-family home.

2. APN 767-16-043 (Salvatore Caruso): The 1.462-acre parcel located at 16615 Del Monte Avenue is developed with a single-family home, detached accessory unit, with much of the property undeveloped.

Surrounding Zoning/Land Use

North: R-1 7000/Single family detached homes on lots ranging from 7,405 to 20,909 square feet in size.

South: R-1 7000/RPD Single family detached homes on lots ranging from 6,098 square feet to 1.77 acres.

East: R-1 7000/Single family detached homes on lots approximately 7,000 square feet in size.

West: PF Public Facilities/Mt. Hope Cemetery on 5.11 acres and 1.21 acres.

ANALYSIS:

The proposed Zoning Amendment was analyzed for consistency with the: 1) General Plan and 2) Zoning Code:

The City's effort to update the Zoning Ordinance and Zoning Map to reflect the new 2035 General Plan is expected to be concluded by March 2018. Without this application, the subject lots will be rezoned to be consistent with the General Plan as part of that process.

General Plan

The General Plan land use designation for the subject properties is Residential Detached Medium (up to 7 du/ac). The two properties are currently developed with single family detached homes. The applicant intends to apply the reduced setbacks in accordance with the R-1 7,000 development standards for planned additions to the two-existing dwellings. The same setbacks would apply if the property were zoned R-1 9,000.

The R-1 7,000 and R-1 9,000 zone districts are the corresponding zone districts for the Residential Detached Medium General Plan designation. For this application, the applicant has requested a zoning designation of R-1 7,000, consistent with the R-1 7,000 zoning to the north, south and east.

Zoning Ordinance

The Zoning Ordinance sets forth the following requirements for proposed Zoning Amendments:

To amend Division I of the Zoning Ordinance, the City Council shall find the following:

- A. *That the proposed amendment is in general conformance with the General Plan;*

The proposed zoning amendment from RE 100,000 Residential Estate to R-1 7,000 Single-Family Medium Density Residential would conform to the site's Residential Detached Medium General Plan designation.

- B. *That the public necessity, convenience and general welfare require the adoption of the proposed amendment.*

No change in use or development of the site is allowed because the zoning remains inconsistent with the General Plan land use designation. Each of the sites are currently developed with single family homes. Amending the site zoning may allow future residential development consistent with the City's General Plan land use diagram and General Plan goals and policies related to the provision of an adequate housing supply subject to compliance with the more restrictive Hillside Combining District provisions described below.

- C. *The proposed amendment does not grant a change in land use from commercial or industrial to a residential land use for property incorporated into the urban service boundary after December 7, 1990 unless it can be determined pursuant to the terms of [Section 18.78.070](#) of the municipal code that the amount of undeveloped, residentially developable land on the same side of Monterey Road as the proposed amendment is insufficient to accommodate five years' worth of residential growth.*

The properties were included within the Urban Service Area prior to 1990. The requested change in zoning does not change the land use or zoning from commercial or industrial to residential and is therefore not subject to this provision.

Hillside Combining District

The subject parcels are in the Hillside Combining (H) District as defined in Chapter 18.44 of the Morgan Hill Municipal Code (Attachment 2). This district applies to all areas within the City having average slope of ten percent or greater. The minimum lot area per dwelling unit shall be the more restrictive minimum lot area provided by the combined requirements of the (H) district and the base zoning district (proposed R-1 7,000) with which it is combined. The (H) district is subject to a decrease in density as the average slope of the lot increases in accordance with the slope-density chart (Attachment 3) and the provisions provided in Section 18.44.040 of the Morgan Hill Municipal Code. The slope-density standards represented by the chart shall apply to all lands which are in excess of ten percent slope.

The average slope on the combined two parcels is approximately 19.67 percent, therefore, the more restrictive (H) district would apply. Using the slope-density standards established by the slope-density chart, the minimum lot size for property with an average slope of 19.67 percent is 39,490 square feet. The two combined parcels total 1.745 acres; sufficient to accommodate the two existing parcels, reconfigured to conform to the (H) district minimum 39,490 square foot lot size requirement. The R-1, 7,000 setback standards would apply to the larger lot minimums required under the (H) district.

Exception: Lots with average slopes of ten percent or greater may be created in exception to the slope/area formula 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 proposed underlying zoning district (R-1 7,000). Portions of the two parcels where the two existing homes are located are less than 10 percent slope where an exception to the slope density/area minimum could apply and where the R-1 7,000 or greater to the lot size minimum may apply. To make this determination, a topographic survey would need to be prepared by a licensed land surveyor or registered civil engineer. After the topographic survey map is completed, a slope density analysis will need to be prepared to show the areas that are greater than ten percent slope and the area that is less than 10 percent slope. The topographic survey and slope density analysis would need to be completed prior to issuance of building permits for any planned additions to the two existing dwelling units or any further development of the subject properties. In addition, deed restrictions must be recorded for such lots which restrict building to the area in which the average slope is ten percent or less.

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 and a sign has been posted at the property location pursuant to the Zoning Code requirements.

Conclusion

The proposed R-1 7,000 Single Family Medium Density zone district is the appropriate zoning for the property given its location within a single-family neighborhood and the site's General Plan Designation of Residential Detached Medium (up to 7 dwelling units per acre). Staff recommends approval of the proposed Zoning Amendment.

CEQA (California Environmental Quality Act):

The project was reviewed as part of Master Environmental Impact Report for the 2035 General Plan update and has been found consistent with the California Environmental Quality Act Section 21083.3 and Guidelines Section 15183 (Projects Consistent with a Community Plan, General Plan, or Zoning), there are no new environmental effects peculiar to the property or the project and no new information, and thus additional environmental review is not required. The Zoning Amendment complies with the General Plan as required by Government Code Section 65860 and as noted in this report.

LINKS/ATTACHMENTS:

1. Justification Letter
2. 18.44.080-(H) Hillside Combining District
3. Slope Density Chart
4. Resolution Recommending Zoning Amendment

SALVATORE CARUSO
DESIGN CORPORATION



Justification letter

Re: 16615 and 16625 Del Monte Ave, Morgan Hill

We are requesting a zoning change of these two properties mentioned above from RE100,000 to R1-7000, which is in conformance with the current General Plan – Residential detached Medium.

Currently these properties have one single family residence each which is consistent with the General plan and the surrounding neighborhood.

We would request your support for the rezoning of these properties.

Thank you

Salvatore Caruso

Attachment: Justification Letter (1433 : ZA2017-0004: Del Monte Caruso Zoning Amendment)

Chapter 18.44 - (H) HILLSIDE COMBINING DISTRICT

Sections:

18.44.010 - Purpose of district—Applicability.

- A. The purpose of the (H) combining district is to promote and encourage the orderly development of hillside areas, as designated on the land use plan of the general plan, while preserving significant environmental features of those areas in accordance with policies adopted in the open space and conservation element of the general plan.
- B. This district shall apply to all areas within the city having an average slope of ten percent or greater.

(Ord. 1135 N.S. § 41, 1993; Ord. 568 N.S. § A (part), 1981)

18.44.020 - Establishment conditions—Designation.

- A. An (H) district may be established only in conjunction with other districts. An (H) designation shall be combined with whatever other district designation is applicable to the area in which an (H) district is established.
- B. The provisions of this chapter shall apply in an (H) district and shall also be subject to other provisions of Division I of this title, including the provisions applicable to the particular district to which the (H) district designation is added and combined, provided that where conflict between regulations occurs, the regulations specified in this chapter shall prevail.
- C. Whenever an (H) district is established, and subsequent application to change the district with which the (H) district is combined shall not be construed to be an application to eliminate the (H) district for the area covered by the application, unless such intent to eliminate the (H) district is expressly stated to be part of the application.

(Ord. 568 N.S. § A (part), 1981)

18.44.030 - Building restrictions.

No building, private street or driveway shall be constructed on areas having slopes in excess of twenty percent; provided, however, that minor encroachments of the facility onto slopes in excess of twenty percent may be permitted where the development review committee finds that the proposed encroachment will not conflict with the purpose and intent of this chapter. This provision shall not apply to lots existing prior to the adoption of the ordinance codified in Division I of this title. Development of such lots shall be regulated by Section 18.44.080 of this chapter.

(Ord. 1176 N.S. § 8, 1994; Ord. 1135 N.S. § 42, 1993; Ord. 860 N.S. § 3, 1988; Ord. 568 N.S. § A (part), 1981)

18.44.040 - Lot area.

- A. The minimum lot area per dwelling unit shall be the more restrictive minimum lot area provided by the combined requirements of the (H) district and the base zoning district with which it is combined. The (H) district is subject to a decrease in density as the average slope of the lot increases in accordance with the slope-density chart. The slope-density standards represented by the chart (see Exhibit A),

shall apply to all lands shown as "Hillside" on the general plan Diagram which are also in excess of ten percent slope.

- B. Within the slope-density standards established by Exhibit A, the minimum lot size shall not be less than "a" as determined by the formula:

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

Where "S" is the average slope of the lot to be created in terms of percent. Where the average slope is in excess of fifty percent the minimum lot size shall be five gross acres.

- C. Lots with average slopes of ten percent or greater may be created in exception to the slope/area formula 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 zoning district. In addition, deed restrictions must be recorded for such lots which restrict building to the area in which the average slope is ten percent or less.

(Ord. 1135 N.S. § 43, 1993; Ord. 915 N.S. §§ 1, 2, 3, 4, 1989; Ord. 568 N.S. § A (part), 1981)

18.44.050 - Ground slope.

- A. The average ground slope shall be determined in accordance with the formula:

S	= <u>0.00229 IL</u>
	A

B. 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

- C. 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.

(Ord. 568 N.S. § A (part), 1981)

18.44.060 - Land modification restrictions.

The portion of a lot having a ground slope in excess of twenty percent shall not be altered in any way by grading, the removal or alteration of natural features such as streams, rock outcrops, ridgelines, drainage swales, the removal of natural vegetation, or any activity related to the preparation of the lot for development purposes, except as may be required in the interest of public safety, such as:

- A. The provision of fire trails;
- B. The removal of poisonous or noxious plants;
- C. The controlled removal or thinning of vegetation as part of a fire-protection program approved by the fire chief;
- D. Correction or stabilization of a geologic or seismic hazard; or
- E. For other public safety purposes as approved by the planning commission.

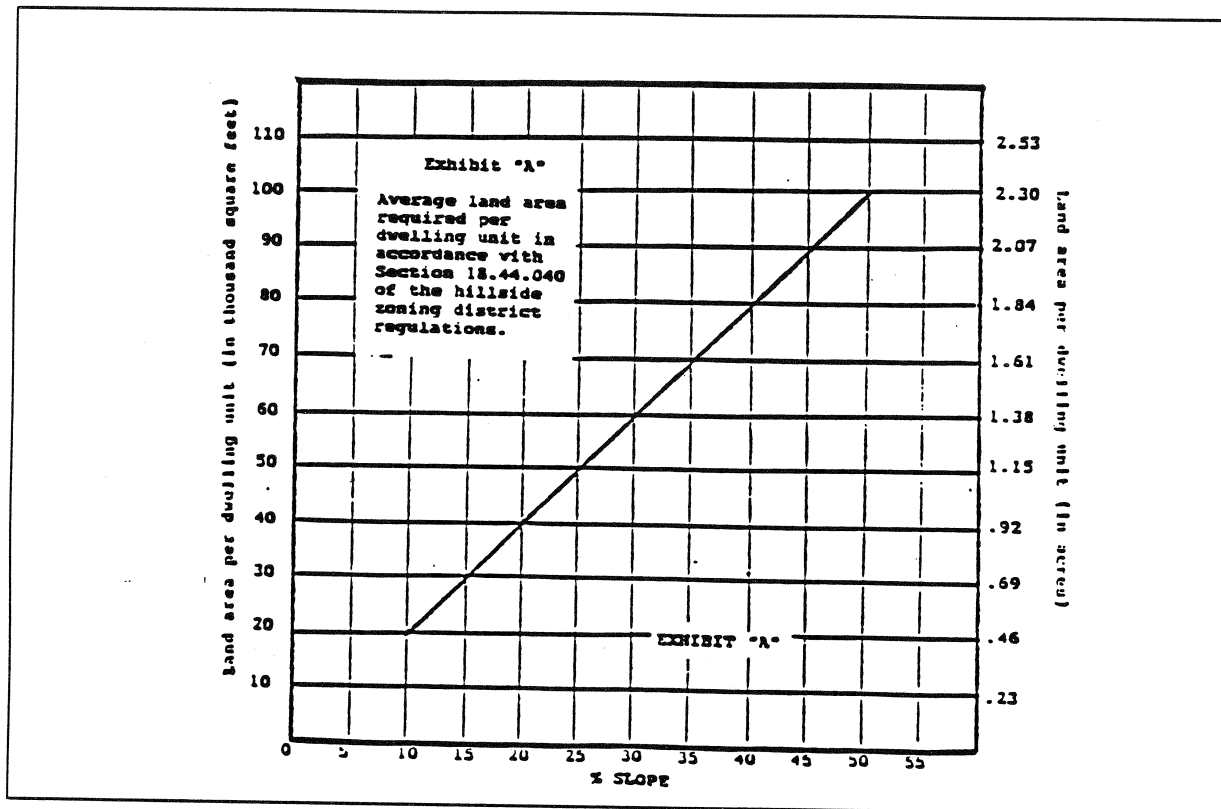
(Ord. 1135 N.S. § 44, 1993: Ord. 568 N.S. § A (part), 1981)

18.44.070 - Open space requirements—Table of percentages.

The following table indicates the minimum percentage of lot area to remain in open space with no grading or terrain alteration.

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

(Ord. 568 N.S. § A (part), 1981)



18.44.080 - One dwelling unit per site—Conditions.

If no portion of a lot contains slopes of less than twenty percent, and the lot is a lot of record legally created in accordance with applicable regulations of the city at the time of its creation, one dwelling unit and those accessory uses permitted may be constructed on such lot, provided that the proposed method of building and lot preparation conforms with recommendations acceptable to the development review committee (DRC) and the recommendation contained in an engineering geologic or geotechnical report by a qualified engineer geologist as required by the provisions of Chapter 18.45.

(Ord. 1176 N.S. § 9, 1994; Ord. 1135 N.S. § 45, 1993; Ord. 980 N.S. § 3 (part), 1990; Ord. 860 N.S. § 4, 1988; Ord. 568 N.S. § A (part), 1981)

18.44.090 - Ridgeline location limitations.

- A. No building shall be located on a ridgeline unless there is no other location on the lot which can accommodate a building, consistent with all other regulations and constraints applicable to the zone in which the lot is located, and a determination of this fact is made by the development review committee. A transfer of development credits (TDC) shall be attempted prior to allowing building on a ridge.
- B. An applicant must exhaust all possible avenues of accommodating the development in area exclusive of ridgelines prior to consideration of a ridgeline building site.

(Ord. 1135 N.S. § 46, 1993; Ord. 860 N.S. § 5, 1988; Ord. 568 N.S. § A (part), 1981)

18.44.100 - Five or more lots—PD district required.

A planned development overlay zoning district shall be required for all subdivisions in (H) districts where five or more lots are proposed.

(Amended during 7/08 supplement; Ord. 568 N.S. § A (part), 1981)

18.44.110 - Significant tree protection.

Significant trees located in the (H) district shall be protected in accordance with regulations contained in Chapter 12.32 of this code.

(Ord. 568 N.S. § A (part), 1981)

18.44.120 - El Toro Mountain open space preservation.

Hillside area of El Toro Mountain shall be preserved in open space to the maximum extent possible above the five-hundred-foot elevation, with the exception of the Llagas Valley and Paradise Valley, where all area above the six-hundred-foot elevation shall be preserved to the maximum extent possible. Subdivisions proposed in these areas shall include open-space easement dedications in accordance with this requirement. A transfer of development credits (TDC) or planned development (PD) shall be attempted prior to application for DRC approval.

(Amended during 7/08 supplement; Ord. 1135 N.S. § 47, 1993; Ord. 980 N.S. § 3 (part), 1990; Ord. 929 N.S. § 1, 1989; Ord. 568 N.S. § A (part), 1981)

18.44.130 - 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 chief building official.

(Ord. 1135 N.S. § 48, 1993; Ord. 568 N.S. § A (part), 1981)

18.44.140 - Erosion-control plan required.

An erosion-control plan shall be required prior to any physical development on an area located within the (H) district. The plan shall meet the minimum standards and specifications of the Loma Prieta Resource Conservation District.

(Ord. 1135 N.S. § 49, 1993; Ord. 568 N.S. § A (part), 1981)

18.44.160 - Transfer of permitted residential development credits—Purpose.

- A. These provisions are enacted to implement policies adopted in the open space and conservation element of the general plan which encourage preservation of significant environmental features and in particular preservation of hillside areas. They permit a transfer of development credits (TDCs) from "transferor sites" located in areas where development is restricted by the hillside combining district in the unincorporated hillside areas of El Toro Mountain (as defined by Section 18.44.120 of this chapter), to "recipient sites," which are properties located in other areas of the city designated by this section and Sections 18.44.170 through 18.44.190 as authorized to receive the transfer of development credits.
- B. In pursuit of these purposes, the city council may from time to time authorize by resolution the transfer of permitted residential development credits (TDC) from one lot or portion thereof to another lot, where

such authorization is found to be consistent with the general plan and provisions of this section and Sections 18.44.170 through 18.44.190.

(Ord. 1215 N.S. § 37, 1995; Ord. 1135 N.S. § 50, 1993; Ord. 1094 N.S. § 1, 1992; Ord. 929 N.S. § 2, 1989; Ord. 568 N.S. § A (part), 1981)

18.44.170 - Transfer of permitted residential development credits—Standards generally.

- A. Zoning districts in which an increase in the number of dwelling units may be permitted shall be restricted to the residential districts listed under Chapters 18.10 through 18.17 of this title. The number of dwelling units permitted on a site shall not exceed more than ten percent of the maximum residential development credits transfer, exclusive of density bonuses provided by other sections of Division I of this title. The maximum density bonus on any site shall not exceed twenty-five percent, including affordable housing and TDC density bonuses.
- B. An environmental study shall be prepared to determine the carrying capacity of the property from which development credits are being transferred. If environmental findings determine that the site, or a portion thereof, is unbuildable due to environmental constraints, the development credits to be transferred shall be reduced accordingly, prior to determining the number of units permissible under the slope-density formula.
- C. The site to which the transfer of development credits is proposed shall be no less than one acre.
- D. All yard requirements of the more restrictive district found along the perimeter of the site shall apply to perimeter yards on the site to which the transfer of development credits is proposed, unless the site is zoned for PD zoning.
- E. Transferable development credits shall be calculated in accordance with the slope-density regulations of this section, base district minimum lot sizes and this section.
 1. In all hillside areas of the city, with the exception of El Toro Mountain (as defined by Section 18.44.120 of this chapter), the number of transferable development credits shall be determined as provided in Section 18.44.040 of this chapter.
 2. On El Toro Mountain, the number of transferable development credits available to property within the city limits shall be twice that determined as provided in Section 18.44.040 of this chapter. The number of transferable development credits available to property on El Toro Mountain which is outside the city limits shall be twice that allowed by the Zoning Ordinance of Santa Clara County. The calculation of transferable development credits for El Toro Mountain shall be as follows:

$$\frac{\text{Number of acres}^*}{\text{Minimum lot size}^*} \times 2 = \text{Number of transferable development credits}$$

* As determined by Section 18.44.040

3. The number of transferable development credits available to properties on El Toro Mountain above that allowed to other hillside areas of the city may only be used for transfer to other properties of slopes less than twenty percent and may not be used to increase on-site development potential.
4. In the calculation of transferable development credits, a fraction occurring at the end of a calculation which is 0.5 or larger shall be considered a full development credit. The city council may also exclude from calculation any existing dwelling and appurtenant structures on the site to be preserved.

(Amended during 7/08 supplement; Ord. 1415 N.S. § 26, 1998; Ord. 1215 N.S. § 38, 1995; Ord. 1135 N.S. § 51, 1993; Ord. 963 § 1, 1990; Ord. 929 N.S. § 3, 1989; Ord. 750 N.S. § 2, 1985; Ord. 568 N.S. § A (part), 1981)

18.44.180 - Application for issuance of TDCs.

An applicant for a transfer of permitted residential development credits shall provide the following documentation with the application:

- A. A title report and any other documentation disclosing all existing interests or obligations against the transferor site property to be affected by the open space easement. If other interests exist, a subordination agreement (in a recordable form) acknowledging the reservation of the city of Morgan Hill's open space easement claim shall be submitted with the title report;
- B. When known, the location and land area of the recipient site to which such credits are to be transferred, the projected total number of dwelling units that would result on the recipient site from such a transfer, and a statement of the character of the projected housing development;
- C. A legal description of the open space to be preserved on the transferor site by the transfer, accompanied by an open space (scenic) easement suitable for recordation and the applicable open-space policy to be implemented by the transfer;
- D. The location, site area and related residential development credits of the transferor site permitted under the applicable provisions of Division I of this title which the applicant proposes to transfer;
- E. Where applicable, the number of building allotments granted to the recipient site under the residential development control system (see Chapter 18.78 of this title).

(Ord. 1228 N.S. § 20, 1995; Ord. 1135 N.S. § 52, 1993; Ord. 1094 N.S. § 2, 1992; Ord. 568 N.S. § A (part), 1981)

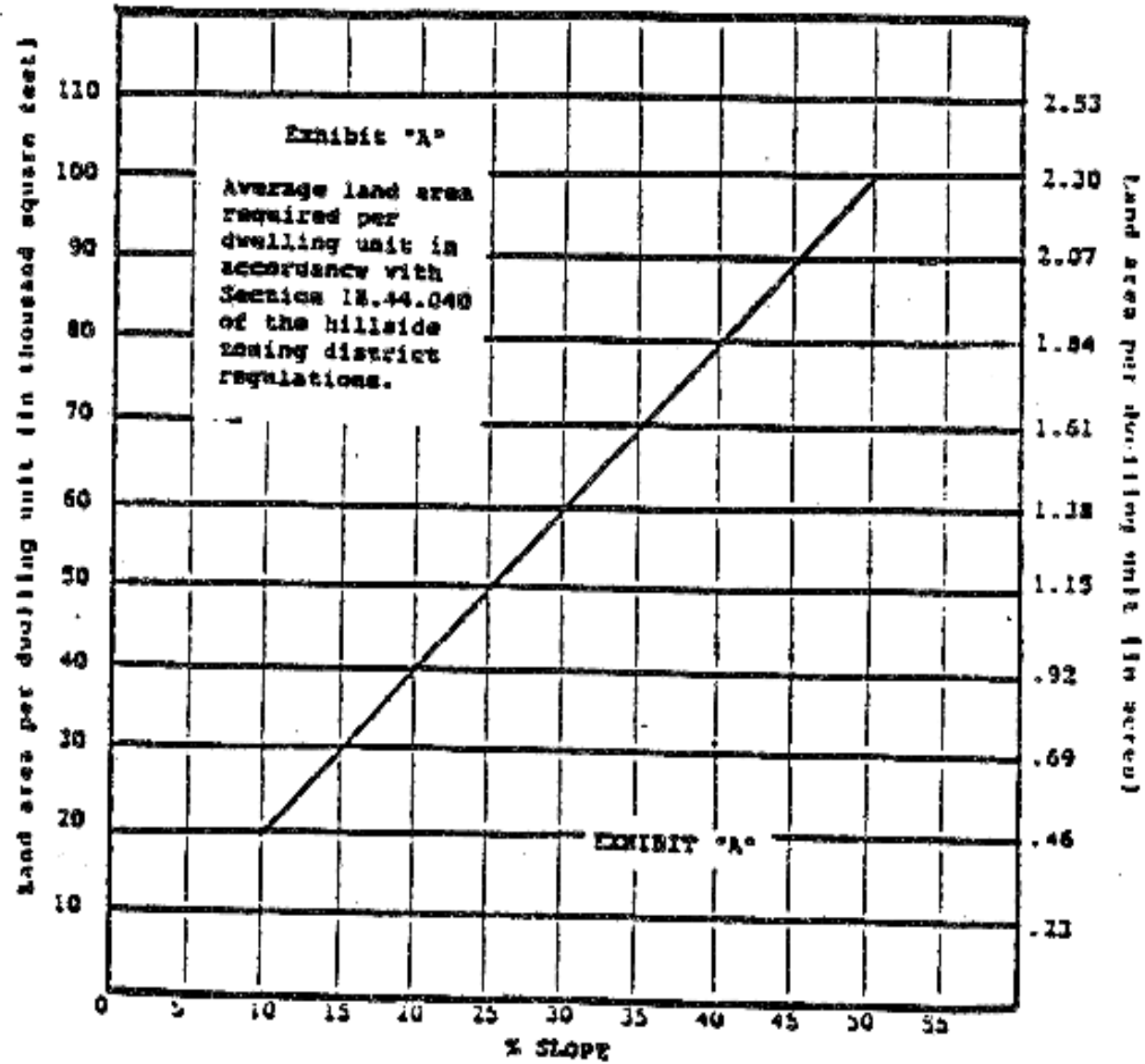
18.44.190 - Transfer of permitted residential development credits—Action by city.

Upon approval of the planning commission and the city council of a TDC application, the city clerk shall issue a TDC certificate(s) to the applicant in a form approved by the city manager evidencing issuance of such TDC. The following actions must be taken prior to these development credits being effectively conveyed to and utilized by the recipient property:

- A. Approval by the planning commission of a detailed site plan of the recipient site to which the development credits are to be transferred;
- B. Where recipient site is known, execution and recordation with the county recorder's office of an instrument legally sufficient both in form and content to effect conveyance of the TDCs from the transferor to the recipient site, such instrument shall specifically set forth the credits to be conveyed and the resultant total residential development credits assignable to the recipient site;
- C. Execution and recordation with the county recorder's office of an instrument legally sufficient in form and content to effect conveyance of a permanent open-space easement in the transferor site dedicated to the city. Such open-space easement shall be unencumbered by any prior interest(s) or, if so encumbered, shall be accompanied by and recorded together with subordination agreement with evidence that all persons or entities having any interest in the transferor site have acknowledged the creation and transfer of development credits, consented to the terms and conditions of the open-space easement, and waived the priority of any rights or claims they may have in the transferor site. Recordation of the executed open-space easement and accompanying subordination agreement shall serve as notice of the dedication of open-space in the transferor site and shall be incorporated in the deeds of the transferor site;
- D. Such other requirements as the city council may establish.

(Ord. 1215 N.S. § 39, 1995; Ord. 1135 N.S. § 53, 1993; Ord. 1094 N.S. § 3, 1992; Ord. 568 N.S. § A (part), 1981)

(Ord. 568 N.S. § A (part), 1981)



RESOLUTION NO. _____

A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF MORGAN HILL RECOMMENDING APPROVAL OF ZONING AMENDMENT ZA2017-0004 TO CHANGE THE ZONING DESIGNATION OF AN APPROXIMATELY 1.745-ACRE SITE LOCATED ON THE WEST SIDE OF DEL MONTE AVENUE OPPOSITE MATHILDA COURT (ASSESSOR PARCEL NUMBERS 767-16-013, -043) FROM RE 100,000 RESIDENTIAL ESTATE DISTRICT TO R-1 7,000 SINGLE FAMILY MEDIUM DENSITY RESIDENTIAL DISTRICT.

WHEREAS, an application for rezoning of the property located at 16615 and 16625 Del Monte Avenue, APN 767-16-013, - 043 was made by the owners of the properties, Salvatore Caruso and Lucas Caruso (“Owners”), from RE-100,000 Residential Estate District to R-1 7,000 Residential Detached Medium to be consistent with the General Plan;

WHEREAS, the General Plan designates the two above-referenced parcels as Residential Detached Medium;

WHEREAS, such application was considered by the Planning Commission at their regular meeting of October 10, 2017 at which time the Planning Commission recommended approval of application ZA2017-0004: Del Monte - Caruso; and

WHEREAS, the project site was reviewed as part of Master Environmental Impact Report for the 2035 General Plan update and has been found consistent with the requirements of the California Environmental Quality Act. No new environmental effects peculiar to the property or the project and no new information has been identified, and thus additional environmental review is not required pursuant to Public Resources Code Section 21083.3 and CEQA Guidelines Section 15183; and

WHEREAS, the Zoning Amendment complies with the General Plan as required by Government Code Section 65860; 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 proposed zoning amendment is consistent with the General Plan.

SECTION 2. The zone change is required in order to serve the public convenience, necessity and general welfare as provided in Section 18.62.050 of the Municipal Code.

SECTION 3. Further development and any future building additions shall comply with the site development standards of the R-1 7,000 Single Family Medium Density Residential District and the (H) Hillside Combining District.

SECTION 4. The Planning Commission recommends that the City Council approve the Zoning Amendment from RE-100,000 Residential Estate to the R-1 7,000 Single Family Medium Density Residential District to the site described attached hereto, as Exhibit "A", Legal Description and Exhibit "B" Zoning Plat and by this reference incorporated herein.

PASSED AND ADOPTED THIS 10th DAY OF OCTOBER 2017, 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

JOHN McKAY, Chair

Date: _____

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Attachment: Resolution Recommending Zoning Amendment (1433 : ZA2017-0004: Del Monte Caruso Zoning Amendment)

Order No. 520-1684076-60

Exhibit "A"**Parcel One:**

A portion of Lot 17 as said Lot is shown on that certain Map entitled, "Catherine Dunne Ranch Map No. 3", in the City of Morgan Hill, County of Santa Clara, State of California, which Map was filed for record on May 11, 1894 in Book "H" of Maps, at Pages 64 and 65, Santa Clara County Records, more particularly described as follows;

Beginning at the point of intersection of the Southwesterly line of said Lot 17 with the Southwesterly corner of the Parcel of land conveyed to Richard L. Pennington, et ux, by Deed recorded December 24, 1970 in Book 9167 of Official Records, Page 525; thence along the Southwesterly line of said Lot 17 South 24° 29' 00" West 31 feet, more or less, to the most Westerly corner of the Parcel of land described as Parcel 1 in the Deed to Robert H. Wetter, Jr., also known as Robert H. Wetter, et ux, recorded February 6, 1962 in Book 5457 of Official Records, Page 325; thence along a line of said land so conveyed to Wetter, North 80° 09' East 228.28 feet to an angle therein; thence continuing along a line of said land, North 13° 32' West 52.83 feet to the Southerly corner of the Parcel of land described as Parcel 2 in the Deed to Robert H. Wetter, a widower, recorded August 4, 1964 in Book 6609 of Official Records, Page 291; thence along the Southeasterly line of said Parcel 2, North 65° 31' 00" East 13.67 feet to a point in Parcel "E" as said Parcel is shown on the Record of Survey Portion of Lands of Pellicano and Wetter, filed for record on July 18, 1964 in Book 181 of Maps, at Page 46, Santa Clara County Records; thence along the Southerly, Southeasterly and Southwesterly line of said Parcel "E", the following courses and distances: North 78° 05' 40" West 43.83 feet; South 65° 31' 00" West 24.00 feet; North 24° 29' 00" West 11.00 feet to a Southeast corner of the Parcel of land described as Parcel 1 in the Deed to Robert L. Pennington hereinabove referred to; thence along a Southeasterly line of said Parcel 1, South 65° 31' 00" West 184.44 feet to a point of beginning.

Parcel Two:

An easement for ingress and egress and for public utilities over the following described Parcel of Land:

Beginning at the common corner for Lots 3, 4, 17 and 20 in the centerline of Spring Avenue, 60 feet wide, as said Lots and Avenue are shown upon the Map hereinafter referred to; thence along said center line of Spring Avenue South 65° 31' West 100 feet to the Northeasterly corner of that certain parcel of land conveyed by Ivan F. Funderhill, et ux, to Leona Nettleton, by Deed dated February 28, 1953 and recorded March 3, 1953 in Book 2591 of Official Records Page 459; thence leaving said center line and running along the Easterly line of the parcel so conveyed to Nettleton the following courses and distances: South 24° 29' East 200.00 feet; thence South 40° 26' East 144.72 feet, South 13° 32' East to a point which is South 24° 29' East 464 feet in a direct line from the center line of Spring Avenue, said point being the true point of beginning of the parcel described herein; thence from said true point of beginning North 65° 31' East to a point in the Northeasterly line of the property conveyed to Richard L. Higgins, et al, in Deed recorded August 12, 1958 in Book 4146 of Official Record at Page 422, which is South 24° 29' East 464 feet from the Point of Beginning; thence South 24° 29' East 20 feet; thence South 65° 31' West to a point which bears South 13° 32' East from the true point of beginning; thence North 13° 32' West to the true point of beginning. Being a portion of Lot 17, Catherine Dunne Ranch Map No. 3, a Map of which was filed for record on May 11, 1894 in Book "H" of Maps, at Pages 64 and 65, Santa Clara County Records.

Parcel Three:

An easement for ingress/egress and parking purposes lying over, on and across a portion of those lands conveyed to Terry S. and Bernice T. Peabody by Grant Deed recorded 2/25/2005 in Document No. 18248534, Official Records of Santa Clara County, being more particularly described as follows:

Beginning at the most northwesterly corner of said lands; thence along the northerly boundary of said lands North 80° 09' 00" East 228.28 feet to an angle point thereof; thence along a westerly boundary of said lands North 13° 32' 00" West 52.83 feet to an angle point thereof; thence along the northwesterly boundary of said lands North 65° 31' 00" East 17.61 feet to a point; thence leaving said boundary South 24° 29' 00" East 22.05 feet to a point; thence South 62° 38' 07" East 16.53 feet to a point; thence South 19° 12' 04" East 15.92 feet to a point; thence South 63° 26' 40" West 257.43 feet to a point on the southwesterly boundary of said lands; thence along said southwesterly boundary North 24° 29' 00" West 66.02 feet to the point of beginning.

JUN 20 2017

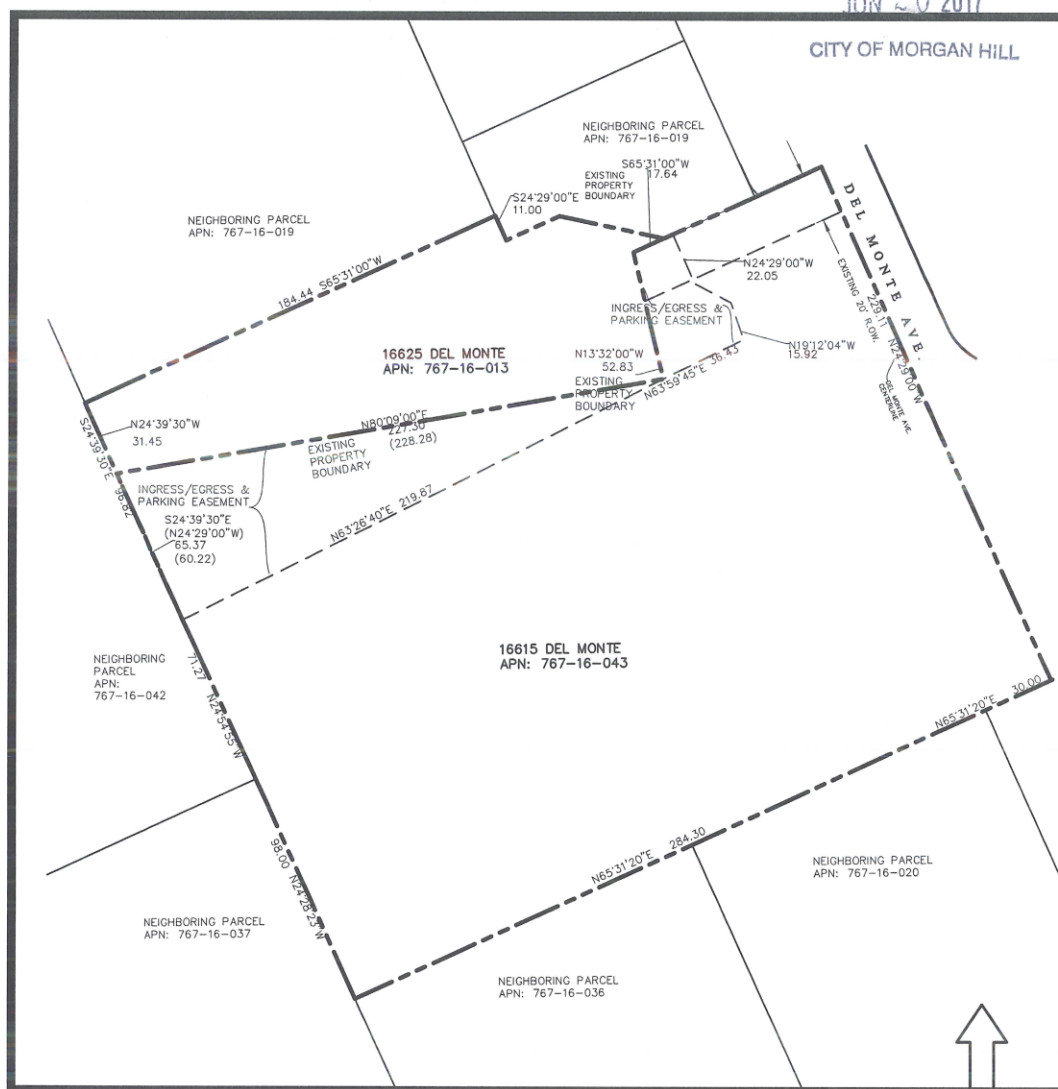


EXHIBIT 'B'
PLAT MAP TO ACCOMPANY
REZONING

SALVATORE CARUSO
DESIGN CORPORATION

980 EL CAMINO REAL #200
SANTA CLARA, CA 95050





PLANNING COMMISSION STAFF REPORT

MEETING DATE: October 10, 2017

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

DISCUSS THE 2017 RESIDENTIAL DEVELOPMENT CONTROL SYSTEM COMPETITION PROCESS

RECOMMENDATION(S)

No action necessary.

DISCUSSION:

The following is an overview of the Residential Development Control System (RDCS) and the process for the upcoming 2017 RDCS competition. This will be the first competition where the Planning Commission will have the opportunity to evaluate projects utilizing the new criteria they spent so much time developing. Because the Commission has new members that were not present during much of the development of the RDCS Competition Manual and because they have also not participated in the RDCS scoring and award process, the City team thought it important to provide this overview and answer any questions prior to the 2017 RDCS competition.

A. Residential Development Control System

The RDCS was originally approved by the City of Morgan Hill voters in response to concerns over the amount and pace of residential growth and the impacts of this growth on City services and infrastructure. Measure S, a City initiated ballot measure, was approved by the City of Morgan Hill voters on November 8, 2016 and became effective on March 1, 2017 (Attachment 1). This Measure refined the RDCS and set the population ceiling to 58,200 for the year 2035. The RDCS applies to all residential development in the City, except for:

1. One single-family home on a lot existing as of March 1, 2017;
2. Secondary dwelling units;
3. The conversion of an existing single-family home into a duplex provided that a new detached primary structure is not constructed on the lot or lots;
4. Assisted living/nursing homes; and,
5. The annexation of existing dwelling units outside of City limits into the City.

B. Residential Development Control System Competition Manual

The RDCS Competition Manual contains the criteria and standards that the City of Morgan Hill will use to award residential allotments (Attachment 2). The City Council

adopted Ordinance No. 2248 on June 7, 2017, approving Section III-Competition Criteria, Standards, and Points of the RDCS Competition Manual and on June 21, 2017 adopted Resolution No. 17-053, approving Sections I, II, and IV of the Manual.

To be eligible for allotments, all projects must receive a minimum score of at least 80 percent of the total maximum score in the RDCS competition criteria. Projects must also receive a minimum score within the Affordable Housing Objective to be eligible for allotments. The minimum score is 18 points for project that will be sold and 10 points for rental projects. The maximum score within the RDCS Competition Manual is 200 points.

C. Residential Development Control System Process

The RDCS Ordinance requires the City to follow certain procedural steps during an RDCS competition year, including the following:

1. City Council establishes available allotments (MHMC Section 18.78.110);
2. Pre-competition orientation meeting (MHMC Section 18.78.120);
3. Pre-application review (MHMC Section 18.78.130);
4. General Plan and Zoning Consistency Determination (MHMC 18.78.120);
5. Staff Scoring (MHMC 18.78.120);
6. Planning Commission Hearings (MHMC 18.78.120);
7. Staff Recommendations (MHMC 18.78.120); and,
8. Planning Commission-Award of Allotments (MHMC 18.78.120).

The City Council has established the available allotments for the 2017 RDCS competition and pre-competition orientation meeting was held with the development community on September 5, 2017.

D. Available Residential Building Allotments

The City Council adopted Resolution No. 17-031, approving 195 Fiscal Year 2019/20 residential building allotments for the 2017 RDCS Competition. On July 26, 2017, the City Council adopted Resolution No. 17-066, modifying the RDCS Competition Manual, Section IV.E Competition Categories and Ongoing Projects as follows:

Fiscal Year 2019/20	
Competition Category	Allotment
Affordable Housing	39
Micro	0
Small	0
Multi-Family Rental	0
Open/Market	0
Senior Housing	0
Monterey Corridor	0
Custom Lot	0
On-going Projects	59
Unassigned	97
Total	195

Three projects have been identified as potential Measure C on-going projects, which include the following:

Project	Allotments	Status
Madison Gate (Tri-Pointe)	20	Completes Project
San Pedro- Evergreen	14	Completes Project
Cochrane-Borello	25	On-going
Total	59	

These projects must demonstrate compliance with their development schedules within the project Development Agreement to qualify for the set aside allotments in the 2017 RDCS competition as an on-going project. No RDCS application is required.

The Planning Commission will award allotments based on scoring of projects using the criteria established in the RDCS Competition Manual and as deemed necessary to respond to changes in the housing market such as changes in build-out rate for existing projects, lack of applications in competition categories, and increase demand for a housing type.

E. Residential Development Control System Schedule

The complete RDCS schedule has been provided for the Planning Commission review (Attachment 3). Key dates to note include:

1. January 4, 2018- RDCS Submittal Deadline
2. March 13, 2018- Planning Commission Hearing- Initial Project Scores
3. March 27, 2018- Planning Commission Hearing- Finalize Point Scores
4. May 22, 2018- Planning Commission Hearing – Award of Allotments

F. Residential Development Control System Filing Requirements

The following information has been provided to all RDCS applicant's through the City website to assist with the completion of RDCS applications:

1. 2017 RDCS Filing Requirements;
2. BMR/Affordable housing criteria;
3. Morgan Hill Unified School District-Schools with Capacity; and,
4. 2017 RDCS Project Narrative.

Complete RDCS filing requirements and process information has been provided on the City's website.

LINKS/ATTACHMENTS:

1. Division IV. Residential Development Code-Chapter 18.78-RDCS
2. RDCS Competition Manual
3. 2017/2018 RDCS Competition Schedule
4. City Website- RDCS Process